

Tidal Fisheries Advisory Commission Gear Workgroup

May 28, 2019

5:30 PM – 7:30 PM

Tawes State Office Building, C-1 Conference Room

580 Taylor Avenue

Annapolis MD 21401

TFAC Commissioners Present:

Bubby Powley, Robert T. Brown, Buddy Carson, Bill Scerbo

Department Representatives Present:

Jacob Holtz (Fishing and Boating Services), James McKittrick (Legislative and Constituent Services)

Members of the Public Present:

John Motovidlak (commercial licensee), Bob Whaples (commercial licensee), Burl Lewis (commercial licensee), Marcus Flowers (commercial licensee), Lee Wilson (commercial licensee), Rachel Dean (commercial licensee), Simon Dean (commercial licensee), Craig Mask (commercial licensee), Allison Colden (Chesapeake Bay Foundation)

Proceedings:

5:30 *Welcome and introductions*

5:40 *Monofilament Gill Net Discussion*

The Gear Workgroup first discussed the use of monofilament gill nets in the striped bass fishery. The Commercial Striped Bass Advisory Committee had recommended the addition of monofilament as an acceptable material for gill nets, with no further changes to the gill net rules (i.e. no specific rules on type of monofilament, no additional rules for monofilament vs. multifilament or multi-strand monofilament). The Gear Workgroup unanimously agreed with the recommendation of the Commercial Striped Bass Advisory Committee.

Next, the Gear Workgroup discussed the use of monofilament gill nets in the small mesh summer gill net fishery. The Department sought feedback on whether there would be bycatch issues with unintended species due to the gear's potential higher effectiveness, and whether there should be any specific specifications for the gear during the warmer summer months. The Workgroup members did not expect bycatch issues and did not think there should be any further restrictions on the gear than those that already exist in the summer months. The Chesapeake Bay Foundation raised concerns about the potential for interactions with waterfowl, sea turtles, and marine mammals and requested the Department consider additional requirements on monofilament gill nets that would potentially deter such interactions. The Workgroup did not think such requirements were necessary, based on the characteristics of the fishery. Specifically, the concerns for sea turtles and marine mammals come from studies of gill net use in the Atlantic Ocean, in which gill nets are typically larger mesh, anchored, and unattended, whereas the rules for gill nets in the Chesapeake Bay and its tidal tributaries require gill nets to be drifting, attended, and of smaller mesh than is typically used in the Atlantic Ocean fisheries.

Regarding waterfowl, the presence of diving species is typically restricted to the winter months, which coincides with the striped bass fishery. The Natural Resources Police noted that the instances where they had most frequently found diving birds entrapped in gill nets were with regards to illegally set, unattended, anchored gill nets. The Gear Workgroup recommended that monofilament gill nets be allowed in the small mesh summer gill net fishery without additional restrictions other than those that currently exist for multifilament gill nets.

6:20 *Fish Pot Discussion*

The discussion began with a background on the concern with fish pots. Based on the regulatory definitions, fish pots are potentially difficult to discern from crab pots, which gives rise to two concerns: first, that turtles may become entrapped in this gear; second, that the difficulty in differentiation this gear from crab pots may give rise to difficulties enforcing the crab pot area restrictions. The Workgroup discussed the difficulty in coming up with rules that apply across the board to all of the various types of fish pots that are used (i.e. spot pots vs. catfish pots), as the dimensions, funnels, and materials the gear is made of all vary greatly. Some of the gear constructions present greater concern to turtle interactions, whereas other gear constructions present much less concern to turtle actions. Similarly, some of the gears are potentially similar to crab pots in appearance, but other constructions look nothing like crab pots at all. The Workgroup recommended a subsequent meeting dedicated solely to fish pots, with commercial licensees invited to bring their gear to the meeting so the department could better understand the types of gears in use and write rules that would cause the least disruption to current operations possible while specifically targeting the conservation and enforcement concerns that had been raised.

7:00 *Pound Net Discussion*

A constituent had requested the department consider decreasing the minimum allowable mesh size for the hedging of pound nets from 3 inches to 2 inches. After a discussion regarding the possibility of smaller mesh potentially leading to increased fouling and an increase in gilling smaller fish, the Workgroup recommended not changing the minimum allowable mesh size for pound net hedging.

7:10 *Fyke Net Discussion*

A constituent had requested the department consider adding rules for fyke net poles similar to current rules for pound net poles. Currently, the poles of pound nets must be removed within 30 days of removing the netting from the poles. There is no current rule for removing the poles of fyke nets, leading to the potential for derelict poles being left in the water with no recourse. The Workgroup agreed that the rules should be similar for similar gear and that the industry should seek to minimize conflicts with adjacent landowners and recommended that the department pursue this rule change.

7:20 *Additional Discussions*

Commissioner Scerbo requested the department assist in pursuing legislation related to haul seines in Anne Arundel County, where such activity is largely prohibited. The department will take this request under consideration.

Commissioner Brown requested the department assist in pursuing legislation to clarify rules on haul seine-related activity that occurs during the weekend. The department will take this request under consideration.

7:30 *Adjourn*