

Maryland DNR

Summer Meeting of the Tidal Fisheries

Advisory Commission(TFAC)

Thursday,
July 26, 2018

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, July 26, 2018

TFAC Members Present:

Steven Lay, Chairperson
Robert (Moochie) Gilmer, Vice Chair

James Dale (JD) Blackwell
Robert T Brown
Lee Roy (Buddy) Carson, III
Herman Russell Dize
Earl Ray (Sonny) Gwin, Jr.
Ken Jeffries
Thomas(Bubby) Powley
William Scerbo, Jr.
Gail Sindorf
GiGi St. John
David Sutherland

TFAC Members Absent:

Charles Richard Manley
Aubrey Vincent
William(Troy) Wilkins

Maryland DNR Fisheries Service

Dave Blazer
Paul Genovese
Carrie Kennedy
Mike Luisi
Lt. Roy Rafter
Sarah Widman
Col. Ken Ziegler

**Maryland DNR
Tidal Fisheries Advisory Commission Meeting**

July 26, 2018

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

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

(3:06 p.m.)

*Call to Order**by Steve Lay, Chairperson, TFAC*

MR. LAY: I would like to get started if we could please. We will start off with our announcements. Dave, you want to start.

*Announcements**by Dave Blazer, MD DNR*

MR. BLAZER: Yes, just real quick in tab 1, there are two items in there for you as follow up. One is a copy of the MDOT DNR oyster agreement for this year. If you some of the press releases just recently which we extended that to 2023. And modified some of the language. This is this year's work plan for the oysters and we wanted to give you all a copy of that.

MS. SINDORF: Where should that be?

MR. BLAZER: I am sorry under tab 2. I am sorry, did I say tab 1?

MS. SINDORF: You did. It is okay.

MR. BLAZER: And also in tab 1 is the final report of the oyster futures workgroup. I think we have discussed a little bit of that, that was the group down at -- talking about the Choptank River complex and some of the oyster efforts with University of Maryland and trying to come up

with some oyster management ideas and activities for that area. Trying to think who was on that that might be here. Bobby Waples(sic) was part of that group. Jeff Harrison. Several watermen from the Talbot, Dorchester County area. So please read that report and I would be interested in any feedback on that from Dr. Elizabeth North kind of lead that charge.

And then the third item that is in there is like last time, one of the requests from the group was a copy of the Man o War Shoals and the areas that were put into the permit application. So we have supplied that map that is in the permit application. Aware that cut outs would be for the dredging tank. So that was just a response to some of your requests. So that is all of my announcements for her.

MR. LAY: Okay at the sport fish meeting on Tuesday, there were two commercial issues discussed. And either Dave or I will let you know what they were and what they amounted to or didn't sometime throughout the meeting. That is all the announcements that I have at this time.

MR. BLAZER: Oh geez, I thought he stepped out of the room for a moment. We wanted to take the opportunity, I talked with Chairman Lay and both the Sport Fish and Tidal Fish, we have invited the secretary Mark Belton to be here with us today just to talk briefly with you for a couple of minutes and do a little bit of introduction. I have a great

working relationship and a lot of respect for the secretary. I talk to him almost every day. Through fisheries issues. He takes a great interest in what we do as an advisory committee both sport fish and tidal fish and all of the other work groups that we have.

We even started and initiated a meeting that we call Fish Guts where we meet once a month just because we don't have enough time otherwise to talk about all of the issues. So it is an opportunity for us. I come with an agenda of about 25 to 30 things and say look these haven't bubbled up to you yet but we want you to know about them. So you know the secretary has a great interest in what we are doing and what the fisheries are doing and we appreciate his time in being here today. So Mr. Secretary, welcome.

Comments

by Mark Belton, Secretary, DNR

MR. BELTON: Thanks, I appreciate it. Hey everybody, how are you doing today?

(Chorus of "Hello".)

MR. BELTON: Quiet. I see that Queen Anne's County is well represented. Moochie, Roy over there used to --- right and George in the back there as well. Hi George.

MR. : Don't forget Gail down on the end.

MR. BELTON: Okay, very good. Outstanding. So we got a lot of folks here. As Dave was pointing out, fisheries

is something that takes up a lot of management time and certainly the agency and something that we decided to have a couple -- special meetings on on a regular basis. Today's emergency is you know, is the Conowingo Dam. Of course, as most of you all know, all the rains and the watershed north come down the Susquehanna caused a flooding situation and I believe, Colonel, you mentioned there was 20 gates, is the latest information? That was opening. Release some water there. I think I have heard they are expecting perhaps as many as 27 or so overnight and into the early morning tomorrow. So we have been working real hard on that.

I know we have an issue with a crab pot gear that would extend more leniency there, so folks who pick that stuff up wouldn't have it injured by the water flow, doing an awful lot of water quality monitoring so we can keep track of just how much sediment and nutrients are coming over the damn. And how that might impact bay health in the future. We had a bass tournament and that was canceled, at least delayed because of the weather up there. NRP has put out an advisory to commercial and recreational boaters regarding avoiding the area.

And I know our boating unit that works with fisheries very closely is preparing to deal with a lot of the debris issues that always accompany the Conowingo Dam flooding and of course, I believe I also saw that there was a

voluntary evacuation of Port Deposit in from --- already been announced. So a lot going on with that issue and it has got the State's complete attention today.

I wanted to come by and just chat with you for a couple of minutes about something that I talked to the Sport Advisory Commission about earlier this week and that is the MORE commission. It is an acronym like everything we do in the State Government, initials stand for various things. MORE more stands for the Maryland Outdoor Recreation Economic Commission. And this is a body that the Governor appointed last year. He gave it a two year time span, so it is not a forever committee. It is not a forever commission. It is a two year work plan.

And he appointed 17 folks. Myself and the Secretary of Commerce, Mike Galehart are the co-chairs and then there are 15 others representing various aspects of the outdoor recreation community. So that means there is folks on there who are experts on things like biking, hunting, fishing, hiking, outdoor stuff like off road vehicle use. Swimming. Beach stuff. All of that.

The group has decided to take the first year and we are all well into it. To kind of meet in various parts of the state because everybody realizes we live in -- I think as Governor Schaefer used to say, American Miniature. So we have different habitats and different outdoor topography

around the state that would have different recreations.

So we met a couple of times now and after an organizational meeting, we met a couple of months ago in Frederick and Western -- Frederick and Washington Counties. We met yesterday, our second meeting and David was one of our MORE commissioners. We met yesterday at North Point State Park and talked a lot about the recreational boating industry in the state of Maryland. Was a good meeting and learned a lot. Got a lot of ideas for recommendations.

And our next meeting is going to be on the Eastern Shore, I think we are going to meet at the Harry Tubman Underground Railroad Visitors Center, that is in Dorchester County and focus on the Eastern Shore after recreation issues. Meetings after that will be in the far western part of the state and then Southern Maryland as well. So we are getting all around. And then the second year of the effort is going to be not so much on gathering the information as it is come in to work, putting forth what the recommendations are going to be to the Governor and the legislature on actual specific actions to help expand the outdoor recreation activity in the state of Maryland.

It is really interesting. Kelly Collins Choi in the back there is helping us staff the committee and she and I and a representative from REI company, Matt Bidel(sic) who is on the committee, went to Ashville, North Carolina a few

weeks ago to meet with several other states. I want to say there were 7 or 8 of them that are also going through very similar commissions right now, two hour or more commission and it is interesting to see the similarities and differences between the states. These other states include places that you know from just from reading the papers, have a lot of outdoor recreation places like Washington State, Oregon, Utah, Colorado, North Carolina and some others.

We want Maryland to be part of that group because we have such a vibrant and diverse outdoor recreation and kind of want to get the most out of that for the state. So that is basically what I wanted to just brief you on and make sure you were aware of that effort going on. As I offered to the Sport Fish Advisory Commission, I want to offer to Chairman Lay and you guys the opportunity to provide input and recommendations that you might have for the committee to consider as we go about our work to eventually get to the Governor and the legislature on an action plan for improving the outdoor recreation economy in the state of Maryland.

So I will leave that up to you, Mr. Chairman, that is something for you to think about with the group here and if you want to provide us input, we would be happy to have you at a meeting or take whatever written notes and communication that you want to give us.

MR. LAY: Okay. Thank you.

MR. BELTON: Anybody have any questions on any of that?

MR. BROWN: Mark, first on behalf of the watermen of the state, I would like to thank you for your prompt attention that you pulled to give the -- extending the crab in --- to get the pots and stuff up. I want to thank you and the Department very much for that. The other question that I have is that you are saying that they may -- what is -- 27 gates to be opened up to --

MR. BELTON: Well, I am not Excelon(sic) but -- I have seen in the press on announcement that Excelon has made that you can predict what the flow is going to be on the Susquehanna from Pennsylvania through Maryland. And tomorrow morning early, I believe I saw was the maximum flow rate that they were expecting and after that, it goes back down again. But I had seen those reports that were in the 24, 27 range for the high number of gates to be released.

And you guys who were as old or older than me might remember some hurricanes that have come down to the Bay. I believe it was 52 gauge is what they have got there. Is it is a max gates (sic) at the dam. I think they had 50 or 51 open. Once or twice in the very, very far past when the hurricanes came --- so 27 isn't 52, but boy it creates a big problem for people who work on the water and people who live in the vicinity of that dam on the Susquehanna River.

So it gets to the flood stage here like today and tomorrow.

MR. BROWN: Thank you.

MR. BELTON: Anything else?

(No Response.)

MR. BELTON: Okay, well I just wanted to say again thank you for the time on the agenda. And let me thank everybody for the great work you do. You deal with so many different topics at the Natural Resources but I have to say fisheries is the one that generates the most emotion and it evokes the most passion from people. No doubt about it. So there are a lot of people who feel very strongly on all size of their fisheries. So thanks for the great work that you do and giving the Government recommendations on these various issues. Have a great day.

MR. LAY: Thank you, Secretary.

MR. BELTON: Thank you.

MR. LAY: Okay, moving on Bay Water conditions.

Tom, you have a presentation for us?

Presentation Bay Water Conditions

by Tom Parham, MD DNR

MR. PARHAM: Okay this is going to be pretty brief. Dave just asked me if we had an update on what is happening with the bay conditions. I am going to break this up into before last Saturday and after last Saturday. First

questions about what is going on with the Conowingo. So because of the rains that we had in late May, primarily those rains were kind of in the Potomac Watershed and if we had -- we had a pretty wet spring.

Most of the areas on the Potomac Water Shed stayed very, very fresh for quite a while and in fact, the area near Morgantown which is near the 301 bridge normally sits about 5 --- thousand, was sitting down below 1. So for two months, it was well below its normal average. Swan Point, another area up here is a little bit below. Normally it is running 5 or 6 and it was about 4 or 5.

(Slide)

We also were dealing with a lot of warm water obviously and had a whole lot of hot weather. Hot clear weather and the bay -- the river temperatures were running about 84 degrees and the main bay surface temperatures were about 82. And most of the bay that was a above the levels where there is adequate oxygen was running above 80 degrees. Cools --- in the bay that had adequate oxygen would be Bay Bridge, Swan Point and south of Dorchester(sic) that area right there, had the coolest water and had adequate oxygen.

(Slide)

So after Saturday, we got all the rain that is causing all of these problems right now. This map right here just kind of shows -- I took this yesterday and this is 72

hour rainfall totals and these are areas -- some of the areas in here are 10 inches and actually got some more rain yesterday so they are even higher. So what that did is when the storm came through, definitely cooled the water temperature and bay temperatures down 3 to 5 degrees. There was lots of winds that were associated with that storm and so we had lots of mixing of the surface water. And so what that does is it drives oxygen down into the bay.

So those conditions that I was showing you earlier, every thing has changed. We also obviously having water clarities has plummeted because of all of the -- all the streams and rivers in Maryland and also the ones that are coming from Pennsylvania. Obviously this is Susquehanna Water Shed up here (indicating) so all of this material coming down is messing with the water clarity.

I just checked before I came down here, the Conowingo is like a 4000 click feet per second. And I am not sure what their flood gates are but I can get you -- there is a number you can call that tells you how many spillways are open afterwards. So it is -- there is a lot of debris that definitely comes down the river. We actually have our monitoring folks that are out there today in the lower parks of the bay and they are going to try to get up in the upper parks to look at the water fall and conditions.

Obviously we have lots of rain coming off the land

which carries of nutrients and sediments that impacts bay conditions. So we are trying to stay on top of what is happening. So we will rely on you guys for that. You know, a good idea of what is happening.

(Slide)

So as you can image, since the --- fresh, this is going to make the things fresher for a while. So something to keep in mind. So obviously all of the stuff changes all of the time. All of this --- it is hard to stay on top of it. So what we did at the park, is we put together a website that has all of the water -- all of the monitoring conditions. The same stuff that I used to generate this and it talks about water temperatures, salinity, oxygen levels, temperature breaks. All throughout the Maryland parks and bays. It uses the most current monitoring information. Right now we have 125 fixed stations throughout Maryland, 40 continuous monitoring sites. And also links in to NOAA buoys and other sites too.

We also put together tools so that when you guys are out there, you can see like I said, where the temperature rates are, when the surface water is warmer or colder than the temperatures -- what is the death rate oxygen level drop out(sic)? Where new locations are? Bottom habitat conditions and all of the satellite stuff. It is a great resource. It is called, look under Eyes in the Bay, called --

- it is all there set up for you guys to use. And we have had it running since last July. It is set up to help you guys out.

And then one last thing as far as the storm attack, just to put things in perspective. So right now we are running about 400,000 --- and with 1.1 cubic feet per second. A third ---.

MR. LAY: Any questions for Tom?

Questions and Answers

MR. DIZE: A friend of mine, Don Pierce from Rock Hall(sic) crabbing out of Tilghman, he is crabbing down in James Shores off of Dorchester. He said that if he gets his crab pots, deeper then 79 feet everything in the pots are dead. So we got that in Dorchester County before --- bay. So that doesn't sound too good if we got low oxygen at every water in the area.

MR. PARHAM: Yes, I actually talked to Don periodically. He calls me at like 4:00 in the morning. I was just out yesterday and I am seeing bad conditions here. He is a big help. What has happened is that he has been calling me and telling me what is going on so lots of time what you are going to see is a lot of these areas after we had like the big May rains, flushes lots of nutrients down the tube and into the water and then once we get a series of kind of calm clear sunny days, gets these big ---.

And what was happening is he was calling me and he was pushing it to the Eastern Shore, along kind of the Shallows and those brooms were starting to die, suck up all of the oxygen. That is the sort of stuff we run into. So. Yes we have always --- the mast or the --- certainly helps if you guys want to give me a call and let me know, so we can send folks up there to check those conditions. Again, Don is a great resource, a great guy.

MR. BLACKWELL: Do you have any sense where the salt is headed? Like how much below normal or from where we are now, the salt --

MR. PARHAM: Well --

MR. BLACKWELL: I know you had some models for the Potomac. And how long it was going to take for that to sort of flush through. Do you have any sense of that -- how far or how long?

MR. PARHAM: Well we were looking at the -- I was looking at what was happening further up the Susquehanna because you could kind of tell where it is peaking or where it is raising or where it is falling. Because we are running a little bit fresh right now, it will keep things depressed. But I would say it is going to be a couple of weeks before we get back to where we were pre-storm which was still below the normal salinity(sic). We have a -- I am --- we have maps that show you comparisons versus historical averages and you

can click on any station and it will tell you exactly what the salinity is there compared to all of the long term averages.

MR. BLACKWELL: Do you have Eyes on the Bay?

MR. PARHAM: Yes. And that is --- we have it all set up for you to be able to do those sorts of things.

MR. BLAZER: Tom, excellent stuff. And I asked Tom to kind of present this to you all. We originally I asked him a couple of weeks ago because of all of the rains in May and the concerns about the fresh head on the Potomac because we had seen some oyster mortality from all of the fresh water on the Potomac River. And I asked Tom to come and give kind of an update with that.

But also for the temperature information and the dissolved oxygen information because if you remember about two weeks ago, it was getting really, really hot. And we were having some significant issues like with striped bass, catch and release mortality was increasing during that time from what we hear. So I asked Tom to come and talk a little bit about the weather and lo and behold we get all of this like 15 inches of rain here in the last three days.

So you know, there is really you know, three things that we have ended up kind of presenting today, all the May rains which initially had an impact and then the warm water getting up over 84 degrees and all the run offs calling lower

DO and now this 3 day, 4 day event that we have got now. So you know, we just wanted to share some of that information and you all see it out on the water but some of the data and information that we are trying to pursue here. So I wanted to share that.

MR. PARHAM: So every two weeks in the summertime we are out with information, so I like I mentioned we are out today and tomorrow, so we should have the results up by sometime next week. So check it out and see how things have changed. Yes?

MR. GILMER: When you were talking about the Conowingo flood and the Conowingo dams and you say 400,000 is that cubic feet or?

MR. PARHAM: Yes, it is 400,000 cub feet per second. That is right off of the USGS website.

MR. GILMER: Okay that is what I thought. I just wanted to make sure I wrote it down.

MR. PARHAM: Sure and off the -- off that website that I was talking about, it has got all of the flow information so you can click on any site that you want. That gives you -- it also gives you links to the forecast, like when it is going to peak. And it is --

MR. GILMER: Right, when I repeat it, I just want to make sure --

MR. PARHAM: Cubic feet per second.

MR. LAY: Thank you, sir. Carrie?

E-Reporting Options Update

by Carrie Kennedy, MD DNR

MS. KENNEDY: So I am Carrie Kennedy and I am in fishing and boating services and I came today because I wanted to give you guys just a quick update on reporting options, specifically electronic reporting options. I will try and be brief. So on the scale of reporting options, on the scale of reporting quality and efficiency, right, we have paper reporting at one end. And paper reporting doesn't allow us to do very many things. It doesn't allow us to do very good in season quota management because we got it so late.

There is poor -- it is not very efficient in data entry and data QA/QC and when I say it isn't very efficient, I don't just mean for us, I also mean for you guys. And then we have no ability to verify anything that has been reported to us. So that is why negative reports and "I did not fish" reports are expected to be sent in.

(Slide)

At the other end of the spectrum, we have facts. I have it here in yellow because we sort of think of it as the gold standard. So it is a daily reporting system but it has a hailing(sic) component. But where it can do in season quota management, there is efficient data entry and it

certainly approves QA/QC efficiencies and there is verifiable reporting so if you are using facts, you don't have to send us a daily report if you are not fishing.

Well there is a pretty big space in between these two things. Certainly a lot of folks don't really love paper reporting anymore, it is inefficient but maybe they are not comfortable at a hailing component. Not everybody wants to hail. So we do have some options in the middle. You guys know and we have had this for a while, monthly SAFIS reporting.

So that gets us a little bit closer to the facts. We still have trouble because of the timeliness with the in season quota management and it is not -- it is better with the efficiency both for QA/QC and for data entry because you guys enter it. You know what you are entering and you are not putting your black sea bass in the eel column. Or vice versa. So all of those mistakes are captured right there for QA/QC. But it is sent in a month later so again, there is not the verifiable reporting.

And recently it came to our attention that SAFIS can be used for daily reporting. And we notice this because some members of our industry came to us and said hey we don't -- this paper reporting thing stinks but we don't really like facts so what can we do to give you the data that you need on a daily basis, especially when it comes to fisheries like

menhaiden which we don't have very good data options for daily reporting, what can we do to get you the information that you need without using facts?

So these are all of our options. The one thing that daily reporting with SAFIS doesn't do is that it doesn't provide us verifiable harvest reporting because it isn't happening, we don't necessarily know in real time. And so we can't necessarily verify that somebody was out or not when they tell us the next day or even later that day. But it does get us a lot better in quota management than some of these other efficiencies.

(Slide)

So the last thing I wanted you guys to be aware of when it comes to these options is that for paper reporting, I just found out today that we have just about enough boxes of fin fish log books left to get us through the end of the year. And what that means is that by next year, you will be on the same reporting schedule and reporting tools as crabs are where we send out the letter and we send out the bar codes and we send one copy of the report that you guys can copy and send in.

Unless you choose to use one of these other options. And if you are interested in using one of these other options, these are your contacts. If you have any issues or want to get any of your paper reports set, please

contact Yolanda, SAFIS reporting tools, contact Connie.

There is a bunch of us now that are getting ourselves trained on how to get people's account set up and help with favorites and do some of those basic customer service things that we weren't doing with SAFIS until recently.

And then we have again, our facts E-reporting, we contact Stephanie Richards same contact as always. So that is the brief update. Unless you guys have any comments or questions, that is it from me.

MR. DIZE: Can you go back to the graph -- so you could do monthly report on that just one report?

MS. KENNEDY: Yes, you can do one day and cover -- you will provide every harvest days effort in that report and send it in on SAFIS yes.

MR. DIZE: Okay, thank you.

MS. KENNEDY: And SAFIS, one thing I didn't mention, SAFIS does have a mobile (Applause). And it is free and you can download it onto your phone.

MR. LAY: Any other questions?

(No Response.)

MR. LAY: Thank you, Carrie.

MS. KENNEDY: Thank you, Steve.

MR. LAY: Okay now we will go to our Natural Resources Police, Lieutenant Rafter.

Comments

by Lt. Roy Rafter, MD DNR

LT. RAFTER: Good afternoon everyone. I am Lieutenant Roy Rafter with Maryland Natural Resources Police and I am here with Sergeant Troy Wilmer(sic) and Colonel Ziegler.

(Slide)

As you can see in the packet or up on the board, we have had a very busy quarter. This is the fishery statistics for the last quarter. These include commercial or recreational violations and tidal as well as non-tidal. As you can see from the sheets, we have completed a large amount of saturation patrols targeting specific violations. One such saturation patrol, I was talking to Mike about this earlier, as well as the checking of the compliance rate of fishery and using circle hooks.

This patrol was conducted utilizing six officers on the two patrol vessels from both sides of the bay. One vessel came out of Sandy Point and the other came out of Kent Island. There was --- vessels containing 115 fishermen were checked. 18 of these were commercial charter boats. Two were recreational boats. One warning was issued for the use of J hooks which showed a 95 percent compliance rate for that.

We have also received reports of fishermen culling their fish and resulting in a large amount of dead fish

floating in certain areas of the bay. We have some saturation patrols looking for that also. It is a little harder, we have to actually be there when people are doing the culling for that. Right now, as we speak our officers are --- saturation patrol once again and utilizing officers from both sides of the bay in an effort to curbe this practice. It is what they were looking for today.

With using a visual as well as a physical deterrent. We also did another circle hook compliance check today also. I did talk to the officers as I was coming over here this afternoon. They stated that I have not gotten the results back yet from the Annapolis side but from the Eastern Shore side, they checked 15 additional charter boats and had a 100 percent compliance rate for the circle hooks there.

One subject --- that I can't emphasize enough is that we at NRP need your assistance and that would be your user groups to assist us with stopping the illegal practice especially with the culling of the fish out of coolers(sic). And we strongly encourage that you let your association members know that they should contact us as soon as they see it happen and I do get a lot of phone calls and a lot of the officers get a lot of phone calls but a lot of times it is after the fact and it might be on a Monday or a Tuesday after somebody was fishing all weekend and they do witness some of these violations.

I know it is hard especially for user groups such as the charter boats because you would have to -- if we don't see it, we would have to utilize your testimony and then that means that you would have to come in and lose a day's pay to be able to come in and testify. Understand and realize that makes it hard but if we could at least get vessel numbers, ID numbers, descriptions of boats, even if we are not able to get them that day, it kinds of gives us some for our saturation patrol vessels to look out for. So that is something that I would ask that you be the eyes and ears for each other for that.

Moving along, our academy is on schedule to graduate November 3 with 33 new officers coming out into the field. These officers will be assigned to a field training officer and will be on land as well as waterways during this phase of training. There is also the possibility of 15 additional laterals which have already served 5 police officers from other law enforcement agencies. They would come on and be a whole lot quicker. They would just have to be brought up prepare to compliance to the Natural Resource portion of the law. And then we would be able to get them out into the field a lot quicker.

Priorities for the next quarter will be a continuation of boating education and safety equipment compliance controls as well as striped bass, --- and clam

controls. And we will also be gearing up for the 2018-2019 oyster season. One thing I would like to tough on about that is the Colonel -- I know that Robert T. you had asked about some oysters, what are cracked(sic) clams worth for that and I will just go over something quickly here.

So as you are aware, oyster season begins October 1. And then your power dredge season begins November 1. Information received from within the watermen's community which is where we get a lot of important information from is that there is a lot of small oysters that they are saying that they have not reached marketable sized yet. We have received numerous requests from the local watermen that NRP provide extra patrols to deter the taking of these undersized oysters. In an effort to combat the illegal harvesting of oysters in the State, we developed a work plan containing the following enforcement actions.

MLINE which is our computer system with radars and cameras, will be utilized to monitor and track vessels in remote areas as well as those areas that are not easily accessible. Aviation will be utilized to conduct scheduled flights of areas of high activity as well as those areas reported as areas of high interest. That aviation is something that we -- for those of you who did not know, we got our aviation back just a couple of years ago and that is an invaluable tool that really helps in situations like this,

for the oysters and going over the line or into areas where they are not supposed to be. Sanctuaries or just night(sic) patrols.

We are going to conduct saturation patrols utilizing not only NRP officers but also United States Coast Guard. We are going to be doing joint saturation patrols with them. Flexible patrol schedules will be utilized in most areas of the state. In other words, once again, if you see something say something. We can change our patrols. We have the flexibility, the Colonel has granted us to be able to change our shifts to be able to work any activity that information that we can see for that.

Once again, the current NRP academy class will graduate in November of 2018 and this influx of officers will largely be utilized for oyster enforcement. So we are hoping to get them out for their first part of field training out into -- you know to augment all of the patrols that we have. Harvester and others will be encouraged to contact communication center once again and I know it seems like I have to keep repeating that but that is a very important part of the -- you know, the key to this whole thing is that everybody works together with that in an effort to document the activity.

And on that note, if you have a watermen's or a Natural Resource Police officer's phone number, it is great

to have to give information but make sure you contact the comm center. That comm center is the one that documents that it is happening and if you call the Natural Resource police officer, he might not even be in the state at the time that you call him and you know, if he is busy or he or she is doing something else, it might be a little while before that information gets out. So please, I encourage you to contact the comm center.

Night time patrols and surveillance will be conducted along with leaking vessels, vehicles and by station inspections. We have done that in the past. And it has been very successful checking vessels and then -- not only checking only checking vessels but checking vehicles also. You know as you are coming up the road, well they have different areas where they can sell or if you know somebody is buying small oysters or buying over the limit, then we can do the checks of the vehicles as they are heading up the road.

Every effort will be made to saturate oyster harvesting areas with as many NRP officers as possible for opening week. I know that the physical deterrent is a very big thing and you know the visual, so we are going to try to saturate the areas. And there again, it helps for us to know where a lot of these oysters are so that we can have -- make sure that we dedicate our officers to those areas. These

enforcement efforts will continue with inspections and dredging surveillance when the power dredging season begins on November 1.

However, additional measures will be taken to monitor the increased activity that this season brings to include special focus on receding (sic) the daily power dredge harvest limit and harvesting in prohibited areas as well as hacking(sic) compliance. And that is all that I have. If anybody has any questions.

MR. LAY: Any questions for Lieutenant Rafter?

(No Response.)

LT. RAFTER: Thank you.

MR. LAY: Okay. Colonel Ziegler?

Comments

by Colonel Ken Ziegler, MD DNR NRP

COL. ZIEGLER: Yes I appreciate the opportunity to be here and speak for a couple of minutes. I know I haven't attended any of your meetings with Colonel -- and next month I will be here as the Superintendent for the three years. And we are tasked with -- NRP as you know is tasked with enforcing all of the conservation laws in the state of Maryland. So we touch everybody. Forestry, wildlife and all of the -- I don't think there is anything that is more important to us and it certainly doesn't get any more attention than fisheries with the subsection of oystering.

Now I said we do have to listen to the hunting community because those folks carry guns and -- so of course everybody listens as well. But in all seriousness, we really do focus on fishing violations and the oystering and the aquaculture is a privately owned aquaculture. I have authorized my folks when they see an invasion on a privately owned aquaculture site to me that is not just an oyster violation.

And if they actually witness somebody removing the property of an aquaculture owner, we are authorized to take them in handcuffs right then because there is a crime that has occurred in your presence. And authorize them to do that. Now, my folks do a terrific job out there and I am not going to micromanage how they enforce it. I leave them the latitude when they think of when it might be appropriate for a certain situation, they are authorized to do that.

But we think what you all do and what your businesses are involved in very seriously and I have to say it is probably a heck of a lot harder than enforcement. And again we take it very seriously. I would also like to follow up with what Lieutenant Rafter said about see something, say something. We -- as you know, nobody has enough police officers. There is probably not a chief in this country that can't say we could use another 100 police officers. But we are going to do the best we can with what we have and we are

going to alter our kinds and alter our means of enforcement to try to keep bad guys off kilter a little bit.

But we can't see the things that you all see when you are out there. And I am just going to give a real quick example that just happened a couple of weeks ago and it happened to be a hunting violation but we had a particular place where we were finding dead deer like all over the place in the summer time, they were being shot and just left to lay. Somebody saw it and called us and within a couple of minutes, we had an officer out there, found the guy standing in the field with his rifle in his hand and seven dead deer laying around him.

So it was a nice case for us to make but that is just an example of how important it is that when you all see something, give us a call right away. We can't be everywhere all the time. But you know and if you know somebody that is doing it and you have not seen them do it but you know when they are doing it or where they are doing it, let us have that as well. Unless you want to come to court, we have to see it. And if we get a call -- I have gotten one myself at my desk that so and so is doing this.

But I don't get what vessel is he using and where is he doing and how is doing it and what time is he doing it if you know that information. That is all critical information that we would need. So we are there to you know,

keep everybody honest to the extent that we can do it. And make sure that what you all do for a living in recreation, stays viable and stays -- it is a huge part of Maryland's economy and certainly I know it is part of your economy as well. So we are there to do the best we can with what we got but we do need your help.

And with that, if anybody has any questions? Yes, sir?

Questions and Answers

MR. CARSON: What about the aquaculture people dredging outside of their leases? What kind of penalty do they have? Do they get put in handcuffs or --

COL. ZIEGLER: No --

MR. CARSON: -- how does that work?

COL. ZIEGLER: -- there is a distinct difference between illegally harvesting the property of the state versus the property that you have fought and put on your lease to me, that is the same as if you own a business and you stock it with nuts and bolts and somebody comes into it and steals it. That is a theft. And if our officers witness that theft while it is going on, they have the authority by law to make a physical arrest and not just issue --

MR. CARSON: Well what is the penalty for someone dredging outside of their lease?

COL. ZIEGLER: It depends on the circumstances. I

mean if they have a license to dredge and they are dredging out -- they are doing both, then there wouldn't be a violation. But if they are not licensed to do whatever it is they are doing then obviously that is a violation that you can enforce. So it depends on the totality of the circumstances of each individual case. Yes, sir?

MR. MULLIGAN: So the winter legislative sessions, we made numerous arguments about the water column leases. I got an e-mail about this particular law that is going to be enforced where people are going to be taken away in handcuffs. I don't understand a logic in this when they come take someone away in handcuffs when they are using public bottom. These people are getting water column leases and I think I made the point and it is a valid point, it is a true point, the bottom belongs to the public. So a theft has already occurred when you take bottom away from the public, I mean, you got watermen out there paying to work it and we can't go work it, so maybe just so you know -- I walked down the bay on a skip jack this year and what Mr. Powley is talking about, took place on a daily basis.

The wild stocks were taken and water column lease cages to make it look like this business was going to be profitable. And we beat this horse all winter long. It is a dead horse. Nobody wanted to hear us. And so we did build against, as to a law that is going to take somebody away in

cuffs when the watermen are already struggling to keep our heads above water now and I mean, I am not -- I understand what you are saying but as a commercial fisherman and --

COL. ZIEGLER: And I understand what you are saying as well but I don't -- just like I don't tell the scientists what the harvest should be or what the season should be, I don't get to tell the legislature what their laws should be.

MR. MULLIGAN: I definitely understand. We tried to tell the legislature but they don't want to listen.

COL. ZIEGLER: Well, I guess the point that I am making is that we take oyster violations serious. Whether they are aquaculture or wild catch. But there is a distinct difference in our -- what we can and can't do with an aquaculture where that person has purchased the product and resulted in their property that is on their lease. And somebody takes it and that is a left. There are other specific laws and punishments in place for a wild catch. So there is a difference in the enforcement.

MR. BROWN: Yes I had -- near the end of last season, I had a few calls about people who were going out and working on public bottom, dredging it -- in other words, they weren't culling(sic) and then they were running to their leases and shoveling it overboard right into their leases. I mean, I am almost to the point where I had a number of calls on that and do we need to try to get something to say hey

look you need to have it inspected before you go -- if you go oyster today and plant it on your bottom, we have to get some kind of inspection where those oysters have to be inspected before we -- before they put them overboard? Because you are taking oysters at \$45 or \$50 a bushel, a man is not really going to take and catch oysters and shovel them overboard on his planting ground. That doesn't add up. But of course, you can't get it back what you got into it.

So I mean, that is a problem that I have been made aware of. And I am glad to hear that you will be enforcing the 3 inch law, hopefully October 1. Thank you.

LT. RAFTER: I just want to say something. Robert T. with that, as you were talking about somebody taking oysters from a public fishery and putting it on their private bottom. Anytime that you hear something, that is where it comes back again, see something, say something because you all see more than we ever will. And we -- the majority of the oyster harvesters are going to be confined to the area that the oysters are and you are actively working.

Let's say for instance, what comes to mind for me would be --- if you only have 150 boats there, so if somebody that is doing something illegal on a leased bottom in Broad Creek or somebody is going over the line in Broad(sic) Creek. There is a 150 sets of eyes that are going to see that. And we are not going to see it. With radios and cell phones as

soon as we leave the dock, everybody knows that we are on our way.

And so if you have somebody that is committing a violation like that and stealing from you, from a public fishery and placing it on a private enterprise, then we need to know about it. So that we can then set up a saturation patrol or since we --- helicopter. And then we can work on something like that on a case by case basis. But that is something that we would definitely love to have that information.

COL. ZIEGLER: And if you have video capabilities on your cell phone and you see it going, then video it. That can used as evidence against them --

MR. LAY: Any other questions for the officers?

MR. GILMER: And I don't know whether this pertains to this or I see a little thing here on panel review for recreational harvest. About guys not getting tickets on -- that are on recreational oystering. And on either in a sanctuary or restricted bottom. I have heard two or three complaints about this where they are not penalized for doing that.

COL. ZIEGLER: Well I would be surprised if we are not writing something like that. Because this is --

LT. RAFTER: Yes that is the first that I have heard of that. We -- I do know for a fact in Queen Anne's

County that a ticket was written for leave and if I am not mistaken, I think it was a dive shop that was taking his divers once they were certified in a check out guide for their certification and did not know at the time that they were supposed to be licensed or that -- actually this is one where I think the divers -- the people who were certified were from Pennsylvania. And they weren't allowed because they weren't Maryland residents, that they weren't allowed to have those oysters.

Now each one of those Pennsylvania people were not issued the tickets because they had no idea. They were just there as part of the dive and the dive master told them hey come out and do the check out dive, but the dive master did receive the ticket for that offense. So I do know the tickets are written but the ones you are talking about, Moochie, I mean, just let me know which ones that they are and we will definitely be -- because we do have a practice that if it is a violation, we will issue the citations for it.

MR. LAY: Russell?

MR. DIZE: The problem is, we don't have enough Lieutenant Roy Rafters in the service. When he is in our area, he -- you can tell it. I mean, I can tell it. From joining in the --- and catching it too. When you have a good officer in the area, for Joe Jones -- for years we had Joe

Jones. Patrolling it like it was his. We don't have that kind of officer anymore.

MR. GILMER: We had Barnhart up in there.

MR. DIZE: Barnhart. Lieutenant Rafter comes down there and I can tell the difference. I mean, you can tell the difference from what is coming in. So that is our big problem. We have to have devoted officers that were devoted in an area and work it like the past officers that did that.

MR. GILMER: And those guys were familiar with that area. That is, you know, I know people get moved around but when you are -- when you have Barnhart and Greg Murphy and them, they knew what was what. And that I know officers are rotated now, it is just --

COL. ZIEGLER: Now, can they be -- yes I mean if we put somebody in the area, one or two of them on the shore and they want to transfer out. Eventually they will. But we do not just normally rotate people. What you are seeing though is we have become a very young agency and the last two years we have put a 100 new police officers out there. And I am only authorized for 278 and that is from me all the way down to the newest police officer in the academy class.

So we have an influx of very young police officers. You are right, Roy Rafters, you know I would love to have about 200 Roy Rafters. This is -- and but you know, Roy Rafters don't stay here forever. And so I mean we are

becoming very much a young police department and so we have to give these folks the opportunity to get to know their areas just like when I was a rookie cop. I worked -- I wasn't an NRP but I had to learn who was the bad guys on my post and where did they hang out and stuff that. So we have to give these officers an opportunity to learn their posts.

MR. DIZE: When I was a young man coming up on the water, one of my very good friends was Lieutenant Harmon George(sic). And he told me that he never went to bed at night if he didn't know where every skip jack was tried up at his area. How many --- were there. He knew all of that before he went to bed.

COL. ZIEGLER: I don't doubt that. But --

MR. DIZE: That is the way he always practiced that.

COL. ZIEGLER: I guess what I would say is that every Roy Rafter and every entrepreneur had to start somewhere and learn and --

MR. DIZE: Sure and that is where we are now.

COL. ZIEGLER: We are on the department. And -- the good side of that is going to be that we have got people now that want to be here for 25 or 30 years. And unless the experience and know the people in the places, I am sure --

MR. DIZE: I had a waterman say that SOB and I said that --

(Laughter)

MR. SUTHERLAND: Do you have like stickers or anything that we can hand out to say contact for violations, if you see something, contact this number or --

COL. ZIEGLER: Yes, we just recently started the program and it is called Wildlife Crime Stoppers. And it is actually it is becoming a nationwide -- all the states are going through it. And basically what it is is a separate -- it is not associated with Natural Resources Police, it is an independent 501(3)(c). And it can raise funds for reward money and what have you. And basically how that works now is the calls go to our comm center and then our comm center takes the information from the caller and dispatchers an officer and if an arrest was made or a violation is charged, then that information would go to the Wildlife Crime Stoppers executive board that has two of our officers on it. Captain Page Renderson and Captain Talbert.

And then the reward could be paid later. But again that call goes just like Lieutenant Rafter was saying, goes to our comm center. They have direct communication with officers that worked - if you call an officer, that officer may or may not be working. And so there -- there actually could be quicker to call our comm center and let them dispatch somebody that is on the water at that particular point in time and be there quicker and faster exchange of

information. So.

MR. SUTHERLAND: If I had a sticker -- a thousand sticker, I bet you I could get a hold of --- put them on a boat and they are sitting right there in your face and it is just -- most people you are sitting around and who am I going to call? And you look through your cell phone. Just suggestion that --

COL. ZIEGLER: That is something that we can look at as far as the Wildlife Crime Stoppers. So. That is a good idea. We will look into that. Thank you.

MR. LAY: Okay, thank you, officers. Okay, Sarah?

Policy Program

by Sarah Widman, MD DNR

MS. WIDMAN: Hello. Let's see we can skip through some. We are not ready to talk about legislation quite yet. Regulation stuff. Which is pretty quick today. You guys have a handout with some of the notices, the only thing that has gone into effect was the circle hook. The officers talked a little bit about enforcement on that. And that is really it. What has been done. There is nothing really going on in the hopper right now but we do have a second handout that has some scoping items that I am going to go over really quickly.

First one, I think we mentioned it at the last meeting is the black drum. So this would be scoping and

getting some comments from the public on the possibility of free opening the historical commercial black drum fishery. And that would be at a 28 inch minimum and a 10 fish per vessel per day limit. The next few are housekeeping.

So there is a oyster dive and there is an attendants law that just got passed clarifying one set of -- one license per set of a diver attendant and we just want to make sure that our rules are aligned with the new law. Additionally the tax credit for oyster shell recycling, that got upped so we just need to again view that in the regulation.

The next one we talked pretty extensively here about the Aquaculture Enterprise zones. So essentially what is going to happen with that or what we would like to get scoping comment from the public on at this point is taking the NOBs in that were in that area and making those back into wild fishery and the PSFA for the wild fishery and then areas off of those would not be in the PSFA and they would be left to open areas and part of that is because some of those are historical clamming bottoms. So we want to make sure that is available for the clammers.

So it would be kind of a quasi set up to allow some for the wild fishery as well as the clamming. Sheepshead is a recreational one. Looking to align some of our rules potentially with --- nearby coming from the direct community

and you want to hit them so -- more astringent daily catch limits on that. The next one is sharks, again, recreational fishery. One -- this is trying to align up with smooth --- and rules coming out of ASMFC and NIMS. Recreational as well as just a general language that mirrors federal language about releasing them in a manner that maximizes sharks survivability.

Snapper, grouper. Some of this is just housekeeping on names updates for species. And also allowing us to issue the public notices for adjusting size and possession limits so that they can be more timely for those fisheries each year. Next one is golden tiles. So right now, we are looking at wanting to update our regulations for golden tiles to be consistent with the Mid Atlantic Fishery Management Councils plan for them. The commercial changes that would be scoped would be changing the landing limit, it would be 500 pounds or 50 percent by weight of all of the fish including the golden tile on board the vessel, whichever one is less.

And it wouldn't apply to vessels that were fishing under the tile fish IFQ. And then commercial tile fish would have to be landed with the head and fins naturally attached, so I think tile we have sharks written. Commercial vessels would be prohibited from discarding golden tile fish unless they are fishing under an incidental catch limit. And then

tile fish could be sold only to people that have a valid Federal tile fish dealer permit. And again being able to change some of those possession limits by notice during the season to make sure it is highly updated.

And that is all I have for scoping. Questions on regs and scoping?

MR. JEFFRIES: Did the black drum commercial come in yet?

MS. WIDMAN: That was the first one.

MR. JEFFRIES: Yes I know but has it started.

MS. WIDMAN: So this is the very -- so we are starting the process now. So --

MR. JEFFRIES: And there is no harvest. The only reason I ask is that our harvest is way down and I was wondering if anybody else was seeing it. That is why I asked.

MS. WIDMAN: Oh you mean it, they are here.

MR. LUISI: This is Mike Luisi, I don't know --

MR. JEFFRIES: Nobody is harvesting them --

MR. LUISI: Nobody is harvesting them --

MR. : There is still no commercial harvest.

MR. LUISI: Right. The commercial harvest from what I understand -- will be effective by next spring, so right now there is no harvest.

MR. LAY: Thank you, Ken.

MS. WIDMAN: Let's see what else I have here. So I haven't -- it was JD, that you were going to have an officer get in touch with me about the --

MR. BLACKWELL: I will --

MS. WIDMAN: If you happen to get a hold of him, I am happy to cover that next time. And then just following up, I think I had some other action items. Russell had wanted to get some information about a couple of individuals and you just got me the names. So I will look up that information and get you guys something at the next meeting on that. And then also I think Robert T. had asked in your one handout that was the current commercial and aquaculture suspensions, the two that we have on that list, the question that came up was what had they gotten -- what had they violated, what laws have they violated. So the -- Mr. Messick's violations were public health --- violation and harvesting on private permit registration. And then Mr. O'Bender's was a public health --- violation. So. Just follow up on that.

MR. LAY: Any other questions for Sarah?

MR. DIZE: Sarah, I go along with Boo, I don't see any difference if a guy is over on somebody's beached ground, I see if you are going to take him away in handcuffs, why are you taking the guy that has a lease and dredging off of our

bottom and taking it from all of you, all of us and putting it on his. What is the difference? Why not take him away in handcuffs? I don't see the difference, I mean, we are picking out the watermen but we are leaving the aquaculture people and a lot of people don't know what is going on, but what has been going on in Choptank and Hunger River is criminal. It has been criminal for two years and they got away with it. The guy moves his own buoys and dredges where he wants to in the Choptank, on -- actually on some of the bottom that we planted with our shell money.

And I see the -- I don't see the difference. You are going to talk to the guy and put him in handcuffs and take him away because he is on a leased bottom but you are going to let the guy that has the leased bottom go catch the public bottom up that belongs to everyone. That is a bigger -- that should be a bigger penalty than the one guy. Some priorities mixed up guys.

MS. WIDMAN: That is statutory so there is nothing that --

MR. BLAZER: Yes, I think we have people looking into that and we have heard some of that. I know Bill has talked to Bill Anderson has gone around and talked to some people, so we are hearing that and we are knowing that it will take us some time to figure out how to address that. Especially if it is statutory.

MR. DIZE: Policy has already been stated today, right here. We are not --- handcuff. But that guy has got - - he is better than you are because he has got aquaculture lease and he goes to steal your oysters and put them on his bottom and we are going to take you away in handcuffs if you do it.

MR. BLAZER: We hear you.

MR. DIZE: They are both wrong.

MR. BROWN: Yes I agree with Russell on that. You know, whenever you are going -- however you are going to treat one portion of the fishery, you got to treat it the same way. And that comes down to if he is dredging I would say that his ground is here and he says he is over 200 feet out of his lease, like that is over 200 feet into a sanctuary, you lose your license for life. Life. For life. I mean, I just got another call yesterday where a fellow he was complaining about what can I do to get my license back? He said they have taken my oyster license from me. He says I was 277 feet over.

It was -- he was down on the Minnochin and I used to move the buoys and they said they caught him by helicopter. And he said, as far as I know, he said I thought I was close to the line and I had no idea of being over. His license is gone for life now. I mean, this thing that takes a person's livelihood for life, well you know you could go

get caught with I don't know how much heroin or cocaine or whatever and you can come back and you know, you can't be a drug dealer again but you can go ahead if you had another job you can get it.

I mean, like this fellow got a ticket for -- I guess it was the health department regulation because it said Vivrio(sic) well somebody could possibly get sick over an oyster if it is not cared for during hot weather. He didn't lose his license for no long period of time, a year or so and not be able to go to his leases. I mean, I don't know what has got to be done but if a person gets caught in these areas even though it is a bad deal, and they are wrong. I mean, you take their license for one year, they ought to be at least allowed to come back in and put them on probation. One more ticket, you are going. But I mean, just to shut them off completely forever on one that is a -- I have a problem with.

MR. DIZE: I would like to read just an excerpt from the *National Fisherman*. This is *National Fisherman* and this is August issue. I just got it and was reading it and they are talking about oystering in Texas. And he says -- the guy says we are coming up with new penalties. If you get caught with a high percent of small oysters in the bags -- they put them in bags of 105 pound bag, he said we have now come up with -- we are going to do -- lose your license for a

month. Well see at least they are starting with a time period that you are going to lose your license. This could have been worked out very easily.

This is one sided by the aquaculture people that got this put in and the aquaculture bill because if they had said you lose if you are over like Robert T. said, 200 yards in a sanctuary or 200 feet or whatever, then you lose it for a year. That gives you a chance to get back into fishery. But you got three pages of people that can never work again on the water that are -- that were full time watermen. Did what they do was wrong? Sure it was wrong. And it is wrong to go 80 miles an hour on the highway but you get another chance, maybe.

But something has to be done. I would like to see something come out of this committee -- I would like to make a motion that we ask the State to look into this because this to me is totally wrong what is going on with taking people's license. One boy, this --- boy, he should never get his oyster license back again because he was caught three times on sanctuary. He has never had a ticket in crabbing. Should take his oyster permit but don't -- they are different. They are telling us they are. They are taking oyster permits now or crabbing permits. But I would like to see something come up or a statement out of this committee to go to the State to ask that they look at this because this is totally wrong

guys, and --

MR. LAY: Would you like to make a motion?

MR. DIZE: I would like to make a motion that this committee -- the tidal fish advisory commission, endorse the state looking into changing the harshness of the penalty of over aquaculture line or over a sanctuary line. To look at the harshness of the penalty and see if they can't come up with more reasonable fines or more reasonable things to do like suspending for a year or suspending for five years. Anything but not forever. Nobody does that.

MR. LAY: Okay, would we like to say that we would like to review any violations that would result in the permanent loss of a licenses?

MR. DIZE: We are going to have to get the changed. That is why I want it to come out of this committee that the committee -- that this committee thinks that something should be done about the law. The law -- it went in under aquaculture law. Under -- I am sorry, under aquaculture bill. And no one knew it until after it was already passed. But to try --

MR. LAY: A law or a regulation?

MR. DIZE: Law.

MR. SUTHERLAND: Is that specific to aquaculture?

MR. DIZE: No, yes it was aquaculture law.

MR. BLAZER: I think there is just one correction

because it was a whole oyster management set because it includes sanctuaries and aquaculture and it was a pretty substantial oyster management package I believe in 2010. So it wasn't just -- aquaculture was part of it but so were the sanctuaries and so were some of the other provisions of oyster management.

MR. DIZE: But it went in under that one bill. Under one bill. And not many watermen knew anything about it.

MR. BLAZER: So If I can read back the -- the motion that --

MR. DIZE: Yes, you can put it in better words.

MR. BLAZER: Well if it is something -- if the TFAC asks DNR to look into possible changes of the harshness of the penalty provisions of taking oyster licenses for life. Request with the intent of coming up with more reasonable suspensions and fines.

MR. DIZE: I wouldn't just put oysters because when Sarah was talking, I had been reading through the suspensions. They are taking complete licenses for one violation -- I mean for a violation. For instance, Jeffrey Cummings, he was -- he didn't have enough money to get his license. Crabbing license. He goes crabbing. He gets caught. So now he doesn't have any license and he has been fined for not having any license, so a week later he goes

with his son in law, Cullen Cowen and the same officer pulled up, arrested him again and he can never get a license now ever. Because of that. Not -- can't oyster. Nothing. That doesn't make sense. There has got to be some kind of a time limit on this stuff.

MR. GILMER: And all much like a step penalty there.

MR. DIZE: Yes.

MS. WIDMAN: Can I just clarify because there is two -- you are talking about two separate things. So there is the statutes so that is the general assembly passes, that is the law that I think we have had bills passed a few years looking at the -- that is the automatic oyster authorization revocation. There is that one.

And then there is which we do have more control over, we just -- the penalty work group just met so we can talk about our regulations and so there is the point system. And once you accumulate enough points, we can revoke your license that way as well but you have to accumulate points over time, over a two year period.

MR. DIZE: Right and it is a double whammy or -- I agree he shouldn't get his license in an extended time because three times over on a sanctuary in one year. And I think that is time enough. But there is a double whammy. He gets 65 points I think you said. I think you and I talked

about it. So now, he has lost everything because of the points. When he was a very good person doing the crabbing, he has never had a ticket in crabbing or clamming. So taking -- they are not selective with the point system, either way you got him here.

You got him once with being on a sanctuary. Which I agree three times in one year. His license should be suspended for a long time. But now he falls under the point system. When does that let up.

MS. WIDMAN: So that -- my suggestion is that we had penalty work group last month but we can have another penalty work group and just discuss this specific topic and what potentially the department can look at to change that regulation.

MR. DIZE: Because he should be able to work down those points from a certain time, an amount of time, I don't know what it is 2 or 3 years whatever. Those points would come off. And now he won't get his oyster license but he should be able to get his crab and clam license and other things that he does on the water. Right now, he is cutting grass.

MR. BLAZER: So let me propose this, Sarah can kick me if I am wrong. How about if we as the department come back and at the next meeting, talk about all of the different penalty provisions, talk about all of the different

suspensions and where things are. You know, whether it is a point accumulation or in the statute, so we can clearly show all of the different mechanisms for suspensions revocations, penalties as we go through. And get everybody on the same foundation of what each one of those means and then talk about statutes, if you ever want to recommend modifying the statute or you know, doing something to it, you can do that. And then if it is a penalty modifications, you all can recommend that too.

Because there is two or three different processes here so let us go back, pull all the information together and we will come back and make a presentation at the next meeting. And then we can come up with specific recommendations that you all may be interested in pursuing.

MR. DIZE: Well, I still got a motion on the floor.

MR. LAY: Yes, would you like to pursue that?

MR. DIZE: Yes.

MR. LAY: Okay, do we have a second to that motion?

MR. BROWN: Second.

MR. LAY: Robert T. Second. Okay, all in favor of the motion say aye?

(Chorus of "aye")

MR. LAY: All opposed?

MR. : I got one question before I move.

When you talk about us deciding their license just -- I am in

favor.

MR. LAY: Thank you.

MR. BLACKWELL: Can I ask a question? Is any of this going to be addressed in the tiger(sic) team already? I believe that is sort of what they are in the process of doing.

MR. BLAZER: Yes, I am not sure if they are going to get that specific with what the process is to bring that back to this committee. If this committee is that interested, then we will lay some of that foundational work and come back and then you guys can see and talk and discuss the specifics of each one of those options.

MR. DIZE: We here, Robert T. and myself, all the people around here hear it through -- what I imagine everybody here, I get call after call and coming to see me, what can you do, can anything be done? I am telling you right now, if something isn't done, sooner or later someone with enough money and it won't be any of these guys that I am talking about will bring us to court because I don't think it is Constitutional law so whatever.

MR. LAY: So Russell's motion passed. Any other questions or comments?

MR. SUTHERLAND: I have one, I am still confused on what we are -- what the motion is. How does anything to do in this motion affect what we have already spent time on with

the, which I guess is the next topic, the penalty work group discussion.

MR. BLAZER: Well, I think that is going to give some direction or discussion for the penalty work group. So I think what I am proposing is just kind of an educational mechanism here, get everybody so that we are all familiar and all understand the statute and the penalty process. And where some of those things come into play, is it a statute or is it a regulation or is it a policy, you know those types of things so we can kind of go through those.

But in the penalty work group is going to be part of that as we go forward.

MS. WIDMAN: That is what I guess I would suggest an amendment that -- because we can look into it but we can't control the General Assembly so there is that element. But the point system, we can. So if we could -- I would love to take that and have a conversation in two hours and sit down with the penalty work group and come back here and say you know, after looking at it in depth for two hours with a smaller group, here are suggestions.

MR. SUTHERLAND: And that is where I am at -- I don't disagree with no conversation at all but I just think to question the process. And say that I am a little confused on what that process looked like and I would agree that that would be the ---

MR. BLAZER: Well I think that is the process, what I think we are promising is to come back here in October and we will get input from the penalty work group on the penalty and the point side of things as we go through but the statutory things that we don't really have control over will come back and talk specifically about those things. As well as the penalty stuff as we go through. So I think we are all consistent. Just get some details that we need to work out as we go through.

MR. LAY: Any other questions for Sarah? Thank you.

MR. GWIN: I had some golden tile fish and you got commercial vessels that are prohibited from discarding golden tile fish, shouldn't that be possessing? Just a clerical error there.

MR. LUISI: I think given the nature of that fishery, that commercial vessels are not allowed to discard because of how the depth of the water that the fishing --

MR. : You have to keep what you catch.

MR. LUISI: So even if you -- but you only have a limit, there is only a certain limit --

MR. : Even if you don't have permit, you can still keep them, is that what that means?

MR. LUISI: I don't know, I can follow up directly with you on that.

MR. GWIN: Okay I thought it was a clerical error. If you don't have a permit, you got to let them go.

MR. LUISI: Probably the case but I have to follow back up.

MR. GWIN: I just thought it was supposed to be possession without a permit. So. Okay. Thanks.

MR. LAY: Any other questions for Sarah? Dave. Okay.

Pound Net Extension

by Dave Blazer, MD DNR

MR. BLAZER: We put this pound net extension at this point in the agenda. As I think many of you know or some of you know, we extended the striped bass pound net season into December through a regulatory proposal, so now there is overlap between the gill net and the pound net season in December. It did not include hook and line by the way, so I just want to make that clarification. It is only pound net, gill net.

After we finalize the regulation, we get a lot of comments back from gill netters that were not happy about that process. So we were kind of surprised by that for a couple of different reasons. But one of the -- I am not sure exactly where we are going to go with the pound net, gill net season. I think our thought right now is just let it ride through December, let's see how it goes and if we need to

make modifications after this overlap at the end of this year, 2018, we will revisit it then. But one of the things that I wanted to say to this committee and I said it to sport fish to kind of give the -- all of you, you all are an advisory committee to us. We scope this. We showed you the regulatory proposal for this.

We had issued this by public notice for five years based on recommendations from some of the folks in the industry but when we are -- because if you do something for five years, you think you might want to make it permanent so that is the process that we did. But we scoped it, we proposed the regulation and we ran it through similar to what Sarah has gone through today with scoping and regulatory proposals and we never got any comments on that proposal. So what I will ask you is please on the scoping and regulatory proposals, as an advisory committee we need to hear back from you. If there is going to be objection to something, please let us know. Please go out and talk to your constituents so that we know if there is going to be an objection or support for something.

Because I tell you we were surprised when after this regulation went final, we got calls from 6 or 7 gill netters that they were mad about it and we had never heard that feed back to us. So you know I guess there is two messages is one please as an advisory committee help us so

that we know what issues and what the folks are saying out there. And two, please pay attention to the scoping and the regulatory process and share those with your folks so that we are getting feedback. We want to make sure that we are getting the feedback so that we don't get a lot of that -- that -- we want to make sure that we are doing the right things. And this one kind of surprised us. So.

MR. LAY: Robert?

MR. BROWN: Yes, that was a tough call that you had there, Dave, on that. It came down to one thing and you have done it for five years and I hadn't heard nothing -- no problem with it. And it came to the time of year when it was at the end of oyster season and crabbing came in and the weather was cold and it wasn't no crabs and then the gill netters get to thinking, well you know this might interfere with us and that is how it came about. So it was one of those unfortunate things that you don't see.

MR. BLAZER: Right.

MR. BROWN: However, the gill netters only have actually probably around 60 days that they can legally fish during their season. I made a suggestion at the Fin Fish Advisory Commission that we needed to do something with them and was you know, since we have these ITQs fishing which is supposed to give us more flexibility and stuff, well, if you extend the season at the very and most time --- if you back

it up early, it is not really helping that much. But these folks can only fish five days a week. They can also -- you have time that comes in during the season when the weather is so bad that you can't get out there, they are iced in sometimes.

There is no reason why they couldn't fish on Saturdays and even Sundays. It is during the time of the year when the sports fishermen are not out there fishing. When the weather is that bad so that you don't have the conflict out there. Also, they are supposed to be able to get this flexibility of this and sometimes fish when they get on the run say like the end of December or sometime the first of January, they can catch a few fish and they can get top dollar for the project. I think they need to have more days put in.

You will come in to say first of all well, they got to have check in stations. Well, check in stations -- if they are not getting any fish and can get fish, they will work on that. The pound netters there, their nets fish 24/7. There is no reason why we can't do something to try to help these gill netters through this season.

MR. LAY: Any other comments on this subject? Okay. Just going to --

Committee and Workgroup Reporting

by Dave Blazer, MD DNR

MR. BLAZER: The next portion of the agenda, the committee and work group reporting, as you know because these meetings usually go three hours and some times a little bit more, we have recommended and talked about all of the different sub committees and we want to report out to you all what happens in those different work groups, like the penalty work group, oyster advisory committee, aquaculture coordinating council, the blue crab industry work group.

But we don't want to just repeat everything that happens through those minutes. Unless we are going to ask you to take an action. So what we hope to do in the future from now on is these committee and work group reports, we are going to send you the minutes and hope that you read them and then if you have questions or there is something in there that interests you, then we can talk about it at the meeting but we don't want to kind of rehash each one of those meetings like we had been over the past couple of meetings. So we can save a little bit of time and it will require a little more work on your part to read those minutes and if you have got questions, call Paul, me, Mike or somebody -- Sarah and we would be more than happy to talk about them at the meeting.

But since a lot of this stuff is just kind of rehash, we kind of decided that this format would work and save us a little bit of time. Is that okay with everybody?

MS. SINDORF: So I do have something that I would like to talk about that happened in one of the meetings? So is it that time to do that.

MR. BLAZER: Yes, we do have one of the blue crab industry advisory committee and I wanted to ask Genine to come up and talk briefly because there is an action item that we would ask the crab and then we will come back and --

MR. LUISI: I am just going to introduce Gene.

MR. BLAZER: Oh okay, I am sorry, yes.

MR. LUISI: So Mr. Chairman, I wanted to just take a quick moment to introduce Genine McClair. Genine is our new program head for the blue crab program. I wasn't sure if Genine would be here today. You will notice that she is going to be out for a few months shortly. So I thought what better time to give her an opportunity to meet you and to present the committee report that is in your binder which based on what Dave was saying, we are looking for an action on your part today regarding the recommendations that have come out of the blue crab industry. So Genine is going to step up and I am going to hand the mic to her. I may slide in for questions and answers but it is all you, Genine.

Blue Crab Program

by Genine McClair, Program Head

MS. McCLAIR: Yes, so the blue crab industry advisory committee met on June 13. The heavy hitting

discussion that we had that we need action on from you guys is regarding setting the female bushel limits for this season. So we pulled together a number of options based on the recommendation from the Chesapeake Bay stock assessment committee to keep things status quo this year. So all of the options that we presented to the group were supposed to be to result in equivalent harvest as compared to last year. And at the meeting, the committee requested that we look into an additional option that we didn't present that would extend this season to December 15.

They basically said if the December 15 option didn't look good, then they were comfortable moving forward with option 3, which is what is in the meeting minutes there which would extend the season 10 days compared to last year. So it would end on November 30 and they would take small reductions in the bushel limits.

And so we did some investigation and we looked into the December 15 option and we ran that by the committee and a majority of the vote was for closure on November 30. We only had one vote for the December 15 closure. So what we are looking from this committee is how you feel about that recommendation moving forward with option 3 which is the November 30 closure.

MR. LAY: Any comments for Genine?

Questions and Answers

MR. JEFFRIES: So it is going to close on November 30 instead of --

MS. McCLAIR: Last year it closed on November 20.

MR. CARSON: But you backed it up 10 days last year. It was the 30th and you pulled it back to the 20th.

MR. : Yes.

MR. CARSON: Okay and right now it is set up for the 20th.

MR. : 30th.

MR. CARSON: No, no right now the 20th.

MR. BLAZER: Yes because we only changed through October. Because we wanted -- we did -- we looked at the December 15 date and ran through the industry work group so November and December were still questionable.

MR. CARSON: So I got a print out of it, that is fine.

MR. BLAZER: So we just promulgated the public notice to October 31. And we were going to wait and see what the vote of the December 15 recommendation was and also what you all recommended --

MR. CARSON: What would you -- would you make your decision evaluations somewhere in October? Or it is up to the committee. I realize that. But I mean, what is on the board? Anything particular?

MR. BLAZER: Well I think we want to go with a

November 30 date, that was what the committee agreed to. And since the December 15 didn't pan out very well, nobody voted for that or one person voted for it. So their recommendation is that -- the industry work group to all is to go with the November 30, that is the option that we have up on the screen.

So if we can get a motion from you guys to --

MR. GILMER: I will make a motion that we go with this option 3.

MOTION

MS. POWLEY: Second.

MR. LAY: Second. Okay. All those in favor of the November 30 closure, please say aye.

(Chorus of "Aye")

MR. LAY: All opposed?

(No response.)

MR. LAY: All right, our recommendation would be to go with the November 30 closure. Thank you. Anything else Genine?

MS. McCLAIR: No, not unless they have something they need.

MR. LAY: All right. Go ahead, Gail.

MS. SINDORF: So I attended the crab community meeting and they discussed a male crab tool, it was a traffic light or stop light. So -- basically during the meeting and

as to male crabs, we are talking about doing a traffic light management tool for male crabs. There is two reasons that the department paid for suggesting that the --- scrutiny on males. The first reason was because the crab committee themselves about a year ago had requested -- I guess it was for the five inch crab, that we looked at male crabs heavier to see if we could get that done.

The second reason that you guys gave for this new male scrutiny was because CBSAC had said that you and let me quote them, "Should look into more comprehensive management tools." And I don't want to say the word "should" because we I think we are too young to threw that round quite a bit, the word "should". So you know, I wanted to discuss both of these issues and I think that they both could probably be put to rest. And I would like to discuss me making a motion on not doing this or not pursuing this at all.

The first reason that the crab community wanted it, I was there and they -- to vote and they voted 7 against the traffic light and it was 5 for the traffic light. So I think with those numbers, it is pretty clear that the crab community doesn't want this overall. And I do know that there was one person in particular that after later discussion had kind of retracted his for it as well. So it looks like only 4 members really are in support of this traffic light scenario.

As for CBSAC suggesting it, you know I read -- I read CBSAC's reports. I read them for years. And they seemed to have a universal reason for warning increased -- you know, male management tools and it is about science. And I will read to you, I brought it, I will read to you what they write and this is written by CBSAC every single year and I have back to 2015 and it basically explains universally why they are interested in more male management tools.

In 2015, 16, 17 and 18, I have here they wrote the same thing. It says, "CBSAC recommends continued examination to quantity and better understand the influence of male crabs on reproductive success and overall population productivity." So with that, you can see that CBSAC is looking for science and I don't know how this traffic light offers CBSAC any science. It doesn't give us better scientific data. It doesn't change how the data is obtained in the dredge survey. It doesn't give us different sizes, types, shapes of anything that we are already getting from the dredge survey.

CBSAC doesn't gain any scientific data by doing traffic light. All this really does is allows the DNR to micromanage a male crab fishery that doesn't need micromanaging. And I just want to say to you guys that I looked at some of the charts and over the past 20 years, we have been below these absolute crab stock numbers 12 times. And 4 times we have kind of been equal to other numbers but

only 4 times have we been above where our male stock status is right now.

And I mean substantively above. So I mean, if you look at it, we are actually pretty good relative to the last 20 years. I honestly don't know why we are here discussing more scrutiny into the male industry.

MR. : There is a lot there.

MS. SINDORF: I am going to make a motion whenever you guys are ready for that.

MR. GILMER: Can I comment before you do, Gail?

MS. SINDORF: Sure.

MR. GILMER: And I think if -- I am very scared of the public perception that if you put this traffic light thing in the paper to the public, you know is it going to hurt the restaurants or is it going to hurt -- anything that says okay, we are in the yellow zone. We need to be cautious. We need to stop buying this product. We need to -- you know, I think you are giving the public and special interest groups another tool and that really scares me.

MS. SINDORF: So I think Moochie and I both agree that the traffic light is definitely something that I think is of issue. First of all, for someone like Aubrey who has sustainability. They do the same colors. They do the green, the yellow and the red. She -- they strive to get these greens. And here the DNR we know we are in the yellow. We

don't -- and I know it was asked several times. We are not in the green, we are not in the red. We kind of know just can kind of visualize what we are going to be. We don't land in the yellow. It is going to be hard for Aubrey to sit there and say oh yeah we are green for sustainability but the DNR themselves say we are yellow.

People have a pre-determined concept of what yellow means. It means yield, it means warning and it means stop. So I am going to hear that from the consumers. They are going to say you are yellow, you guys aren't doing very well. We should stop buying the product. So we not only have issue with that, I have an issue with the overall extra added screens on the males on anyway. I see us as being pretty sustainable.

I mean, 20 years. We are the 13th best out of 20 years. Why now? Why are we here?

MR. LAY: Anybody want to make a comment?

MR. LUISI: A few comments. The traffic light discussion that night kind of got a little -- it just got out there. We brought it forth as staff to the committee to because of the issue that happened this year where the male harvest as it was compared with a total catch to the abundance had hit that conservation trigger. So we are thinking ahead and trying to plan ahead as to how we would address changes that we need to make in the male fishery.

Now, those changes will be demanded more under a condition where we go over that conservation target and the science and CBSAC say Maryland you need to do this. You need to reduce harvest on the male fishery. It is going to be more difficult for our agency to expand male harvest in light of an abundance without some basis of why we feel comfortable that that expansion can happen.

That was the commitment that we made to the committee that we would explore alternatives to how we would we -- how would we look at a male abundance coming out of the winter dredge survey and provide our best -- to our best ability decide if there are enough crabs to change the five and a quarter inch crab -- you know, the five to five and a inch to make some adjustment there to allow for more harvest. If we use an approach like the traffic light which is a well known -- it wasn't greatly explained that night and that is my fault.

If we use something like that to base our understanding of the abundance as it compares to stock, it puts us in much better position to go out to the public and say we as an agency feel confident that the stock is healthier or it is healthy enough to withstand additional harvest in light of you know that work. So I -- the discussion got a little, you know we went in a bunch of different directions and I know there is a -- I understand, I

get it. There is a fear that we are going to make -- there is going to be changes coming on the male fishery. And for 20 years, it has maintained a relatively stable abundance based on what it is we know from the winter dredge survey.

We did this an exercise for looking into the future. And personally, I would rather have another opportunity after we do some of the work to take it back to that committee. Or even have an opportunity to address what it is with tidal fish before it just -- it gets squelched. It gets stopped. And I will promise and make the commitment that this is just an exercise of evaluating a tool that looks at abundance and it uses a bunch of different indicators to give us an idea for stock health. It is not anything that we have any interest in right now, putting in place or using it as a mechanism for reductions.

It is not -- we are just -- we want to explore for the future. That is what we have discussed internally. I hope that answers -- I don't know if Dave has anything else to offer --

MS. SINDORF: I have so much more to say. So you know I would like to -- I think that projecting forward and part of the reason is because of this 34 percent you know trigger. And I would like to discuss that trigger and I have some numbers here, I want to make sure I get them here. So CBSAC knew that we triggered before they wrote this report.

So they were well aware of that 34 percent. And I want to write the quote from their report, "Immediate management action for male crabs is not necessary." It is on page 12 at the bottom in case anybody is interested.

Now this group is full of scientists. If they thought there was even an issue which I know if anybody was bored to even think such an issue, if they felt there was one, they would have made some recommendations. They wouldn't have said the word should. They would have said you got to do it. I think they err on the side of conservation and anybody on this board knows that I do as well. And if I even thought and I looked, Mike, I looked, if I even thought there was an issue with male crabs, I would be here supporting it.

But I don't and I don't -- and about this trigger. And I want to talk about this a little bit. 2017 we had stellar year. I mean, if Aubrey was here, she would probably say -- you could probably say that they had Virginia crabs what March 15? We had crabs April 1 and we had them Mother's Day, we had Father's Day, Fourth of July, Memorial Day, every weekend. I mean, we didn't have any real peaks but we didn't have any valleys. We just had an exemplary year.

I mean, and we didn't catch many more crabs in 2017. Really because we didn't have a heavy fall run. So overall, we kind of abstain the crabs -- we caught a higher

percentage of what the dredge survey had given us as a number so therefore we hit the 34 percent. But I don't want to sound like it triggered. I mean, we caught 34.2 -- I mean, it was some -- we caught and I have heard Robert T. say this many times. We caught what we are allowed to catch. And that is okay. So trigger technically isn't really anything and let me just tell you, we are not triggered next year.

Just so you know, anyway -- I have zero problems. I just think this is not the time to do this. I don't see the necessity and I don't see why we are pursuing this. And quite frankly it does scare me and I don't think we need to be scared when there is nothing wrong with the male fishery. We look sustainable. And I think we don't need to be micromanaged. I would like to make a motion when I can. We got Russell -- oh I am sorry.

MR. LAY: Robert T. had his up.

MR. BROWN: I had a problem with the green light and the red light and the yellow light and I mean, my main problem is with it, you know, what are we going to be doing different and what other science are going to add to what we are doing now? That is one of the questions that I got. Are we doing any kind of different surveys to add into this? My problem frankly is not with opening up for the male crab, my thing is us getting cut. That is what I am worried about.

And you know maybe they turn around and tell us we

had the CBSAC, wait a minute, well you got the lights up there, you catching a few too many crabs and so we are going to have put you on a quota bushel crabs for your male crabs. And I don't think anybody in here wants that. So I am -- I was not convinced of that when I was the crab committee and I am still very leery of it. And I think we -- we got a good abundance of small crabs up there that is coming, all different sizes. We have seen them go up the bay and up our rivers before a few years ago when the State said we were going to have one of the biggest crab seasons that it was.

And it never came back down, what happened to them? Did they die from disease? I don't think so. You got all these predators out here. You got the rockfish. You got all of them out there and all of the croakers back then. We had puppy drum. And also in a lot of these rivers now, we have all of these blue cats that are eating these crabs. So -- that is all I got to say right now.

MR. LAY: Russell?

MR. DIZE: I -- great report Gail. The scientists, scientific that is what I want to hear. I have always argued for the dredge crab survey. I think -- don't tell me how many million it is but show me that graph and it works. If you will look at the graph at what the state has done, it works. So I want to ask what would the state do if we hit a yellow light because with females, I understand totally what

goes on that we hit a trigger, you don't catch them and we got more to go spawn.

What is a male crab going to do? Two years is life span maybe, maybe three. I have heard different things but watermen know what it is. The other day we lost 35 percent of our big male crabs because of the winter cold. But what would you do for the male crabs? Now you are a scientist, you are a biologist, tell me what would you do? What would you do?

If you hit a yellow light, what would you do? What are you going to preserve? If you -- you said all right we have hit the yellow light, we don't want you to catch as many crabs.

MR. LUISI: So here is the thing. We are right -- we are hovering around that average. That is what our abundance is for this coming year. It doesn't mean that that is yellow. That doesn't mean that it has to be a yellow part of the analysis. It could easily mean that anything even below average is something that is healthy. And what we talked about at the committee was that the committee would have the opportunity to make -- to move those tolerances around as far as a recommendation on how those numbers come out at the end.

MR. DIZE: I understand what you are saying and I understand the stoplight and I understand what goes there.

What I want to know is, what would you do if we were under radar for the male population. If you don't let us harvest them within a year or so, they are going to be dead anyway. You know that and we know that. I understand females, it works. Save them, they go spawn and we get more crab. Don't work that way with males. And this -- I totally agree with what Gail has said. That if you show this to the public maybe you might understand, we might understand but when the newspaper gets a hold of it and they put it upon the front of the *Sun* and all of the other papers, *The Capital* and *The Democrat*, I want to tell you right now, it will get out of hand. Better leave it alone. You doing well with the crab dredge survey and --- getting from it and handling it within the --- don't go with this stoplight, I am telling you. I agree with Gail totally on this.

MR. BLAZER: I understand the trepidation about the stoplight analysis and any you know, but I think there is three things that keep coming to mind from me. One is you know, when we started talking about the five inch versus the five and a quarter inch male crab, you know, when we talked a year ago with the industry work group, it is kind of a cutting edge, you know. Because people wanted to expand the harvest of the male crab by going to a five inch crab versus a five and a quarter in July.

How can they get more time with that? We have got

to be able to have some scientific justification to be able to do some of that. Then this year with hitting that trigger, that is only the mechanism we have to give us an idea about management measures. So the idea of a traffic light and it doesn't have to be a traffic light, just some other analysis I think is what we were looking to do is how do we know the status of the male crab population? The winter dredge survey gives us some numbers but we don't know -- Gail cited the last 20 years and it is good. We are average. But what happens if we start to go below average where we hit this trigger again or you want to expand the male fish.

It is kind of the good and the bad but we were looking as an agency how can we get better use of the scientific data that is going to give us a better justification and a better understanding of what the male population is doing and how it is going to react. So you know again the stoplight, I understand the issues with the red, yellow, green and that is something that North Carolina did and still uses that we felt maybe was applicable. But maybe it is not for us.

MR. DIZE: Don't compare us with North Carolina. They are a dime a day --- crabs.

MR. BLAZER: Well, they had a lot of red in there, the stoplight analysis the last two years.

MR. GILMER: They are -- don't want to interrupt

but in North Carolina is not a place to sell crabs. We need to keep the public perception to --

MR. BLAZER: Yes and totally agree. So let's start, let's kind of throw out the traffic light analysis if you will. My biologist may be kicking me but maybe that is not the approach that we want to take. I think the approach we want to take is the only management tool that we really have is that conservation trigger that is there. We want to try and figure out some other index just like with the females in the winter dredge survey and the juveniles, you know, we look at all of that data but the male, we just have one line that goes across and one trigger as it goes through.

So we are trying to figure out you know, if you want to expand the fishery, the five inch crab fishery for another two weeks, what justification, what can we say to go and do that based on what analysis we have. So that is all I think we are trying to do and Mike correct me if I am wrong or elaborate on anything I have said. But don't get hung up on the traffic light analysis. Based on what I am hearing today, the traffic light analysis is out. It is gone. You won't see a red, yellow and green again. Okay.

But from our view point, we want to look at something other than just that one conservation trigger that is in the CBSAC report, is there other data, is there other information that can help us with managing the male blue

crab population. So?

MR. LUISI: We want to be able to when that conservation trigger is met again --

MR. BLAZER: Not this year.

MR. LUISI: Not this year. When it is met again, and those -- that believe that that is a harvest level that is unacceptable. We want to have something that we have analyzed that can actually argue against that if we feel that the population is still healthy even having met that conservation triggers. So if we don't have a tool for that. If we don't have any other analysis and CBSAC recommends we have to take a cut, we have to go to five and a quarter all year. We have to shut the season down earlier. Whatever mechanism will be put in place to reduce harvest.

If we don't have a something else to argue against it that is scientifically understood. Then we have no tool. If we have a tool that we say here is what our analysis is of that. The conservation trigger, you can toss it away because this is our second look and with this, scientifically defensible, not a line on the graph that just was picked out of thin air, but scientifically defensible analysis we may have a better opportunity to work with what we have got rather than being told what to do. I will leave it at that and I won't say another word.

MR. LAY: Ken?

MR. JEFFRIES: Two things, I wish we had that number for stripe bass but I will bring it up later. So are you saying that if you are not hitting that number, you are going to extend the season, if Gail is right? We are all under the -- you guys make it sound like it is abysmal a year or two and you want to reduce the season or what if it is a year that it is good, are you going to extend it? I have never --

MR. LUISI: Well so that is exactly the reason why we started this because a year ago, we had a long discussion and debate about the five and a quarter inch crab and whether or not we should extend that season by six months -- six weeks. We didn't have anything other than winter dredge survey line and the average line that went in front of it to realize that that extra harvest was going to have any effect on the male stock.

So this analysis that we would do, gives us that ability in a year when the mail abundance is at a point where we feel comfortable, we can say again just like we were to CBSAC, you got room. You got -- we may have some room this year to extend the harvest, whether it is at the end of the year or earlier in the -- no earlier wouldn't work out but we might be able to do something with that five and a quarter inch chop time period that would allow for more harvest to happen. That is --

MR. JEFFRIES: So you are trying to create a science model?

MR. LUISI: A science model. That is perfect.

MR. JEFFRIES: Well most of us aren't privy to your meetings, so I think we could have narrowed this down by saying science model. Throw a traffic light out. Gail make your motion, let's move on.

MS. SINDORF: Oh no I have so much more to say. We are just beginning here. So I first of all want to say that and no disrespect to you guys. You guys do a great job. But the DNR taketh away and doesn't typically giveth. Even if you come up with something, it is now --- okay. Just don't want to break your heart but I am just telling you. And we did hit this 34 percent and I want you guys to know that at this point, we are still sitting with 34 percent increase of zero plus males out there. So I think we are like in pretty good shape for next year. I don't think our very --- have hurt anybody. I think the male fishery is very stable.

And I think sometimes that this seems to keep coming back to this five inch crab. And I don't know, maybe right now it is time to have and greet the elephant in the room. Maybe we need to talk about this. Maybe TFAC and --- needs to talk about a five inch crab and I am willing to talk about it. I think it falls in line with -- I think this is truly why you guys are doing this. And in order to help

facilitate or help not facilitate this five inch crab, from my perspective, you are hurting my industry.

And so I would like to have a discussion on a five inch crab right now if we could. If everybody is okay with that? It is going to take actually ten minutes, you know I like to talk. So --

MR. JEFFRIES: I got one more question before you start. How are you going to account for the recreational crabs? If we are getting this scientific number that is supposed to be spot on, how are we guessing that?

MR. LUISI: It is a straight percentage that comes off.

MR. JEFFRIES: You are going to finalize the commercial docks?

MR. LUISI: I don't think we have talked about penalizing anybody at all. I think you said --

MR. : Said a five inch crab.

MS. SINDORF: We actually did. We discussed the --
- last week at the crab community we did discuss what is --
if it happens what would we take away. That did get
discussed.

MR. LUISI: Yes what type of tools could we use to take away?

MS. SINDORF: Correct.

MR. LUISI: Fair enough. And I just will say and I

understand. It is often what tools would we have to take away. Our work on this analysis was completely focused on what gives us tools to provide when we can. That was -- it was not and we did not premeditate this to be a way of reducing your harvest and messing up the industry or throwing a wrench into what is a successful business in the state of Maryland.

So just need to -- I just need to put that out there on the record that that is what we were thinking when we started this.

MS. SINDORF: Okay. So discuss the five inch crab? You know I -- this is my thought process, Mike. You know we do all of this for the five inch crab when and I still speak for all of you, when we don't want it. And I would venture -- I have spoken to many counties, talked to many people, I know there are two that desperately want it in Dorchester and Somerset crab, I know that they do. But I would venture to say that it is 70 to 80 percent that do not want a five inch crab.

MR. : Talbot.

MS. SINDORF: Talbot. I think Talbot is half and half. I spoke to -- they seem to fall 50/50 from what I have heard. So I am saying you are putting this extra resource into something that we don't even want. That makes absolutely no sense to me. And I don't speak for everyone

here, like for example Aubrey, I respect why she wants a five inch crab. If I were a processor, I would want a five inch crab as well. I mean, she is a business, she is a business of inputs(sic). She is not some service. She has to make her money on this product. Therefore the lower the price, the better off she is. A saturated market is good for her and if I were a processor, I would be fighting for a five inch crab too.

I don't necessarily know why Bubby wants it but I can tell you this that the man has calculated his finances and figures out that he makes more money with it, so I respect his feelings as well. You know, with that, I don't think that we need you to protect us or protect the 5 inch crab either way. I don't think we need it. As far as you guys in the southern bay, I think that north lets you guys have whatever you want in females. Whenever options come up, we never say a word, if you want option A, B, C. We never say a thing because the female crabs don't hit us the way they do you. We get it. But when they come to male crabs, I mean, you are coming into our yard now and we certainly have a say.

And I want to explain to you guys why specifically we don't want this. When you read the winter dredge survey results as well as CBSAC results, you will see for year after year after year and there has been some anomalies but year

after year after year, the smaller crabs do not die. They have almost zero percent death rate. It is negligible. I mean it is nothing. So for us, that is just money in the bank.

I mean, up north we lose 20 percent of our big crabs. We need those small crabs in the spring. We get \$30 for them in the fall. We get \$150 for them in the spring. It is money in the bank for us.

MR. POWLEY: But we get \$75 for ours.

MS. SINDORF: I get it, I get it and again I respect that but I just -- let me continue with whys, I want you guys to really understand us. That is all, Bubby and all due respect to you, I do. You know we get \$30 in the fall and here we get a \$150 in the spring. And for us, this is money in the bank. We don't want them taken out of the water.

They are what lives for us up there. You know, as well, we don't understand why you would want in the fall to saturate the market further. I mean, you know if Bubby catches two or three more bushels of males because he is allowed a five inch crab, I can tell you when you saturate the market you are going to reduce the price that you are getting on your females by \$5, \$10, \$15 a bushel. So what you gain in one place, you are making up -- you are losing another.

And we are here. The reason we are here in my

opinion is to try to conserve the resource and make the most amount of money that we can on it by taking the least amount out of the water. And by saving a five inch crab, that is exactly -- that is exactly what we do. All I am saying is I understand why you are doing this and I get it. But we don't need your protection. I feel a total respectful conversation with Bubby can be had and Aubrey we can talk about this five inch crab when it comes up, if it ever does.

I don't think it should. I feel like we have a very stable male industry and don't see any reason why we would turn on the five inch crab longer than what we have it. You know, I am concerned that when we leave here today, I am putting in a motion that you don't pursue any more male management tools. I am going to put that motion in. And I have a feeling that for some reason you guys are going to go rogue and you guys are going to do it anyway and you are going to have -- you know, a process --- to do that as well.

And you know, that is fine. But I am going to tell you that if 80 percent of us don't want it, that if you guys were to --- the crab on us, I feel quite certain that whether I am sitting here or whether I am sitting there, I am going to make sure social media hears about it and hears who had the brain child to give us a crab that we didn't even want. And I am sure the conservation groups will be salivating at who said yes let's give them more crabs to bait for people

who don't want it. That really makes no sense.

I am just saying guys, I think we need to back off the males and I -- when you guys are done, I would like to put a motion in please. And Bubby if you would like to talk about the five inch crab, absolutely.

MR. POWLEY: Yes I would.

MS. SINDORF: Absolutely.

MR. POWLEY: You got 20 years -- you said you had 20 years of record for male crabs.

MR. LUISI: Oh yes we got more than that.

MR. POWLEY: When was the five and a quarter inch crab put into effect?

MR. LUISI: 2002.

MR. POWLEY: 2002, all right. So how much difference is at after -- from before 2002 and now? How much difference was it in the harvest? Did it grow? Did it grow after you put the five and a quarter inch crab into effect? Didn't change anything did it?

MR. LUISI: I don't know the answer. I would have to be prepared to talk about all that. And have the things to look at, I don't have it off the top of my head. As far as harvest, what the harvest was as it relates to the change. It wasn't anticipated that the harvest was going to be decreased. But then what happens is, you have different levels of abundance because that crab only lives a year or a

couple of years, those spikes and peaks in abundance also makes a difference to the -- you know, to evaluating it based on to ---

MR. POWLEY: What other state other than us, changes their size limit of male crabs in the middle of the season. Delaware? Virginia? Nobody. So why should we be penalized?

MR. LUISI: It was a tool that we put in place so that we -- don't know the history of it all.

MR. : Wasn't it a tool just for review the --

MR. LUISI: Yes, Genine can probably speak a little more to it than I can.

MS. McCLAIR: Yes. So in 1999 to 2000, the population declined to the lowest level that we had seen since 1968. So they said that we needed to do something. And they put in place management tools, specials and targets. And they basically found out that they needed to take a 15 percent reduction harvest in order to meet the population target. And so in order to get that 15 percent, they basically made changes to the regulations over a three year period to get to that 15 percent.

The first thing that they did was the day off started with taking the -- the idea of take offs Sunday or Monday. Then the following year, they started the eight hour

work day and that is also when they put in the five and a quarter starting in the middle of the season. And that was all done to kind of add up to that 15 percent reduction and harvest that we needed to get to -- in order to hit that target.

And my understanding is that it was successful and that is why there weren't more regulations put in place beyond that.

MR. POWLEY: And again.

MS. McCLAIR: Right, I am not sure exactly what we are doing again.

MR. LUISI: The other jurisdictions did other things. We chose those two parts. But Virginia -- I don't know all of Virginia's rules again off the top of my head but they may have done other things like pot limits or bushel limits you know to restrict that harvest by that same percentage.

MR. : Delaware.

MR. DIZE: I might be able to give you some history on it. We had a meeting at the church, Methodist church. I saw around beside Bubbly and a couple of more boys from Dorchester and a couple of boys from Talbot. Lynn Fegley was up in front. And she had a chart. She had a line going across with the percentage of crabs needed to be left in the bay. They -- at that meeting they decided three things. To

go to a five and a half inch crab to restrict the hours that the crabber could crab. And the third one was, one was how long you could crab and the one was the starting time.

So there was three things. And -- so I asked Lynn, I said well when will this come off? When -- this is temporary you say. When are these going to come off? She said as soon as we get to that line or above. Within two years, we are above it and we refuse to take it off, so it -- that man out of Dorchester County, Talbot County and Somerset County don't trust DNR, because they didn't do it -- what they said. She made the statement when we hit that line or above, those regulations will come off.

They -- they are still there. They have never come off. Same exact regulations and they were put on in that crisis time. So that is why it is not trusted in the boys down the bay or on the Eastern Shore, it is that simple.

MR. LAY: Gail?

MS. SINDORF: So about the return of the five inch crab. You still no matter what you want to bring up, and I respect all of this, you still have a 80 percent and I am guessing that number but I can tell you, some one is turned around at 90 percent. But I can tell you that it is way over half of the watermen. And it is a high number. If they don't want it, what does it matter that any of this? We don't want it back. It is money in the bank for us. If they

sit there, we let them -- we get a \$150 for them in the spring. We don't want this crab back. So --

MR. : But Gail, our guys are getting \$150 for that five inch crab in the spring, aren't they Bubbly?

MS. SINDORF: And that is what I am saying, that crab sits in the water for --

(Whereupon, the parties are speaking simultaneously.)

MR. : It is five in the water. That is not saying --

MS. SINDORF: No I am saying the five inch crab that isn't touched, the five to five and a quarter inch crab, that is sits there in the fold that we don't pull out, winterizes with a zero mortality and then in the spring we catch that crab. For \$150 instead of \$30. And that is what we get for it in the fall. Just saturates the market. We don't want those five inch crabs then. And that is all we are trying to say. We are just saying that if majority of us don't want it, then why do we even have this discussion? Maybe one day we can just take a vote and be done with this.

I don't know how the DNR can shove a five inch crab back on us if 80 percent of us don't want it. I -- that is all, that is really all.

MR. LUISI: And I can't say that that would ever

even be the case. I think we as a state agency, 80 percent is 80 percent. There is another 20 percent that we have respectfully listen to and they have their own concerns. And that is why this is a big -- this is an issue --

MR. DIZE: Gail, to a point, 80 percent -- 80 percent of the crabbers or 80 percent of the county?

MS. SINDORF: We went through and --

MR. DIZE: Simple reason I am telling you that , it is about ten times more crabbers in Dorchester, Somerset and Talbot and especially if you get to Queen Anne then --

MS. SINDORF: Queen Anne's, nobody wants it. Nobody wants it --- and we did Queen Anne's County, Baltimore, Anne Arundel, St. Mary's, Charles, gosh there was another one, Kent. Kent and we had pretty much -- Talbot was shaky. They were -- we seemed to find 50 percent leaning there. But we found pretty much universal that everybody understood that the concept that these five inch crabs were money in the bank for us.

They just winterize and we caught them for \$150 in the spring. And no one wants it. They just don't want the five inch crab back. Now I know that Bubby has asked for two weeks and look, I am not going to sit there and argue with you for two weeks. I have no defense for it. But in the fall, we just don't want it. And that is kind of where we are. And I do respect you taking care of the 20 percent, I

do. But we don't want it.

MR. DIZE: Gail, were you going to make a motion?

MS. SINDORF: I was. If you guys are ready for it? Ready for me to stop talking? All right.

MOTION

MS. SINDORF: I would like to make a motion that TFAC requests that the Department of Natural Resources abandon its effort to research and implement a more aggressive male blue crab management tool at this time.

MR. POWLEY: Does that include ---

MS. SINDORF: No, this is just talking about --

MR. POWLEY: So what are we talking about now?

MS. SINDORF: Okay I am so sorry, let me tell you what I am talking about. I am talking about the DNR going after management tools on the male crab population. In other words, to look at traffic lights or any other mechanism, what we have status quo is what I am looking for. Would you like me to repeat it?

MR. : Yes.

MR. : In other words, leave it alone.

MS. SINDORF: Leave it alone. That is what I am trying to say.

MR. : Say it again.

MS. SINDORF: Sure. TFAC requests that the Department of Natural Resources abandon its efforts to

research and implement a more aggressive male blue crab management tool at this time.

MR. POWLEY: And you are talking about stop lights?

MS. SINDORF: Yes. Talking about stop lights. This has nothing to do with the ---

MR. : Has that network researched, really taken -- tied our hands.

MS. SINDORF: Okay go ahead. Explain, I am sorry.

MR. : If you tell them that they can't research other options in the future, you are tying their hands if there ever becomes a shortage. That is the way that I look at it.

MS. SINDORF: And it does say at this time. It does say at this time. It doesn't necessarily alone -- I mean, if we hit it again, we have a 30 percent again, it certainly is going to be up for discussion. So you know, but yes you guys can manipulate that or discuss it all you like.

MR. LAY: Any other questions on the motion?

MR. SCERBO: I got a question. I agree with the intent. I don't agree with the wording at all. These people are paid to research. And manage a fishery.

MS. SINDORF: Oh no, no it isn't talking about researching the fishery. It is talking about researching the tool.

MR. SCERBO: That is not what you wrote. It needs

to be rewritten before I can vote on it.

MS. SINDORF: Then you do it. We are relying on you. Rephrase that.

MR. SCERBO: Read it again. Well --

MS. SINDORF: We are trying to get that motion.

MR. LAY: Well we are working on this motion at this time.

MR. SCERBO: I wholeheartedly hope that the DNR is researching and studying crabs every day of the week.

MS. SINDORF: Yes.

MR. SCERBO: But I have reservations about the life system for the same reason that that in some instances like the terrorism code number thing, it turned out it didn't work. Also any kind of changes, I am very leery of. When there is a little bit of a worry because of a certain amount of numbers and also depending on the political winds, you can get some change. And we had change in the oyster industry as far as aquaculture goes and it has been a complete disaster as far as watermen are concerned.

So we do not want any camels sticking their noses under the tent of restricting anything without plenty of data. Okay and obviously finding data on male crabs in this fishery is almost impossible. You guys can -- you guys have been studying for 20 years and you still can't really you know give us anything other than you know, when be careful,

we are going to cut back on an effort here or there in the female.

So if Gail wants to put in a motion but leaves out the research part.

MR. CARSON: Read it without the research and let's see what it sounds like.

MS. SINDORF: Okay, TFAC requests that the Department of Natural Resources abandon its efforts to implement a more aggressive male blue crab management tool at this time.

MR. SCERBO: That is fine.

MS. SINDORF: Okay.

MR. CARSON: That is better. But the research I think is very --

MR. SCERBO: I expect them to come back periodically and you know, pull on our coat and say, these numbers aren't looking too sporty. You guys might want to hear this. I want them to do that. But you know --

MS. SINDORF: No, sounds good, Bill.

MR. BLAZER: So TFAC requests DNR to abandon its efforts to implement a more aggressive male management tool at this time.

MR. POWLEY: Such as the green light --

MR. BLAZER: Such as the red light, green light.

MS. SINDORF: Good.

MR. BLAZER: Is that reasonable to everybody? Is everybody okay with that?

MR. POWLEY: Yes.

MR. LAY: Okay, do I have a second to that motion?

MR. GILMER: I will second it.

MR. LAY: Moochie second. All those in favor, say aye.

(Chorus of "Aye".)

MR. LAY: All opposed?

MR. : Nay.

MR. : We got one nay?

MR. : One nay. And Russell is --

MR. : Everybody else is a aye and one nay.

MR. : Raise of hands will kind of help sometimes.

MR. LAY: Well, I would have done that if it had been close.

Fisheries Management Updates

by Mike Luisi, MD DNR

MR. LUISI: So we are going to move on to the last item on the agenda. I have got a few things to cover with you. It is going to be pretty brief. So what you will see in your packets is something that Dave and Lynn and I discussed wanting to include to you in the upcoming

commission meetings. Also if you look back to your packets tab 7 and tab 8, those are going to start looking more standard to you.

What you are going to get in those tabs are pass ASMFC and Mid Atlantic Council meeting summaries so you can see and read for yourself what happened and what transpired during our last commission meeting. We are then going to place the most recent or upcoming meeting agenda in there so that you can see what it is that we are taking on from both the commission and the council work at an upcoming meeting.

We have in the past looked at upcoming meetings or have reported out summary information from the previous so at the ASMFC spring meeting, now we would typically go through and explain and tell you guys all the little things that happened. But you know in an interest of time, for future meetings, we want to get that summary to you weeks before we meet here. So that if there is a species of interest or some place in there that you have a question for us, we can just answer your questions without again rehashing the entire meeting week that we had at ASMFC.

We will still continue to highlight things of what we feel are of great interest to this commission. We are not going to sit here and say ask us any questions that you have. So with that said, you will find again in tab 7 and 8 all of that relevant information on stock status and meeting

summaries. The MidAtlantic Council does a really nice job if you flip through the tab -- they -- and I am going to suggest maybe that ASMFC does something similar where they have identified all of the current actions that are happening at the MidAtlantic Council. And they have given you a time line as to when those actions seem to be likely to be concluded.

And then some brief description of what those actions are. I find it very helpful serving as the chair of the council when someone comes up to me and asks me what is going on with this amendment and I -- you keep track of too many things and you lose some stuff along the way. So spend some time with those tabs and certainly let us know, just again you will see them in the future as we meet to discuss ASMFC and the MidAtlantic Council updates.

MR. CARSON: Mike, are you going to give us a class so that we can understand what they are saying? I am serious. I took page 12 and 13 and read it and read it and my son read it, my wife read it and I don't understand it.

MR. LUISI: We have talked about before during you know spending some time with the commission doing kind of a stock assessment fisheries management 101, spend a half of a meeting explaining what some of these terms are and I think the terms are where things get lost. But --

MR. BLAZER: And also, if you look at pages 12 and 13, it is the striped bass management board where there is a

motion to substitute, there is a motion to amend, there is you know, your Roberts Rules of Order are even the most experience person is tested to follow what is going on on page 13. So I understand where you are coming from.

MR. CARSON: Well I am going to tell you the truth, I am -- I am confused.

MR. GILMER: Mike or Dave, I mean, sometime like in January or something, can we come for just a day and actually sit down and talk about how this stuff is written and --

MR. CARSON: But they are not going to write it because they -- the people who wrote this have been the first and -- further than I am by a long shot.

MR. GILMER: Right, but give them a chance to explain more to us about how the whole process is.

MR. CARSON: Well, and I would like someone from there to also sit on -- that to me --

MR. BLAZER: And I think that is a great idea. I think we would be more than happy to set up a day. We know that during this three hour time slot, we don't have time to get into all of the details. If you guys would come and be interested in a day long work shop seminar and we can bring somebody from ASMFC and council --

MR. GWIN: Are you sure that will be enough time?

(Laughter)

MR. BLAZER: Says the man on the MidAtlantic

Council. We would love to do that. We talk in the office all the time about how can we do a better job of providing the information to you that is understandable about the ASMFC process, what is an amended -- you know all of the terminology that they use. So we would be more than happy to do that to help you guys understand more.

MR. GILMER: Understand that this is even on the county level. You know I will go to my county meeting and you will talk about stuff and I will listen. And I will have people come to me after the meeting and say I don't understand this. So you know, the next day, if I can help somebody out, sure some time in the week, I will say let me explain to you how we got here. And that is -- that is half the problem of getting people to understand. And they say okay now I understand what you are talking about. But it is -- in any short meeting, it is very hard to get that done.

MR. BLAZER: So can we make an action item that in January or February sometime, that we can set up some sort of a work shop for commission members?

MR. CARSON: I will certainly come.

MR. GWIN: Same here because being on the MidAtlantic, it is definitely a learning curve. And I would be very interested but the dates, please let me know because I have plans for January or February that --

MR. : I am Florida.

MR. BLAZER: I would also make the suggestion to --

MR. : I would have no trouble with --

MR. BLAZER: We want to make sure that you guys understand this. So whatever we can do to help you with that.

MR. : The whole fishing community, not just the people at this table.

MR. : If you are going to have it in January, make sure it is not in the trade show --

MR. BLAZER: Yes, I got you. Or maybe we do it at the trade show. Do a seminar at the trade show.

MR. : What is the date on the trade show?

MR. BLAZER: January 15. Just do something, you know.

MR. LUISI: So I just would like to ask a question. If we are going to do a seminar, I would like to get the direct questions from you guys. So if you could spend some time over the next few months, saying that here is a place that I just don't understand, Mike, help me understand it.

MR. GILMER: Want to go through the whole packet.

MR. : Roberts Rules of Order, that is different from --

MR. LUISI: Stock assessment information and understanding the terminology about spawning -- about biomass

and reference points and those are two different things.

MR. GILMER: I mean, Russell can you tell how many times at NWA meetings we picked his brains about what went on there just to get it explained to -- in terms that we could understand. You know, it is --

MR. CARSON: Let's take the second paragraph and starting at the bottom, "Results also indicate an interest" and read that and explain that to me.

MR. LUISI: I don't know where you are.

MR. BLAZER: On page 12 of the striped bass management board.

MR. CARSON: Second paragraph. --- down and start with results.

MR. BLAZER: Addendum four reference points for example, striped bass -- spawning stopped biomass and or fishing mortality, F levels based during a period when the stock was considered in good condition. So there is formulas and indexes for spawning biomass and fishing mortality that.

MR. CARSON: But if we don't know what F level is and I mean, it is -- there is my problem.

MR. BLAZER: That is helpful.

MR. LUISI: Okay we can certainly do that. All right, okay to move on.

MR. LAY: Any other questions on this?

MR. LUISI: I do -- I want to just highlight, the

only Atlantic States Marine Fisheries Commission is going to be meeting from August 7 to 9th. And other suggestion is if you have the time, come over to Arlington and come to one of the meetings that is of interest to you. You get to see how it all works around the table.

You can also listen in on a webinar. You can dial in and listen to how things go. I picked up three species boards that I thought would be of interest to you guys on the commercial side. The first one is the Menhaden management board. Menhaden is going to be discussing Virginia's inability to get their legislature to implement the 51,000 metric ton bay cap and so they have a bay cap that is higher than what the ASMFC has told them that they need to do through Amendment 3 and there is going to be a discussion about whether or not they are in compliance with the FMP or with the amendment.

And so that will be an interesting discussion on Menhaden. American eel board is going to meet to take final action on Addendum 4. Now we have talked a lot about eels over the past few years as we were managing under the -- while addendum 4. Addendum 4 was the one that had the triggers. You know we had coast wide catch. If we exceeded the triggers more than once and they were in consecutive years, then we would fall back to a state by state allocation which was a pretty big deal for our eelers in Maryland.

So we have been working with the commission to start and initiate this new addendum to make it so that there is a possibility in the new addendum that we would be able to message on a --- wide basis without the fear of having to fall to state by state allocations. There is going to be a discussion about the triggers and how they could be modified. And we actually did this year and we just submitted a letter to the board based on the work of the -- of the eel work group that we have and the members of the industry that took it upon themselves this year to reduce the number of days that they have at the end of their fall season.

They took it upon themselves to cut days out of the week. I think from what I remember. And those are -- Maryland is the largest harvester of eels on the East coast. And just by doing that, I think that they played a really significant role in keeping that coast wide cap from being exceeded that second year. And so you know, kudos goes out to the industry for stepping out to do that because if we had just left things alone, there is a possibility that we would now be falling into state by state allocations which is not what any of us want.

MS. KENNEDY: Sorry, Mike, to interrupt. Can I just follow up to that conversation and say that it would be really good to go to that eel board meeting. The eel work group certainly gave comment during the public hearing here.

And I think some folks went down to the PRFC. But given what a high percentage of the annual harvest, Maryland contributes, I think it would be really good for ASMFC to hear and see that the impacts of this addendum or amendment are really important to our industry.

And so it would be a pretty big benefit if you guys went to that eel board meeting in Virginia.

MR. LUISI: And so that board is meeting just to put it on your calendars, it is 8:00 a.m. on Wednesday, August 8. 8:00 to 10:30. Thanks Carrie.

MS. KENNEDY: Thanks.

MR. LUISI: Lastly, the South Atlantic Board is going to be meeting on Thursday, August 9 from 11:15 to 1:45. There was a motion put forth before the board at the last meeting to initiate an addendum to the Spot and Croaker Fishery Management Plan. That incorporates the new traffic light approach. Analysis and management response to those analysis. So there is some concern about the stock status about croaker and spot on the east coast. And so they are going to be taking a look at the use of traffic light type of analysis to identify what changes might be needed.

Can't say yet if it is going to be spot or croaker. It is a beginning of a process that may lead to and it is the reason for telling you, it may lead to some management action that we might need to take on those species. I can't tell

you what they might be and they would likely be commercial and recreational if it is needed.

MR. CARSON: It is a lot of the problem come in from the Carolina shrimp industry probably -- is that where the problem is? Why do we have to regulate it when they are killing them?

MR. LUISI: We are all part of it, but they are by catching the shrimp from troll nets is what I note to be a major problem. And that is going to be a high -- it is going to be a focus on what happens in this addendum. We already have measures in place for croaker. Whereas a lot of the other states on the east coast don't have minimum sizes on croakers. So we might already be ahead of the ball on that one. But again, we are going to keep you guys up to date and it is hard to know whether it will turn into --

MR. CARSON: You know, you have almost eliminated croaker from the live bait fish for rockfish with the 9 inch unless you get catching this fish here. If you take the spot away and then touch the perch, if you eat --- industry out.

MR. LUISI: We understand that.

MR. CARSON: Oh I do, yes.

MR. BROWN: Mike, on the spot, this past week, the pound net on the Potomac, we had a lot of small spot like this just show up. And of course, the water just got better too because the bottom of my net from half up, I just painted

it with red copper paint and it turned black within a day from dissolved oxygen. Because it couldn't oxidize. And now we had this --- past two or three days, it started turning back red and then I have had small spots like that and I have seen a number of these.

MR. CARSON: Well we have got a lot of spot at home, like that. I mean, a lot.

MR. JEFFRIES: We are seeing a lot on the sea side too. Start to catch the --

MR. CARSON: And when they make that run, that is when you all see all of this.

MR. LUISI: All right, so another announcement.

MR. BLAZER: Well, before you leave spot and croaker, so one of the things that Chairman Lay referenced in the beginning of the meeting was one of the actions that Sport Fish brought up on Tuesday. A lot of the recreational fishermen and charter boat captains down in Tangier Sound are very concerned about the conflict gear use between the gill nets fishing for spot and croaker and the bottom fishing with the charter boats and recreational fisherman.

So they made a motion to create a subcommittee. They asked if TFAC could be a part of that as well to talk about the issues, the gear conflicts between the gill net and the bottom fishermen, the charter boat folks. To try and address solutions with that particular issue. So I wanted to

bring that up to you all and if you have any questions. I know that this is something that surfaces every couple of years. Bill?

MR. SCERBO: Didn't we have an issue about a year or so back?

MR. BLAZER: Two years ago.

MR. SCERBO: Two years ago with -- and it was just a personal charter boat going against Tommy? And --

MR. BLAZER: Right, I think --

MR. SCERBO: Is it a similar situation?

MR. BLAZER: Well, this one was brought up from down in Tangier Sound so I don't know.

MR. SCERBO: It was a situation similar.

MR. BLAZER: It is different people that I got that are talking to us now.

MR. SCERBO: So the charter boats are coming out and not catching the fish after the netters have already --

MR. BLAZER: That is the -- yes, that is the --

MR. CARSON: The charter boats don't want the gill netters on their grounds.

MR. BLAZER: That is exactly it.

MR. CARSON: It has always been that way.

MR. BLAZER: Yes.

MR. SCERBO: Well good luck.

MR. LAY: It is not that simple for us because we

have got to be part of this discussion. The --

MR. SCERBO: Yes, but we went through this -- we had this whole discussion. We had the parties from both sides here and they --

MR. LAY: I agree, we did. But at the sport fish meeting, they voted to form a committee to look into this situation. They invited the commercial side to be part of the discussion. If we want to argue our side, we have got to have a couple of representatives, hopefully somebody from Somerset County that knows of the situation and what it is all about. And get together and productively work to settle this situation. I will tell you that I was not happy to hear Dave Sikorski say that CCA has outlawed gill nets in many states and if it comes to this, this is what we are going to have to do in Maryland.

I think that was very inappropriate for him to say --

MR. SCERBO: Well he said what was on his mind.

MR. LAY: It still was inappropriate.

Dave -- nothing personal -- I am just telling you what I observed at the Sport Fish meeting. Don't know whether it has anything to do with this or not. But it is a statement that was made. Don't know whether it has anything to do with this or not, but it is a statement that was made.

So it would be in our best interest to cooperate

with this work group and to have a couple of people on it. And I imagine it is a small, not isolated but it is relative to that particular area that there is some user conflict there. And it would be to our benefit to have members on the work group and try to work out some kind of compromise if that were to be able to be done. I don't know the specifics of the situation but enough people do that I think a meeting of the minds would be beneficial. Robert?

MR. BROWN: I will volunteer to be on it. I can get in touch with the fishermen down there, Dave -- I can't think of his last name. He deals boats down there. He is --

MR. : Dave Mason.

MR. BROWN: Yeah Dave Mason. Because we were on it last -- when we had it last time, Dave Mason, he is one of the fishermen down in that area.

MR. LAY: Do you think Greg Price or Danny Webster would be of any help?

MR. BROWN: Yes.

MR. LAY: Would you contact them to see even if they weren't interested maybe they could recommend someone?

MR. BROWN: Yes, how many do you want?

MR. BLAZER: Sport Fish has 3 members.

MR. BROWN: So 3.

MR. BLAZER: Yes, so 3.

MR. LAY: At least yes.

MR. BROWN: Okay. What do you want to --

MR. LAY: We haven't set up a meeting. We are just looking for volunteers to --

MR. CARSON: You got a man here from Somerset.

MR. JEFFRIES: Would this be free of them come to the TFAC meeting and then discussed individual or separate?

MR. LAY: It would be a specific special work group.

MR. JEFFRIES: Okay.

MR. BLAZER: And those six people would meet and then come report back to you all.

MR. LAY: Would you like to be on it?

MR. CARSON: Yes, I think I will.

MR. LAY: Okay, thank you.

MR. JEFFRIES: Are the charter boat guys complaining going to be there?

MR. : I -- yes Mack was complaining and he is on the committee.

MR. JEFFRIES: Whoever it is, it isn't a member. So, I am not going to be there.

MR. LAY: Dave, do you have some --

MR. SUTHERLAND: I think it would be helpful to this group to be able to see the minutes of the -- with regard to that discussion, that is sport fish, I mean, I think that is a good educational part to kind of get an

understanding of who is saying what. Just a suggestion.

MR. CARSON: I myself even feel that if they should like 2 or 3 people represent them and then bring it before this committee. That is the way I feel it should be handled. In other words, let them get their ducks in a row. Come here and try to sell this group on it. Make a motion. I mean, we do it on everything else, why should that be an exception to that.

MR. LAY: Well right now they have made a motion and it passed to form this work group and they have invited us to be part of this work group. I would certainly think in sequence after the work group met, that both commissions would discuss it -- the results of the committees work groups findings and see where we would need to go from there. That seems to me logical. Apparently it was logical to what they wanted to do and accomplish. So like now I am asking that we cooperate with them and get some representatives to meet on this work group.

MR. CARSON: But it will end up at TFAC meetings?

MR. : Oh yes, absolutely.

MR. CARSON: It has to --

(Whereupon, the parties are speaking simultaneously.)

MR. LAY: Yes, I will guarantee you it will. And we will have a bigger discussion after we get the nuts and

bolts of the issues.

MR. CARSON: Can I get Gail to represent us?

MR. GWIN: Yes, I just had one suggestion and I don't know how far it would go. But it is certainly a shame that you couldn't get a consumer to -- on the board to let them know because I know that commercial fisherman are feeding the consumer and in ultimate end, they are going to be the ones that either going to win or lose in this battle. So it would be nice to have a consumer to sit down at the table and say you know, this is what they want to do and this is what we want to do. It is just a suggestion. Thank you.

MR. BLAZER: We got 3. But Robert T. will get another person but I got Buddy and Robert T.

MR. BROWN: I will get in touch with Dave Mason.

MR. BLAZER: Talk to Dave and --

MR. : I will tell you who to get in touch with. Lee Wilson. And Lee sits on the striped bass work group, Lee is the one to get. David does fish, Lee fishes every day. Lee -- I think Dave is not fishing now.

MR. BROWN: Dave is not fishing now. Because I was moving --- he was fishing down there.

MR. : Yes, he was two years ago.

MR. BROWN: I will get in touch with Lee Wilson. Okay that is fine. I want somebody who is back into fishing.

MR. : Okay, Mike is going to continue.

MR. LUISI: Okay I am going to move on because Steve is going to pull the plug on my microphone in just a few minutes when we hit 6:00. So just a couple of more things. We just got a note from ASMFC about advisory panels. We have got -- there is an advisory panel for just about every species that we manage at ASMFC. And as I reviewed the folks who we have for Maryland, there are a lot of people who are no longer participating on the OZP calls or door meetings. We also have people who aren't with us anymore on these -- that they are on their list.

So Dave and I and Lynn are going to clean this up and send this around to you guys. So that if you are interested in let's say being on the blue fish advisory panel, you are welcome to submit an application -- to let us know and we can put that forth to ASMFC. It is another way to get involved in that process if it is something that you interested in learning more about. Just stay tuned on that.

There is a MidAtlantic Council meeting in Virginia Beach, August 13 through 16. There aren't any real issues that are -- there aren't any issues that are bait specific. Some things we are going to be setting quotas for summer flounder and --- and black sea bass. And we are going to talk about the blue fish amendment which is an amendment that they can possibly adjust commercial and recreational quota or allocation in that fishery which could have some effect to

both commercially and -- even on the coast, I think it is a bigger issue with the commercial quota.

But it is just something to be aware of. Those meeting are all accessible via a computer or a phone. Okay I am going to move on -- does anyone have any questions about the AP or issues up at the counsel?

(No Response.)

MR. LUISI: All right, so I am going to move on to the circle hook update. Lieutenant Rafter, he already provided this and some really what I found to be positive enforcement efforts to gather some information and intel. As you know, next year's February meeting, the circle hook regulations that we have in place that allow for the 19 inch fish to be harvest recreationally, are going to -- we are going to need to submit a report to ASMFC on how it all happened, how it all worked with -- for us. You know, we did the emergency regulation. The regulation has now become effective based on what Sarah said earlier. We are working with NRP to gather information about compliance.

We have staff in our communications office and specifically Eric Slocovitz, who leads our recreational team. A team of one. He is going to -- he is out -- they are doing all kinds of outreach and they are trying to get the message out. We have produced fliers. And we are really trying to spread that information and wealth out to the anglers. We

have folks in the field that are doing the AFIS survey which is the Federal survey that drives the recreational harvest estimates -- some samples all around all of the marinas and docks asking questions.

They have been able to interview a few hundred -- over 400 people about their use of circle hooks as they are coming off the water. 42 out of 42 or 100 percent, 42 out of 42 individuals who's primary fishing method was chumming during these interviews, were using circle hooks, so 100 percent compliance there. 92 percent compliance was live lining. But they are again, they are capturing everyone. They are not just interviewing striped bass fishing. They are interviewing everyone around the state.

So some good information there. And we will keep you guys up to speed. I know it is a recreational issue but the charter industry certainly is part of that as well. And before I go to yellow perch, I will take any questions on striped bass.

MR. CARSON: Before you go to yellow perch, the other day at the striped bass work group, we got talking about the mortality rate and the floating fish on the water. The tide lines --- with them. And the department needs to call us and let us know when this is going on. I don't think it should be have to call in the department. I think the department with their scientists should go out and collect

some of these fish.

Now after this storm and this run off, I don't know if we will have any fish up there or what the fishing will look like. So -- if the fishery comes back and gets to it, you know is the mortality coming from heat? Which you all sent out something this past week I read on the internet. It is coming from gut hooked? Is it coming from high grading? Is the first dead when it is put back overboard instead of being -- only your scientist -- in other words, I don't want it all of a sudden they want an 18 inch fish. I want to know what is killing these fish.

Is the circle hook going to save the fish? I don't think it is but I mean, that is what I would -- let your people, let your scientists find out what it is. But it needs to -- that needs to be done finding why these fish are dying or it is just the people -- I know the police can't stop it. Is it the guy just sitting there in high grading and high grading and high grading? But your people can --

MR. LUISI: Yes, I mean, we have talked about collecting --

MR. CARSON: Do all the toxins and all and find out what is doing it.

MR. LUISI: Yes, we have the ability to do that. We just want to make sure that if we put our resources in to that type of effort, that we are going to be able to get

something out of it the other end that is going to be meaningful. We have seen -- or we have heard stories of a lot of fish dead on the bay right now. Personally I believe that doesn't matter what kind of hook you are using. That fish is dying because of the poor water quality and the stress that it is being put under and could be hooked into the lip and you throw it in and it swims away and it dies an hour later.

That is just my -- so we have to figure out -- if we are going to study that, we can't just turn on --

MR. CARSON: Why are they dying?

MR. LUISI: We have to come up with this plan on how to deal with that. And I am not sure that we are going to be able to pull that together and those resources together now. But it is certainly something that we can have ready to go in for next year. With the expectation that it may be similar.

MR. LAY: Ken?

MR. HARDMAN: Can I address that? We sat in the meeting with you, Mike, at the beginning of this year and you were very adamant to answer you question, sir, you know what is causing this. You said that catch and release in hot water months, namely July and August, are killing these fish. You said that. So you sat there and want to push this circle hook on everybody because that is going to be the end all be

all and I got some pictures that I am going to pass around that shows you all of these dead fish. I am going to make poster size that I would like you to put in your office to see what the effect is, it is horrible.

What is killing these fish and Ken said that to you in this meeting, said what are you going to do about people that sit there all day long and catch and release legal fish? And you said, nothing we can do. Well why isn't there? Why can't you pass along -- you did this emergency legislation for this nonsense, why can't you pass a law that says no catch and release in July and August? It doesn't affect the charter boats and it doesn't affect recreational fishermen. You catch your two fish and go home. Because what is happening up there is Rock Hall is getting down and they are going to be -- and --- is done and they are going back to harbor and all of these other boats are sitting around catching and releasing.

So I call DNR and I got a -- I had a person on there from Ohio that was so pissed off about this that they called DNR. And they got passed around and passed around and passed around. They posted on DNR's website and finally they got a call from somebody else saying call you tell us where this is? And they told it was at Swan Point. I got on the phone and called and I got passed from DNR, I got passed from the police to an environmental group to somebody else to some

other group.

And I said what does it take for DNR to get off of their ass and into a boat and come look at these fish? They want us to collect fish and drop them off to them. Which is going to prove what? You pulling the fish out of 60 degree water and bringing it to the top 80 degree water and putting it back and it is dying and you are going to see what -- I am bringing a cooler full of a dead fish and park it in your office if you want it, but it would be more helpful if you would get in a boat and you go out there and sit for a day since this is your regulation. This was your golden baby here. You go up there and sit in a boat and you watch what is going on. Because you won't do that. The only -- has any of you guys been out on a boat and watched this?

MR. CARSON: The department has to be the one to do it. Somebody can't take you fish because you don't know how they collected them or when they did collect them.

MR. HARDMAN: But you sit there and watch it and all you are going to do is sit there for a weekend. I mean, I got pictures showing -- right behind two guys on a boat sitting there, I mean a rack of fish and I am going to sit there and let you take a look at it. I mean, I -- like the young lady said, maybe we ought to have a big media group and sit there and put these things on a poster and have the news come in and say this is DNR managing your fishery. Here they

are. And what is going to happen is the --- fisheries are going to say well you guys don't know what you are doing down in Maryland and maybe we will just close it down for July and August.

And that is not what we need. What we need is no catch or release in July and August. You sit here and say, I got one more question and then I am finished, I am sorry Ken but Officer, you said that you got 100 percent compliance, I guess but if I am using a J hook and I am not chumming and I put a piece of bait on there, I am in compliance, right?

LT. RAFTER: Yes, but all the boats that we checked were using circle hooks, irregardless of -- but the majority, I wasn't on the boat, my officers were. But everybody was chumming or not --

MR. HARDMAN: Well, majority of the people that --

MR. : We are checking every day, we are good.

MR. CARSON: But you did single out that you checked the charter boats? So I mean --

MR. : Charter boats and recreational boats.

MR. : Yes, they were out there today and they checked every one of them.

MR. CARSON: It is to the charter boats advantage to regulate it. Catch a fish, go in and come on back out.

MR. JEFFRIES: Only way to make money.

MR. CARSON: Excuse me?

MR. JEFFRIES: That is the only way we make money.

MR. CARSON: I know that and I have no problem with that. That isn't the beef. It is like I say, this --

MR. JEFFRIES: When this whole thing started, I brought up all these points about catch and release is the problem. And everybody was complaining last year that all the fish that were dead were 16 to 19 inches. And yes the smaller fish have saved some of those. What size of the fish are most of the ones that you are seeing dead?

MR. HARDMAN: 23, 24 --

(Whereupon, the parties are speaking simultaneously.)

MR. JEFFRIES: Of these center consoles and it is not just center consoles, we had -- there is one charter boat that does it. 14 hours. We will come out of our -- leave on our morning trip and come out on our afternoon trip and they are still catching them and throwing them back. I said before that you could use a pillow to catch these fish. These hooks are not helping at all.

I educated myself a little bit. Because I wasn't too educated on the -- the science of the circle hooks I got to know and studies and it specifically states right in the science of the circle hook that they are originally designed

for a high speed collegiate(sic) fish. And they have been modified since then and the one -- there was three studies done on striped bass. The one part that the striped bass does not apply to, where they are saying they don't work is in shallow water and warm water.

We are fishing in between 9 and 14 warm water. And it also says that the problem with the circle hook in those shallow water is that it takes longer to get the hook out. The hook is not the issue with me. If we don't do something about the catch and release, we are not going to do anything, we are just beating our heads up against the wall. And

the -- we went to these ITQ fisheries and I know we are probably going to get some blow back from the -- on the commercial side, why do we still have common pool and I am going to address why in a minute.

And I have already called the department for it, for the enforcement and they are working on it, but why do we still have common pool if the round robin derby style was such bull shit and we had to switch to ITQs, why do we still have common pool? And I am going to tell you why.

On the 21st, we were out at 6:00 in the morning, four charter boats that started taking video of the center console, loading his cooler up with fish. We went in on our morning trip, cleaned their fish and waited until 12:00, come

back down and he was still fishing. Well the difference now is the fish got bigger. We watched him dump that cooler of fish out and start keeping bigger fish.

What kind of flag do you think he was flying? A fricking common pool flag because he only can have 300 pounds. So I am not saying that it is just a weekend guy with a center console, it is also these common pool guys. And the guy making the living in the fishery is not fishing common pool. So there is many issues that could be worked out to help us out but we are not getting any help on it.

We are getting obliterated on this stuff. And I don't know what the right approach is, I know if someone says summer study, I am going to have a stroke because summer study is like hospice, that is where you go to die. So anything that goes to summer study, nothing is going to happen. And yes I did call on the common pool boater, I called Roy. I mean, we are doing all we can do. But we are getting no help on this and it is only getting worse. Thank God we have these storms. Because the fish were so bad, you are afraid to start your boat up, you are going to suck them up in your strainer there were so many of them. And they are huge and -- I don't know what the answer is, without cussing, screaming and throwing something at somebody, I don't know what else to do.

MR. HARDMAN: I don't think a study is an answer

because I got news for you, the water temperature is going to be 82 degrees next July and August again. Like it has been for the last 40 years.

MR. JEFFRIES: I got the science of the circle hooks and I got -- I can make a copy for everybody and like I said it won't work in this fishery with the kinds of fishing we do. And I got every state that has an ITQ fishery on how circle hooks apply in their states. It is not just for recreational and I am not saying that we want to lose commercial but we have to make some adjustments within this fishery or this fishery will not survive.

Every boat in the Chesapeake Bay gets a charter boat and a recreational boat is fishing. Between line 687 on a TD from Swan Point up to Colchester Bar. There is not one anyplace else. If you can find one, you are doing something. You get a better luck of hitting the mega millions next week. Because every boat in the bay is up there. And the problem is only getting worse.

And those pictures -- that is from one day and about a three hour period. One of those boats is center console in there and you will see the trail of dead fish that that sucker is leaving behind. Because he sits there all day drinking beer and having a good time, throwing fish back. And yes when you throw them back, they swim off and give you the finger and all that kind of stuff and they get to the

next boat and they flip upside down and die. So --

MR. HARDMAN: They think they can do it because they say now we are using a circle hook, it is all safe and we can sit here all day and do it. That is not the point. It is not the circle hook. It is the hot water once you catch and release that we have been beating on you guys about and all we hear is I need to study it, what do you need to study for? You said it Mike, hot water months July and August. You told us that in the meeting in January. The fish always die and the mortality is bad in July and August.

So yet you do nothing about it. The circle hook is not the answer. So everybody down there wants to know when are you going to do something about it?

MR. CARSON: The circle hook is what gave you the 19 inch fish. That was the selling point, am I correct?

MR. : Yes.

MR. LUISI: The circle hook is in place for the full season. The full season runs from June through December, the middle of December. The time period where this mortality is happening so -- we have a discard mortality problem. It is simple and clear. We got into it last year. We worked feverishly with all of the -- with everything that we had to do try to get the Atlantic States Commission to let us use a tool that we thought could help. Okay so we did the circle hook. We reduced the size limit. Fish are more

available. You can get your two fish and get home more quickly.

The circle hook helps probably outside of those time periods when the water quality is so poor that the fish is going to die no matter what happens. So our next step is to evaluate this process. We have to -- okay so the circle hook didn't solve the dead discards in the bay this summer. So next is -- is there a next step? What is the next thing we should do? Your idea of some type of mandate on catch and release. It is certainly an idea.

And we would have to talk to NRP to determine if things that are like that are enforceable but another idea is to go to all artificial baits from July and August. And during the --

MR. JEFFRIES: Unless there is a catch and release law that says you can't take the fish out of the water, it is a violation. The fish has to stay in the water. What we see is that they pick it up measure it, then he takes a picture with it. Russ takes a picture with it. Scratch your armpit with it, drop it on the floor ten times, throw it back. Open another beer. Catch another one. That is what we see. The last thing I want to say is the only thing that really irritated me about this is when the press release came out, it said that the charter boats were in favor of this option. We had three people in the entire 1617 charter boats in favor

of it. Only one of them was a board member.

All -- two of those three people are down at the Potomac where the rules don't apply. So before we start putting press releases out saying we are in favor of this garbage, I am -- it is nothing I can do about it now but next time I will definitively come back with a much stronger stance when it comes to the charter boats were not in favor of this. We knew what was going to happen. And we are stuck on it.

MR. HARDMAN: And the people that were, is not affected by it. So of course, they are going to be in favor of it. It doesn't affect them.

MR. LAY: Dave, did you have something you would like to say?

MR. SUTHERLAND: Yes. I think this is how we all started last year. We are very charismatic about this for the same reason. It is a frickin crime. And we did exactly what Mike said and right or wrong this is where we are. And the issue is looking at those pictures and physically being out there, I have been out there and it is disgusting. We all know that. The issue of people sitting out there for 14 hours, non stop drinking beer and watching this whole line of fish behind them, floating fish is ridiculous and I think there is a simpler way of dealing the catch and release. And I think it goes right to what wildlife has which is a want

and waste law.

And I believe what they doing is looking at want and it is waste and they know it is waste. They are doing it knowingly. So I just think that it applies to -- and I think that would be something that we should look at. We are going to have John, --- and I to talk about this today. And we haven't approached you guys to talk to you about it -- I think --- may have said something to you about it but we want to put together a round table discussion and immediately and start talking about these issues. So we can actually start a dialogue instead of summer study stuff, this is us having to really get serious about how to educate people and getting -- shaming these people.

In my office, I have a wall of shame for people that screw up in my business and when they come in, they see on that wall their picture and what they did. And I am just saying that that is what we should do but these people are disgusting. They need to be shamed of this, they need to be arrested and they need to be put under the jail for what they are doing. It is waste. So I am just saying I don't know whether anybody has talked about a want and waste law but I really think it is a solution and I appreciate what you are saying.

MR. SCERBO: I have just a simple question about management and strategy why -- issues management tries to

find some kind of a technologic base? Is there a legal issue involved? Is it more complicated than that? Why would it -- why would you be using a circle hook or a dull hook or a rubber bait? Why would you just go straight at the issue? Why are we --

MR. LUISI: Because --- straight at the issue, we would close the fishery for all fishing from July through August and that would be how you handle it but there is impact there. You know, that would be when the water is at the worst quality for the summer. You shut the fishery down and you don't allow it to happen. That is the way to address it completely. But we understand the trade off there with the charter boat and what the private angler brings to this state when they come here and fish in the summer.

So Dave, you guys are making the suggestion of getting together to start that process again on what is the next thing we do? I am up for it. I think Dave and Steve would say the same thing. And --

MR. SUTHERLAND: Again, this is trash, we started talking about this this morning. We care about it. I mean, we do -- it is a serious issue and it is -- embarrassing to sit back and see recreational fishermen do what they are doing to those fish.

MR. SCERBO: The other thing that comes back to what we have talked about the crabs as far as throwing

something at Bob or --- in this case, so you have like done all of these back flips for circle hooks and find out that it is not fixing the problem. Are you going to do away with circle hooks? Because it is not solving the problem?

MR. : It is a two year study right?

MR. LUISI: Yes, but they are in place for two years. So we have to evaluate that after the two years and see where we end up.

MR. SCERBO: Well if you can get two months into a five and you realize that it didn't slow anything down at all. You are going to wait two years for this?

MR. BLAZER: But I don't think we know that yet, Bill because even though the warmer water temperature is now and we have the same problem we had last year but circle hooks may be making an improvement in discard mortality because you are not getting as many gut hooks or in the fringe times of the year, maybe your catch and release mortality is better. That is part of the premise of what those catch and release mortality studies were doing.

MR. JEFFRIES: We are relying on getting rid of this treble hooks was -- a good idea.

MR. BLAZER: Right. So. Is it 100 percent full proof perfect? No. But you know. We still think -- and we are still going to argue that it is an improvement.

MR. : Why can't you do that? Catch your

two fish and go home during July and August. You said it is either leave it like it is or let all the fish die or close the season. Why isn't there something in between?

MR. LUISI: There might be.

MR. : What do you mean there might be?

MR. BLAZER: And it is part of --

MR. : -- catch two fish, go home or catch two fish and stop releasing them.

MR. BLAZER: Well, I think it is going back to what the officer is talking about, the culling. Trying to catch people that are culling their catch. You know, if they are doing. There is a violation there but you got to see them do it and you have to be able to prove it to be able to document that.

MR. HARDMAN: But if you pass a law, 50 percent of the people are probably going to stop doing it right away because they are afraid they are going to get caught even though we haven't seen anybody up there, they are going to -- I mean, that is going to 50 percent of it. So now instead of 300 fish floating dead, we got 150. That has made an impact. But it is back to you guys are saying no catch and release in July and August, I don't see what is so hard about this. We have been talking about the same thing. For six or seven years now.

MR. JEFFRIES: And I don't want to put all

recreational -- like I said we met a couple you know, hook and line guys doing it. Everybody realizes that if you put the tag on backwards, if you catch a bigger fish, it will come right off again, just like a zip tie and that is what they do. You got an 18 inch one in the cooler, you got the tag on backwards, you get a 24 inch fish, you throw the 18 inch back and put the tag on right. I mean, this isn't rocket science. There is too many loop holes.

MR. : The tags don't work like that anymore.

MR. LAY: Okay, Robert?

MR. BROWN: Well one problem that I have with this is, like I said then it goes to two year thing on the circle hooks. Well we find out that the problem is with the circle hooks is that the ---. But we know we got a problem. If we find out what it is, we need to do something before we go to another season of this. I don't know what the answer is. Catch and release, I think is maybe one of the biggest portions. I don't think the circle hook teaches much. And our meeting that we had on the Fin Fish Advisory Commission we had one of the members in there and he said I seen the marine police over there and he said I am going to tell you right now, I don't use circle hooks no more. I use the 3, a 4, a 5, a 6 -- went right on up through the numbers.

He said all I use are J hooks now because all of

the fish are getting just gutted. Well, it makes no difference what kind of hook you use if the fish swallows the hook, he is more than likely going to die. Well, you better off putting that into the cooler than what you are throwing it back. And then you got other people there who are just catching and throwing them back, catching and throwing them back and catching and throwing back.

It is going to -- you are going to have to come down during those hot weather months which is probably worse than it is any other time that you know you catch your two fish, you are going to have to call it a day. Or go catch some perch, some spot or some croakers or do something different. But we can't -- the pictures that I have seen and the one that I have heard as much as my phone has been ringing, we need -- something has got to be done.

MR. JEFFRIES: It is twice as bad as last year. Because the fish are exorbitantly bigger. And they are dead.

MR. BROWN: And that might be part of the problem too. Maybe the circle hook of all of the fish were 17 or 18 inches that they were catching, they might not be swallowing this hook as bad.

MR. JEFFRIES: Christ, the hooks we are using you can catch a blue fin tuna on them we are trying to save them.

MR. CARSON: The problem isn't the hook, it is the people.

MR. BROWN: Well you are going to have to go through an education thing and it is a bad thing to see these pictures like this but maybe showing these pictures around and educating the people who are doing this, whether it is a commercial man or a sports man, either one, that hey look we can't keep doing this and you know, the department has to say, look if we keep having this dead mortality, we could possibly shut the season down next year also during the hot weather months. Or just make it just trolling. I don't know what the answer is but --

MR. DIZE: We can talk about the -- all we want but the reason -- the reason why the state went to bat was to get a lower sized fish. This had to go to the Atlantic States Marine Fisheries Commission and has to get passed there. They took the hit and went to the Atlantic State Marine Fisheries Commission to get that lower fish. Now we have run into the problem of release. Hook and release. That isn't the problem of the circle hook. That is the problem of outlaw fisherman. So you can't blame our guys for doing what they did. They did a good job in getting us a 19 inch fish.

MR. BROWN: Well I am not blaming nobody.

MR. DIZE: What I am saying is, the trouble is hook and release it has got to be someday if we don't affect the charter boat and we don't affect the other group but we do get to the people that are abusing.

MR. JEFFRIES: Well I can tell you how to stop it. You got enough under cover boats and you got enough NRP police, take them from the whole bay, put them up there on the pretty weekend and write tickets. That will stop them. Take my word for it.

MR. : It is not illegal right now. I called NRP and they said what do you want us to do? We can walk around and watch them but it is not illegal. They are not doing anything wrong.

MR. : The state of Alaska did it. If you take the fish out of water, you are not catching and releasing, you are breaking the law.

MR. CARSON: The 19 inch fish where I am at, Mike, it helps because we got nothing but little fish. We are a nursery. So I mean that helped us catch a fish but up there they don't have a shortage because all of the fish are overboard are under 20 plus inches. It is -- it needs like I said, you want to get to it --

MR. LUISI: It needs more work and that is what we are saying that we can do. We can't --

MR. CARSON: And all we seeing this little bit of commercial issue because like I said, it is -- I am seeing big fish killed that those guys could be selling in December and they ain't going to be selling them this year, they will be skin and bones.

MR. LAY: I would like to let Mike get to his yellow perch presentation. Is there anybody else that feels the need for one more comment?

MR. : I think we said enough.

MR. LAY: Okay, thank you. It is obviously that we need to go further with this and we will. Okay.

MR. LUISI: Okay, moving on to the last thing that I have for you guys tonight. Do you remember -- I will be brief. Do you remember back we came to you and based on the conversation of a joint --- meeting of the sport fish and tidal fish commissions they had a smaller group of individuals provide us comments on yellow perch? Commercial yellow perch management. We came to you at a previous meeting and we scoped three ideas that came from that meeting.

The idea -- the first one was to open the Choptank and Nanticoke Rivers to commercial harvest. The second one was to remove the requirement -- for Department staff to be present during the sale of yellow perch and the live market and the third request was to open the month of December for harvest. And typically the season starts on January 1 and runs through March I believe. March 31st.

So we put this out for scoping. We received a decent amount of comments. I will say that we did not get any comments in favor of the options that we scoped. They

were all against the idea of opening the Choptank, the Nanticoke. They weren't as much -- there weren't as many comments about opening December or the staff issue with live market that kind of seemed to fly under the radar but the one that we received the most negative comments about was opening the Choptank and Nanticoke. So after we had our comments back, we met last week with staff.

We looked at what we had as far as information. And data. That would support the opening of the commercial fishery in those systems. We have some information about what is there based on a flight(sic) network that we do in the Choptank where we have very, very little information about what is available and what is in the Nanticoke River as far as understanding the abundance or being able to provide any information about what we think is there, so that we can understand -- we can consider what we can take to maintain that sustainability and to maintain that level of recreational fishing especially in the Choptank that happens.

So after that discussion, we decided that at this time, we are going to go forward with two of the three. Alternatives that were asked of us, the first one is to remove the department requirement for being present during the sale of live perch -- live yellow perch in the live market. And we are all working to open the month of December to begin the 2018-19 season I guess is what we would call it.

And you know, I wanted to offer that to you guys so you know what we are moving forward with and if you had any thoughts now would be the time for questions.

MR. LAY: I would like to say just for FYI, that last year during the commercial yellow perch season, the watermen only caught half of the quota which they were allowed to catch. A couple of big reasons but I think something like three of the last five years, we haven't caught the quota so it is not a fishery that we even catch the quota on every year.

MR. CARSON: They periodically shut it down don't they?

MR. LAY: It has happened. That is part of the reason we don't catch the quota last year. We had a lot of ice and we lost a lot days because ice and at the end of last year, the price fell dramatically like it has never fallen before and went down to 50 cents a pound on yellow perch. And a lot of the yellow perch fishermen just said I am not going to catch a fish for 50 cents. And they just quit yellow perch fishing.

That is too cheap to sell the yellow perch for and would rather leave them in the system and catch them when they are worth more money. Any other questions on yellow perch?

(No Response.)

MR. LAY: Okay, thanks.

MR. LUISI: That is all I had. Thank you.

MR. BLAZER: I have one more thing.

MR. LAY: Okay on mic 2.

MR. BLAZER: I have one more issue that came up at Sport Fish Advisory Committee meeting the other day. They did not make any action or take a motion or anything but Steve and I talked and we want to make sure that you are aware that there was a long discussion about haul seines from the black bass -- large mouth bass fishermen down on the Potomac and their concern related to the impact of haul seines on the bass population and submerged aquatic vegetation.

They have been talking about introducing legislation to make some modifications on haul seine use down in that area. I don't think they have a basic plan just yet but that discussion took place at the Sport Fish Advisor Committee and we thought that you all should be aware of that. That that might be an issue that is coming in the very near future.

MR. BROWN: Dave, have you ever seen haul seining in grass? What it does to the net? It rolled it up as big around as your arm. I mean, it just doesn't work.

MR. BLAZER: Yes and the -- Robert T. that is kind of the disappointing thing about this is these guys are

making it on observations of watching the grinders down there and you know, Billy Rice came to the -- that black bass advisory group and talked about haul seining and expressed that same issue and talked about you know that it really doesn't have any impact on SAV(sic). We talked about some studies that we had done back when we re-opened the striped bass fishery for haul seines up on the Susquehanna flats. So -- but you know, we have presented a lot of that information but it just hasn't quite -- they are still kind of lining up to be diametrically opposed right now.

MR. LAY: Dave?

MR. GWIN: How long has the haul seine fishery been in existence?

MR. BLAZER: Billy Rice told me at least 350 years since there -- there was a sign down in Charles County that George Washington had haul seined on the Potomac River. So maybe that is 250 years but.

MR. LAY: Dave mentioned the study that was done up on the Susquehanna flats, the Benjamin family from Northeast was opposed to haul seining on the Susquehanna flats, said it tore up the grass beds and DNR came out and did a study, a survey whatever and there was actually films on the water, films made of the seine and it was concluded very obviously that there as no damage to the grass beds by using a seine on the Susquehanna flats. And that information was offered to

the Sport Fish group the other night but they were saying that that same study was done in 10 feet of water on the Susquehanna flats and I told them there is no 8 or 10 feet of water on the Susquehanna flats. Average depths of 2 to 4 feet.

They just have it in their heads that they want to pursue this and no logical discussion seems to affect it --

MR. SCERBO: Who is --

MR. BLAZER: Some of the large mouth bass fishermen on the Potomac. Bass boaters, yes. And there is stuff on Facebook about it too. There has been stuff and I think that kind of fans the flames a little bit.

MR. BROWN: You know, just because grass is in one area during the summertime and you don't see the grinders fishing later on in like January or February, the grass has died and a lot of it has floated up and that is the reason why they fish in these areas. And you can find pockets where there is no grass in some areas.

MR. CARSON: We have had a big problem with eel grass --- floating all summer long. Everywhere. You can't fish with an artificial lure it is that bad.

MR. LAY: Okay we have some guests here this evening. And it is time to offer them a time for comment. Some have already spoken but is there anyone who would like to say anything at this time?

Public Comment

MR. MULLIGAN: Yes, we skipped over when they were talking about the gill net issue, kind of got skipped over. The set --- that they give the fishermen as far as harvest and the rock fish, it needs to be looked at. This year we had a two month freeze up over on the shore. I am not real familiar with what happened over here. But those guys, if it is only Monday through Friday that they can fish, when it freezes up for two months and they can't get out of the harbor, if they can't go on a Saturday or a Sunday, those days are lost. So I mean, they are -- I think something should be able to be done whether it is through regulation or legislation to give these guys back what they are losing.

It is not their fault. I mean, it is mother nature and she does her thing but I mean, these guys are still trying to catch up this summer from what they lost due to the -- no harvest of oysters, so they go to the fish and then you know, two months they are sitting on land doing whatever and those days once they lost Monday through Friday, there is nothing wrong and it is more than acceptable to give them a Saturday and Sunday to go -- at least try to recoup something.

So -- and I talked to the young lady that is you know, in charge of the regulation and I think that needs to really be looked at seriously. And the other thing is, I

don't know how the department wants to handle the five inch crab. I kind of got a feel on where everybody is at but I think what needs to be taken into consideration is if you take the bay and you split it up, that five inch crab that swims past the guys in the lower bay and Dorchester County, I mean, that is fine. We don't want you to have it. It sounds real good but when you take the guys from the middle of the bay down, that is kind of like saying okay we are going to take away from you and give it to these guys up here.

So I think that in consideration of all of the fishermen, that needs to be looked at. It really does. Because I mean, that is you -- okay so you guys can't have it. When that crab breaks that point, it is going to go -- I crab up around --- it breaks that point and it hits that point, yes it is going to shed and it is going to be a bigger crab and yes the guys up here are going to make more money but the guys at that point down have lost any chance of making any money.

So in all fairness, that really needs to be looked at on an aggressive approach would be applied to be -- you know for the whole.

MR. LAY: Okay, thank you. Anyone else?

(No Response.)

Closing Remarks

MR. LAY: Okay, gentlemen, thank you for your time.

Have a safe trip home. And I do have any --- on the Susquehanna, so if you have any questions about what is going on up in the Conowingo, I can tell you.

(Whereupon, the meeting adjourned at 6:28 p.m.)