

Maryland DNR
Fall Tidal Fisheries Advisory
Commission (TFAC) Meeting

Thursday,
October 26, 2017

Held at the
Tawes State Office Building
Annapolis, Maryland

Maryland DNR

Fall Tidal Fisheries Advisory Commission Meeting

October 26, 2017

TFAC Members Present:

Billy Rice, Chair

Robert T. Brown
Buddy Carson III
Rachel Dean
Russell Dize
Robert Gilmer
Ken Jeffries Jr.
Steve Lay
Phil Langley
C. Richard Manley
Bill Scerbo Jr.
Gail Sindorf
Aubrey Vincent
Troy Wilkins

TFAC Members Absent:

J.D. Blackwell
David Sutherland

Maryland DNR Fisheries Service

Michael Luisi
Paul Genovese

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KEYNOTE: "---" denotes inaudible in the transcript.
 "*" indicates phonetically spelled in transcript.

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

(2:42 p.m.)

Welcome and Announcements

by Billy Rice, TFAC Chairman,

and Michael Luisi, MD DNR Fishing and Boating Services

MR. RICE: All right, it looks like we have almost everybody in attendance so we would like to get started and get moving forward.

All right, welcome everybody. Mike Luisi is our Dave Blazer today. So Mike, if you would, if you have any announcements.

MR. LUISI: Thank you, Mr. Chairman. I do have one quick announcement. I think the reason I am sitting in for Dave is I missed Dave's last staff meeting and that was the assignment. It must have put me here sitting in for Dave today but I do want to bring you up to speed on something that you may hear about.

So you guys have all heard about the Marine Stewardship Council's certification for sustainability. It is something that we have discussed before with our striped bass fishery. And there has even been some work done regarding the blue crab fishery.

Well, that process that happened years ago about certifying sustainable Maryland striped bass was put to rest. You know, there was preassessment work that was done to gather

1 information but it didn't go anywhere.

2 Well, we were contacted recently along with other
3 states, including Virginia and Potomac River and other
4 mid-Atlantic states to participate in, I guess -- we were
5 asked to participate in a mid-Atlantic project where the
6 Marine Stewardship Council is taking a proactive approach to
7 try to gather information on some of the more important
8 commercial species in the mid-Atlantic, including striped
9 bass, oysters, blue crabs, summer flounder and scup.

10 And so they have started -- they have initiated a
11 process where they are working with the agencies from New York
12 down through North Carolina on gathering the type of
13 information that they would use to do a Marine Stewardship
14 Council certification for sustainability. So we have been
15 participating with them. We have supplied them the
16 information that they need for this pre-assessment.

17 And you might hear about this as the work continues,
18 because it might get out there that the MSC or this group is
19 looking to go forward and kind of seal our fisheries as
20 sustainable but I just wanted you all to know that it
21 typically doesn't work this way.

22 It typically comes -- the MSC certification comes
23 from an industry-driven process, where industry will reach out
24 and ask that their product be certified as sustainable but
25 like I said, they are taking kind of a proactive approach at

1 getting some of the information to determine whether or not
2 these fisheries in the mid-Atlantic would be good -- they
3 would be good candidates, let's say, for this certification.

4 And so a number of people throughout the
5 mid-Atlantic, including state fisheries biologists and
6 scientists and industry folks are going to be participating on
7 an advisory body to help advise as to how we might move
8 forward under this project.

9 I personally have signed up to participate for our
10 state, and I think there are some folks from industry, I
11 haven't received a list yet of who those individuals would be,
12 but I just wanted to make sure that you were aware that this
13 work was being done.

14 But there is nothing that needs to come from you at
15 this point. It is just a project to try to help inform the
16 Marine Stewardship Council about the -- whether or not these
17 species would be good candidates for sustainability for the
18 future. I wanted to just take a moment, and if you have any
19 questions, I can try to answer them.

20 We just started this process. The first meeting of
21 this advisory body is next month, I believe, and we will know
22 more information as it continues over the next year. And that
23 was it, Mr. Chairman.

24 MR. RICE: All right, thank you, Mike. Does anybody
25 have a question for Mike on that subject?

1 (No response)

2 MR. RICE: The only announcement that I have is that
3 I have another commitment this evening, and I will be turning
4 the meeting over to Moochie about probably 4:30 p.m., quarter
5 to 5 p.m. at the latest, and you need to know up front he is
6 not nearly as soft to touch as I am.

7 MR. GILMER: So let's get it over with.

8 MR. RICE: Exactly. We need to approve our meeting
9 dates and times for the next coming year. Has everybody
10 reviewed that, and does anybody have any problem with the way
11 it is set up?

12 MS. DEAN: Are we going back to the 2:00 p.m. start
13 time?

14 MR. RICE: Looks like we got three two's and one
15 three. Do you have an issue?

16 MR. GENOVESE: That is what it was this year, I
17 believe.

18 MS. DEAN: Okay.

19 MR. RICE: Now is the time to discuss it if we would
20 like to try to do that. That is up to the group. Keep in
21 mind if we start at 3:00 p.m., we need to always keep moving
22 forward and not linger on. Would it be safe to say we will go
23 with that then right now, and if we need to make changes, we
24 might have to?

25 MR. GILMER: Yes, that is what I would say.

1 MR. RICE: Then I take it that as a group, we
2 approve. All right. Next up will be the NRP Report from
3 Sergeant Troy.

4 ***NRP Activity Report and Priorities***

5 ***by Sgt. Troy Brimer, MD NRP***

6 SGT. BRIMER: How are you all doing? This is only
7 my second meeting. If anybody wasn't here the first time, I
8 am Sergeant Brimer. I am assigned to Somerset County.

9 We are filling in for Lieutenant Rafter today. When
10 we come to these meetings, we have required training, so you
11 get me today. Did everybody get a copy of the charges and the
12 noteworthy case printout that I typed up from the last
13 quarter?

14 (Pause)

15 SGT. BRIMER: Well, if everybody has had a chance to
16 look over them, I don't know if anybody has any questions on
17 either one of those two handouts. I can try to get you an
18 answer today if I know it and get back in touch with you.
19 This is from the past three months, July, August and
20 September.

21 Now starting this next quarter, October, November
22 and December, all of our focus has shifted. We have the
23 crabbing season winding down. We are still keeping our eye on
24 the sook limits. Oyster season is kicking up. I haven't
25 confirmed but I heard -- somebody here might know -- but I

1 people.

2 SGT. BRIMER: I know that you can see on here, I
3 know that Queen Anne's has upped its enforcement of the late
4 hours fishing on the bridge. It seems to be working there but
5 as far as that -- I was here for that meeting.

6 MR. JEFFRIES: 92 doesn't seem like a mistake to me.
7 I don't know what the proper speech is or whose feelings get
8 hurt but every meeting we come to, 200, 92, 150.

9 MR. WILKINS: Officer Bowman, when he was here, said
10 that the court was putting big bonds on them and they were
11 paying the money.

12 MR. JEFFRIES: I know it is a legislative thing but
13 I don't know. There has got to be a number where it is not a
14 mistake anymore. I know if I came in with 92 illegal fish, I
15 wouldn't be in this meeting right now.

16 MR. RICE: Any further questions?

17 (No response)

18 MR. RICE: All right. We accept your report. Thank
19 you very much. Mike, did you have any comments before we head
20 into the work group committee reports?

21 MR. LUISI: Before we get started, I just wanted to
22 mention and put everyone on notice that the section we are
23 about to jump into, which is the work group and committee
24 reports, we are going to try to make this more of a standard
25 for your meetings.

1 the work group are here. So if anybody would like to comment
2 when I am done, please feel free.

3 The primary agenda item for the Striped Bass Work
4 Group was to go over business rules for partial in-season
5 transfers of striped bass quota. As you are all aware, that
6 was previously not allowed but we are getting ready to make
7 that happen, and so we had to develop some business rules for
8 that.

9 So the group had several -- a group of
10 recommendations on how to handle that, and I am just going to
11 say, before I go through them very briefly: One of the things
12 that we did not discuss with the work group but it occurred to
13 us that we should make clear is that partial, in-season
14 transfers of striped bass quota will need to happen between
15 ITQ to ITQ and common pool to common pool.

16 They can't be transferring between the two sectors
17 or it would be a huge administrative problem. So just to get
18 that out of the way. That is on your handout. So the
19 business rules briefly that the work group recommended for
20 your review are a 350-pound minimum transfer, both for
21 temporary and permanent transfers.

22 If you choose to transfer less than 350 pounds, then
23 all of your remaining quota has to go. The group elected to
24 maintain the current 3,000-pound annual purchase cap. That
25 was the only thing that actually came to a vote, and that was

1 9 to 1.

2 In terms of timing, we talked about windows, and for
3 temporary transfers it was decided that a good window would be
4 January 1 through December 15. Permanent partial in-season
5 transfers, the group requested that the window be extended to
6 as far possible past September 15 but DNR -- that is an
7 administrative issue for us so we are going to have to figure
8 out what that -- how we can extend that date if we can.

9 Also the transferer is going to be responsible if
10 the recipient of a temporary transfer exceeds the quota and
11 can't cover that amount with additional temporary transfers.
12 The recommendation is that it be the person who transferred
13 the quota to be responsible, which means that they will be the
14 ones who get it deducted from their quota the following year.

15 So in short, those are the business rules that were
16 recommended by the group, and they would go forward. They
17 have to be implemented by regulation. So maybe I will just go
18 through the rest of the meeting and if anybody has any
19 comments or questions we can go back to that.

20 There was also discussion about the performance of
21 the ITQ fishery in the Chesapeake Bay, and there was a motion
22 to proceed with a 4 percent overallocation of the 2018
23 Chesapeake Bay quota. And I will just say that is not a
24 high-risk move, and the department has already implemented
25 that because we had to order tags.

1 So that is just for your FYI. It is done because we
2 had to get those tag orders in, I don't know, a week ago,
3 Carrie? To make sure that we don't have our usual New Year's
4 Eve kerfuffle.

5 Other things discussed by the committee: There was a
6 very sprightly discussion about extending the pound net and
7 hook-and-line season, beginning those fisheries on May 15. So
8 two votes were held whether or not to bring that forward to
9 both sport fish and tidal fish for review.

10 Neither of those votes carried, but we just wanted
11 to put that up there for your FYI that this discussion is
12 ongoing.

13 There was also a request that the department explore
14 the possibility of extending that time that pound net poles
15 can be in the water before an exemption letter has to be sent
16 to the department. There was a request to extend it from the
17 current 30 days to either 60 or 90 days, and after looking
18 into that, that is a law. We have to change that in
19 legislation.

20 And then finally, the group had a discussion and we
21 will just -- this is on the agenda for later so I am not going
22 to get into details but the department is working on this plan
23 to address dead discards in the recreational summer/fall
24 striped bass recreational fishery. And the group did vote to
25 support that proposal, and I will actually read you what the

1 (Slide)

2 MR. LUISI: And like Lynn mentioned, the last one on
3 the motion for the 4 percent overallocation, that has already
4 been done. We couldn't wait until this meeting.

5 So if the commission is okay with the different
6 provisions set forth there as far as the business rules on
7 partial in-season transfers, then we could take it up as one
8 motion, and we would move forward in doing what we need to do
9 on the regulation side to address all those different --

10 MR. RICE: Okay, well, I think we probably need to
11 discuss the transfer because I know Buddy has got an option
12 that he would like to present. Is that correct, Buddy?

13 MR. CARSON: Well, I don't agree with the 350 pounds
14 for several reasons. I proposed this at the February meeting,
15 and I left a flier in front of each person's desk about how I
16 feel about it.

17 The main reason was, and I see the department --
18 when I first started with the Striped Bass Work Group, Mike
19 Luisi said one of his concerns was fishing to quota. In
20 looking at your motion for 4 percent overallocation, which I
21 have already got my cards and I have looked at, it is saying
22 the same thing.

23 But the 350 pounds, I feel -- and I talked to Chris
24 about it this evening. He doesn't totally agree with me but
25 it is going to work Chris to death. I suggested 1,000 pounds.

1 I am in the Virginia fishery. Theirs is 500. It works very
2 smoothly. I just feel that the 350 pounds is not enough. You
3 can always lower it but it is going to be very difficult to
4 raise it up if you start with 350 and you find out it is too
5 much going on.

6 Because what it also does, that lets the person to
7 come in at, let's say, 276. I think that is minimum or 278.
8 I am not in favor or -- if there is anything up there that I
9 don't like personally, it is the 350 pounds.

10 MR. RICE: Okay, you mentioned a Virginia 500 pound,
11 was that a compromise that you had or you still are firm on a
12 1,000?

13 MR. CARSON: I would rather see 500 before I saw 350
14 so I would go from the 1,000, yes, and I would be willing to
15 accept that but the 350 -- I don't like that. I don't agree
16 with it.

17 MR. RICE: Lynn?

18 MS. FEGLEY: So I just want to add some information.
19 One of the issues we talked about was the administrative
20 piece, where unbroken bags of tags, so basically it is going
21 to be important if we can to do this without having a box of,
22 you know, loose tags.

23 And so the 350 number was based on the 3 1/2 pound
24 fish and 100 tags per bag. So just a little background.

25 MR. CARSON: Well, I was to the meeting, and Chucky

1 White on the telephone was the one who threw the figure out
2 there and I doubt seriously if he was putting it as you do but
3 anyway, like I said, that is my concern. The way I feel about
4 it.

5 MR. RICE: Stevie, you have comment?

6 MR. LAY: My question is, why did the majority favor
7 the 350?

8 MR. CARSON: The way that I saw it, and Rachel and
9 Billy were there and Lynn was there, when Chucky threw that
10 out, Dave Kirkendall*, I mean, he jumped on it and was very
11 vocal.

12 And he, I think, and I am not sure, I think he
13 threw the motion on it and it just --

14 MR. LAY: So the motion was carried because there
15 are 350 tags in a box or 100 tags in a box?

16 MR. CARSON: No, there is 100 to the bag.

17 MR. LUISI: I can add just one other thing that --
18 so when we were having the discussion. There were a couple
19 things. We account for fish based on a 3 1/2 pound average,
20 so a bag of 100 tags equals 350 pounds essentially as we
21 calculate them.

22 The other part of this that has to do with overall
23 poundage has to do with the number of individuals in the
24 fishery who have less than 1,000 pounds as their quota. As
25 you know, when we allocated the fishery initially, we gave out

1 small amounts of fish to a lot of people.

2 And then at the end is where the catch history
3 factored in because we only had 4 of the -- 400 of 1,200
4 people had relevant catch history. We have a lot of people
5 who have less than a 1,000 pounds of quota. So the
6 conversation at the work group was the people who are likely
7 not catching their fish, who would benefit from a partial
8 in-season transfer, probably have less than 1,000 pounds.

9 So if you make 1,000 pounds the minimum amount, then
10 somebody with 800 pounds couldn't give half away and keep half
11 to fish on. That was the basis for where this smaller amount
12 came from.

13 Somebody who has less than 350 pounds, it was
14 discussed, they are not probably going to split that anyway.
15 They are just going to give it all. This was one of the
16 issues to help address latent effort that holds quota, that
17 keeps us from catching the full quota.

18 And it was -- Carrie and Lynn know better but the
19 number of people in that group are likely smaller. They have
20 smaller amounts. They are not the ones carrying large
21 quantities of quota, and that was what this 350-pound issue
22 addressed.

23 MS. FEGLEY: And just one more clarifying factor.
24 Thanks, Mike. That was a big part of the conversation. One
25 more clarifying factor is that the 350 is a minimum so you can

1 | transfer more, so you could transfer your 1,000. But you just
2 | can't go below 350.

3 | MR. JEFFERIES: What if you only had the 278?

4 | MR. CARSON: That can go. Anything -- 350 and down,
5 | that would be the balance of your fishing quota. That is
6 | allowed, correct?

7 | MS. DEAN: I really haven't been 100 percent
8 | comfortable with this since we had our initial discussion at
9 | the Striped Bass Work Group. I think that what we were really
10 | looking for was a little bit more flexibility by being able to
11 | do an in-season partial transfer.

12 | And I think that we have complicated it by
13 | absolutely tying the number of tags to the number of pounds
14 | that you transfer to someone. Technically, I have been in the
15 | situation where I did not require tags from the other person.
16 | I have done it. I did it just because that is how you have to
17 | do it but there have been times where I didn't need any more
18 | tags than the tags I already had.

19 | So I am not really sure why we are absolutely
20 | linking the tags to the amount of pounds. It seems like kind
21 | of a backward way of putting us into a situation where we have
22 | not quite as much flexibility as we were hoping for here.

23 | And I know that we have the argument of 350 pounds,
24 | hoping to get some of those guys with lower quota but that
25 | still means we could have somebody with 450 pounds who leaves

1 100 pounds on the table.

2 MR. GILMER: And I am in that category.

3 MS. DEAN: Okay. It sounds -- I don't know, I think
4 we have complicated this to the point where I would rather
5 just slow down a little bit because I don't think that this is
6 what we were trying to do with our original motion.

7 And I think that Virginia has a better model. And I
8 appreciate the department being willing to be flexible with
9 this but I don't know that the increments that we have put on
10 the board are giving us that flexibility that we were looking
11 for.

12 MS. FEGLEY: So are you suggesting that you transfer
13 pounds without transferring tags because that would be --

14 MS. DEAN: I am not saying you have to do it that
15 way. I am just saying that we are not technically right now
16 tracking the number that is on the tag. We are not.

17 My basement is like, hey, whose tags are you
18 grabbing today? Well, it doesn't matter as long as at the end
19 of the year you turn in the right number because it is not a
20 tag number that I am handing to that NRP officer when I turn
21 it in at the end of the year. It is a total number.

22 So this idea that we need to pigeonhole ourselves so
23 that we can track, it is not really making sense to me. And I
24 don't know, everybody else here who turns in tags at the end
25 of the year, do they ask you for your number, and do you have

1 to get that specific?

2 I don't think so, but I do think at the end of the
3 year we have a certain number. So really you were just
4 telling how many went with it. I don't know that we have to
5 equate pounds to tags.

6 MR. CARSON: Johnny Moto*, we spent two of the
7 Striped Bass Work Group meetings primarily talking about too
8 many tags. You remember that, Billy. And if you were going
9 to transfer to Johnny Moto, He gill nets and he targets, let's
10 say, 8 to 10 pound fish, he doesn't need the amount of tags
11 transferred.

12 I have to agree totally with Rachel on that. The
13 tags should be between the fishermen and the transferer. If
14 they are satisfied. If not, the department can make it up.
15 The department is capable of making it up.

16 MS. DEAN: Can we sign on the number of tags?

17 MS. FEGLEY: I would suggest -- this sounds to me
18 like another work group meeting because this gets pretty -- it
19 is like complicating things.

20 It is important. I just want to remind -- we did at
21 the work group meeting talk at length, and I don't know if it
22 was the September meeting or the one before that, we talked at
23 length about methods to reduce the number of tags that you
24 get.

25 I think the recommendation from the work group was

1 that you didn't want us to do -- the work group didn't want us
2 to do any of those things to reduce the number of tags
3 although we are still working on a means to do that so you are
4 not getting way more tags than you need.

5 But we do -- we are not tracking each individual
6 number of tag but we do have some really critical compliance
7 issues here. So I guess what I would suggest is if you guys
8 want to put this piece of it on pause, I think it sounds to me
9 like another work group meeting, and I just guess we would
10 have to think through the timeline for the regulation because
11 these are the things that we were going to put forward into
12 regulation, and it will slow that down.

13 So you might not have your -- the partial in-season
14 transfers might not available when we thought they would be.

15 MS. KENNEDY: That would mean they wouldn't be
16 available in 2018. They would probably -- unless you felt
17 like mid-season, late year, you wanted to have them available,
18 it probably would mean putting them off another year.

19 MS. DEAN: Can I just ask the question, Carrie, is
20 your intention, then, as a department, if I transfer my 350
21 pounds to Ken with 100 tags, that you are going to track the
22 number on those tag? You are going to start tracking because
23 to this point there has been no tracking so I don't know why
24 we are jumping into that.

25 When I had five different transfers to me, how do

1 | you know?

2 | MR. LUISI: Because we haven't done partial,
3 | in-season transfers, so any transfer that you have received
4 | has been all or nothing. It has been everything that the
5 | person has. So when you do a transfer, even during the
6 | season, of what somebody has remaining, every tag that was
7 | assigned to them now is put in your name because all of those
8 | pounds have moved to you.

9 | When you split that now, that person still needs to
10 | have tags assigned to him or her, and when we split it, and it
11 | is not an all or nothing, we will be tracking what you give to
12 | Ken. You are going to give 100 tags with a serial number, and
13 | those are going to now -- they were your property and now they
14 | are going to go into Ken's name.

15 | MS. DEAN: I just think it is unrealistic because if
16 | I have had five transfers to me this year, and one guy has
17 | used 100 of his tags, you guys don't know what number I have.

18 | MR. LUISI: But we know what 100 -- we know the
19 | numbers you have based on the 100s that were given to you.

20 | MS. DEAN: No.

21 | MR. LUISI: We know you have between 1 and 100.

22 | MS. DEAN: If he has used 56 tags, you don't know
23 | what numbers he has used.

24 | MR. LUISI: We don't know the numbers he has used
25 | but we know that you are now --

1 MS. DEAN: In charge of the hundred tags. It is a
2 number, it is not the number on the tag.

3 MR. JEFFRIES: I am really confused now because what
4 she has said is right.

5 MR. MANLEY: Absolutely she says right. When we
6 take tags back at the end of the year, you just carry how many
7 boxes it is, they count the 100s and the few left --

8 MS. DEAN: I use mine backward.

9 MR. MANLEY: They don't know, they just know they
10 have got the right amount of tags but the serial numbers on
11 them, they don't have a clue.

12 MS. KENNEDY: It doesn't matter the order in which
13 you are using them. That is correct. That we are not
14 tracking but we are tracking that you were issued 0 through
15 1000 and Ken was issued 3,000 through 4,000, and if you did a
16 partial transfer, and he gave you 100 tags, he gave you --

17 MS. DEAN: A number not a serial number.

18 MR. LUISI: No, it is a serial number.

19 MS. KENNEDY: We note in the database the set of tag
20 numbers --

21 MR. JEFFRIES: But how do you know which ones have
22 been sold? If tag number 00001 has been sold on a fish, how
23 do you know that tag has been used.

24 MS. KENNEDY: We note the batch that has
25 transferred.

1 SGT. BRIMER: I can see where both sides are here.
2 What they are saying is, if say he has got tags 0 to 100, just
3 for example, and 10 of those, let's say 10, would go to her,
4 you wouldn't know if it was 1 through 10, 60 through 70, 50
5 through 60, and when you see that tag, you won't know that
6 fish has come from her.

7 MS. DEAN: Me or him.

8 SGT. BRIMER: You won't know who caught that fish.

9 MS. DEAN: But you know how many tags I have.

10 MR. JEFFRIES: Seems to me we are making it more
11 confusing.

12 MS. DEAN: Yes.

13 MR. JEFFRIES: If there are 100,000 tags issued,
14 there should be 100,000 used. Who cares who used them, when
15 they used them. And there is no way of knowing what number.
16 There is no way.

17 MR. LUISI: In the example that you are referring
18 to, right now, you would have to -- if Ken were going to sell
19 you the rest of his quota and give you 90 tags from the 1 to
20 100, we would not know which 10 that he used. However, in the
21 time period between that sale, if a fish were found to be
22 illegal, let's say, and an officer tracked those numbers back,
23 prior to the sale, any number between 1 and 100 would be
24 accounted to Ken.

25 Once that sale happens, any future tracking would

1 | then go to you, Rachel. Now if Ken caught a fish and tagged
2 | it and sold you the tags the next day, there is going to be a
3 | time period for when that fish is going to be on the market
4 | that may --

5 | MS. DEAN: Are we out of compliance right now
6 | because we are not doing that right now.

7 | MS. LUISI: We are doing the behind the scenes
8 | tracking of those numbers.

9 | MS. DEAN: You can't.

10 | MR. LUISI: We are not allowing for the partial
11 | transfers. Everything that is in Ken's -- when Ken sells his
12 | quota, he sells everything he has got. It all goes at once,
13 | which means every tag that he has goes too.

14 | MS. DEAN: No, because he has already used some and
15 | he could have used 1, 33, 622 --

16 | MR. JEFFRIES: Or I could have used ones from
17 | someone I leased quota from.

18 | MS. DEAN: And you transferred to me all the
19 | remaining quota and --

20 | MR. JEFFRIES: I could transfer the tags I used from
21 | somebody.

22 | MS. DEAN: It is changing the game by doing partial
23 | quotas.

24 | MR. RICE: In listening to all the debate back and
25 | forth, in my mind, and maybe I am not right but just

1 | listening, I think everybody who has spoken about trying to
2 | track tags, I think, is making a strong case for Buddy's 1,000
3 | pounds because when you start at 1,000, you have encompassed a
4 | huge number of small fishermen.

5 | The fishermen who have got over 1,000 pounds are the
6 | people who are out here trying to buy the quota. I am not
7 | saying you should make people sell their quota but when you
8 | got somebody rinking-dinking around who has got 600 pound and
9 | they want to sell you 350 and keep 250, what is 250 pounds of
10 | fish? It is kind of, either you are going to fish or you
11 | going to cut bait.

12 | Go ahead and sell your quota if you are going to
13 | sell it. So you can get \$2 a pound for your quota. You might
14 | get \$4 a pound for your fish. So to me it would be a lot
15 | simpler to have the higher number, and when you get ready to
16 | transfer, you have to make that decision.

17 | Am I going to try to catch these fish or am I going
18 | to go ahead and take my money and keep crabbing or catfishing
19 | or whatever the heck I might be doing. I don't know if that
20 | makes any sense or not.

21 | MS. DEAN: Buddy, if we would want this to move
22 | forward, then we would have to do it now and I would be
23 | willing to make a motion unless you want to make that motion
24 | because what Carrie is saying is if we kick this back to the
25 | Striped Bass Work Group, we don't have an option.

1 But for now we could move forward with the number
2 that is higher, at least to get us started on the discussion.

3 MR. CARSON: Make a motion and up the poundage. Is
4 there any more discussion that people want input on about that
5 minimum amount of poundage?

6 MR. JEFFRIES: I am just curious. Why is poundage
7 even attached to the transfer? Why does it matter if there
8 are only 900 fishermen? You are not talking about a lot of
9 work. There are only, according to number, 938, I think, in
10 the licensed holders right now. Why is there any poundage
11 attached to it? Who is going to go in and transfer 50 pounds?

12 MR. RICE: You might be surprised.

13 MR. CARSON: Yes.

14 MR. JEFFRIES: At the end of the season, I
15 understand but that falls under whatever is remaining. Why
16 does it have to be 350 or 1,000 or why is it 5,000?

17 MR. CARSON: Well, my 1,000 pounds over top of
18 Virginia's 500 pounds was to -- you can always lower the
19 poundage with no problem but you have trouble raising it. Can
20 the department handle it?

21 In other words, transfers steadily coming in? I
22 mean, you have got to have an appointment and set it up to do
23 the transfer.

24 MR. JEFFRIES: Seems to me it would be easier to do
25 all or nothing.

1 MR. CARSON: We are trying for partials, not all.

2 MR. JEFFRIES: I know.

3 MR. CARSON: As well as temporaries, permanents.

4 MR. JEFFRIES: I would feel better with a higher
5 number.

6 MS. DEAN: I think in the end what -- it scares me
7 because I feel like what we are moving to here is everybody
8 electronic and obviously this is the direction that it would
9 need to go for tracking. That is exactly what that is.

10 So in -- we are in a deadlock because I don't see
11 eye to eye on this one.

12 MR. RICE: Well, Mike just pointed out to me that we
13 took a consensus at the Striped Bass Work Group. It was not a
14 vote.

15 MS. DEAN: Okay.

16 MR. JEFFRIES: It was what?

17 MR. RICE: A consensus.

18 MR. WILKINS: Do it for one year. Can't you do
19 that? Re-evaluate --

20 MS. DEAN: Well, can I throw a motion on the table
21 and then we will go from there.

22 MR. RICE: Absolutely.

23 **MOTION**

24 MS. DEAN: I move to allow for partial in-season
25 transfers not less than 1,000 pounds in the Striped Bass ITQ

1 fishery. Does it need to say -- yes, it has to say ITQ.

2 MR. CARSON: I second it.

3 MR. LUISI: Say it one more time, Rachel.

4 MS. DEAN: Move to allow partial in-season transfers
5 of not less than 1,000 pounds in the striped bass ITQ fishery.

6 MR. JEFFRIES: So 1,000 pounds or all.

7 MS. DEAN: Or all, yes.

8 MR. CARSON: I think that all kind of puts a
9 roadblock up. Let's say a party had 4,000 pounds, and he
10 wants to get rid of it. When you throw the word all in there,
11 it means he has to --

12 MS. DEAN: No, not less than.

13 MR. JEFFRIES: -- If he had less than 1,000 pounds.
14 That way, that gets rid of all the guys who only have the 250,
15 300 pounds.

16 MR. CARSON: The problem comes in to -- let's say,
17 and I will use the numbers that Chucky White did on the
18 telephone. I think it was 600. He was talking about one of
19 his friends or somebody's 650 pounds.

20 The guy who -- the transferer wanted the whole 200
21 but he wanted to get rid of the 350. That is where that
22 figure came from originally. And I think I am right when I
23 say this. It didn't come from the department. It came from
24 Chucky White. Am I right?

25 MS. FEGLEY: It came from the discussion.

1 MR. CARSON: Yes.

2 MS. FEGLEY: It was a long discussion and it
3 involved the idea that not many people have 1,000 pounds, so
4 that was part of the discussion. That a lot of people won't
5 have access to this flexibility. It was a long discussion.

6 MR. CARSON: Maybe I haven't explained myself
7 correctly. A lot of times -- we don't have fish home right
8 now. We haven't had them for the last three or four years.
9 Chumming in the summertime or whatever.

10 I have had to transfer tags. I don't have a problem
11 if it is stays the way that it is because the people I have
12 transferred the tags to are willing to take it and got the
13 money to do it.

14 But then there are some parties who have let's say
15 2,000 pounds and they want to get rid of it but somebody can't
16 afford it, a 2,000 pounds. This gave them the option to
17 keep -- to make sure that the quota is fished. It gave the
18 option for those pounds to be fished.

19 MR. RICE: All right, well, thank you for your
20 input, Buddy. I think we have probably deliberated this
21 enough. Everybody is comfortable with voting. Paul, as we
22 vote from Rachel around the table, will you please keep a
23 tally of the yeses and no's please. That eliminates a lot of
24 hand counting.

25 MR. GILMER: He said an in-season transfer of not

1 | less than 1,000 pounds or all. It is not --

2 | MR. RICE: Well, that was kind of a given but I
3 | understand you like it up in print.

4 | MR. JEFFRIES: If less than a 1,000, all.

5 | MS. FEGLEY: Is this for permanent and temporary?

6 | MR. RICE: I would ask the maker of the motion to
7 | answer that question.

8 | MS. DEAN: I think I said temporary. This is
9 | temporary only. Because permanent is at any time, any amount.
10 | No, it is not. We requested it be permanent too, didn't we?

11 | MS. FEGLEY: They were both 350. That is what the
12 | work group recommended, that both permanent and temporary,
13 | partial, in-season transfers be a minimum of 350. That is
14 | where the --and they should be the same.

15 | MS. DEAN: We need two separate motions. If it is
16 | permanent -- no, permanent we want it to be allowed at any
17 | times no matter what the pounds. You are selling it. Yes.
18 | Permanent is any time no matter what you are selling. So I
19 | will make a second motion if we need it.

20 | MR. RICE: Well, we need to dispose of this one
21 | first.

22 | MS. FEGLEY: I think that amount, if you are going
23 | to do a permanent partial in-season transfer, or a temporary
24 | partial in-season transfer, I think we just need to clarify
25 | that those minimum amounts are the same.

1 MR. CARSON: Why do you say that?

2 MS. FEGLEY: Well, because that is what the work
3 group recommended.

4 MS. DEAN: They didn't vote on it.

5 MR. CARSON: I don't remember that.

6 MR. JEFFRIES: That doesn't make sense.

7 MR. CARSON; Maybe that went over the top of me.

8 MS. DEAN: I think we were just requesting that we
9 could do both in season. It wasn't about matching it.

10 MR. CARSON: Well, there were not votes taken on it.
11 It was just --

12 MR. JEFFRIES: Permanent you should be able to
13 transfer whenever you want.

14 MR. CARSON: Yes.

15 MS. KENNEDY: So just administratively, and again
16 because we talked from the beginning we were very clear at the
17 work group that we have to be able to move tags with these
18 transfers in unbroken, 100-tag bags.

19 So you can't show up with a bunch of broken tags and
20 say, yes, I am doing a transfer. We can't count out an amount
21 of tags that are going to equal the poundage that you are
22 transferring because we do have to track the number that is on
23 there. This batch goes with this transfer.

24 So if we are doing some transfers that are 1,000
25 pounds and we determine some amount of -- some number of tags,

1 | whether it is 300 tags or 400 tags that goes with a 1,000
2 | pound transfer, you can't come in and say, I want to transfer
3 | 25 pounds and then we have to figure out how many tags are
4 | going to go along with that.

5 | We really need to be transferring, for our
6 | accounting, all transfers have to accompany --some poundage
7 | has to be equivalent to 100 unbroken tags.

8 | MR. CARSON: It just seems to me you complicate
9 | things. I thought we were talking about making the temporary
10 | to permanent. The department wants to keep those the same
11 | poundage. I don't see why that has to be. I mean, what you
12 | just said had nothing to do with it.

13 | MS. KENNEDY: It does.

14 | MR. CARSON: The full bags --

15 | MR. JEFFRIES: Not on a permanent.

16 | MS. DEAN: Permanent, everything goes.

17 | MR. CARSON: Everything goes.

18 | MS. DEAN: Everything I have got left goes.

19 | MR. LUISI: Not if it is only half of what you have.

20 | MS. KENNEDY: That is different. Not if it is a
21 | partial permanent transfer.

22 | MS. DEAN: Yes, we are going to do a second motion
23 | for the permanent.

24 | MS. KENNEDY: Because you already can do a
25 | permanent, in-season transfer that is everything.

1 MR. CARSON: Well, she has made the motion on the
2 temporary. Maybe we should get that out of the way and go to
3 the permanent.

4 MS. DEAN: The only question we had about permanent
5 is why do we have to wait until August. That was our
6 question.

7 MR. RICE: Mike, answer her question, please.

8 MR. LUISI: I have a question for Sarah. Maybe you
9 can help. Would the amounts that we establish, could we
10 establish those amounts as we are discussing today through a
11 different mechanism? Could it be through public notice?
12 Could we establish in-season temporary and in-season permanent
13 transfers, the amounts to be determined and approved by the
14 department through a public notice?

15 And if that was to be the case, we could continue to
16 work on this issue through the Striped Bass Work Group but
17 then also continue on the regulation path to make sure that it
18 is available for next year. I hate to put you on the spot. I
19 am trying to think about how to accomplish both.

20 MS. WIDMAN: As long as we can track it back to,
21 because right now all the public notice authority we have
22 under striped bass tracks back to us doing something under
23 like ASMFC management. So as long as we can show a clear line
24 to that in needing public notice authority for it, we can
25 write a public notice authority in there.

1 Again, it is something we would have to talk with
2 legal to see how they feel about it but I think we can make an
3 argument for it.

4 MR. CARSON: Well, is there any reason why we don't
5 take her motion she has made and I seconded and vote on it
6 just like Billy said.

7 MR. LUISI: Absolutely, I think you should have a
8 vote. My concern from the agency side, my concern on this, is
9 that by establishing a limit of 1,000 pounds for somebody to
10 transfer their -- for flexibility, you are segregating out
11 maybe a sixth of the total population of striped bass permit
12 holder who will have that flexibility.

13 The rest of the people who have less than the 1,000
14 pounds will not have the same flexibility. You are
15 eliminating a large portion of the fishery by creating a
16 minimum that is this high. That is my only concern.

17 MR. CARSON: Well, you are not because you can -- if
18 you have got 800 pounds, you can get rid of that.

19 MR. LUISI: But you can't of 400 of it.

20 MR. CARSON: You can't split it up between 2 people
21 or 3 people. That is the only thing you can't do but you can
22 get rid of it.

23 MR. LUISI: You can rid of all of it.

24 MS. FEGLEY: You can get rid of all 800. You cannot
25 keep 400.

1 MR. CARSON: Yes, yes. I mean, that is understood.
2 Like I said, you start off with the 1,000. Like the motion
3 says, and then next year you have a lot of complaints, a lot
4 of input that comes through the Striped Bass Work Group, then
5 we take a vote on it and throw it back.

6 And as far as the amount of tags, let's say somebody
7 wanted 1,000 pounds, that is the way I look at it. And we are
8 spending a lot of time on this, and we spent a lot of time at
9 the work group on it, and it just keeps going up against the
10 wall. But whoever you are transferring them to, let's just
11 say I use Johnny Moto a while ago. He doesn't want 300 tags
12 because he doesn't like to return them. That is history.

13 I think the amount of tags, to keep it simpler, is
14 between the transferer and the -- department doesn't.

15 MS. KENNEDY: No.

16 MR. CARSON: Okay, let's vote on it.

17 MS. DEAN: It doesn't fit into the electronic
18 reporting.

19 MS. KENNEDY: No, it really is about a bag of
20 unbroken tags.

21 MS. DEAN: My tags weren't even in a bag this year.

22 MR. LUISI: They will be next year.

23 MS. KENNEDY: They are required to be in the
24 contract, and if they are not we need to know that as soon as
25 possible.

1 MR. CARSON: Well, I have no problem with the broken
2 bags. That I what I threw on the table to begin with, which
3 is in this piece of paper I put on the desk.

4 I mean, a 100, 200, 300 -- if somebody is
5 transferring it all, it makes no difference, they get what is
6 left. If they are transferring -- what you are saying, if
7 somebody wants 1,000-pound transfer, you are saying it is
8 mandatory they get 3 bags of tags.

9 MS. KENNEDY: Yes, it would be something like that.

10 MR. CARSON: I mean, I have no problem with that but
11 I don't know why --

12 MR. RICE: We have discussed this from beginning to
13 end so let's take a vote on the motion at hand. Paul, are you
14 ready?

15 MR. GENOVESE: Yes.

16 MR. RICE: Starting with Rachel, yes or no, and come
17 right on around the table and end up with me.

18 MS. DEAN: Yes.

19 MR. SCERBO: Yes.

20 MR. LAY: Abstain, it is too confusing.

21 MR. MANLEY: Yes.

22 MR. BROWN: Yes.

23 MR. WILKINS: I will abstain too.

24 MR. JEFFRIES: Yes.

25 MS. VINCENT: Abstaining.

1 MR. CARSON: Yes.

2 MR. DIZE: Abstain but I would like to explain why.

3 MR. RICE: Okay.

4 MR. DIZE: If we have got a commercial Striped Bass
5 Advisory Work Group, and they put their time in on this, and
6 they suggested what was on the board, then I feel funny about
7 us overriding that without going back to them and asking that
8 group because how would you feel putting all that time in, and
9 then this group comes in and just -- that is my reason for
10 abstaining.

11 MS. DEAN: What was sent out wasn't what we saw. I
12 never saw 1,000 -- there was another number thrown in there
13 that we didn't discuss.

14 MR. RICE: Well, several people are on the group who
15 already voted but I understand where you are coming from.

16 MR. DIZE: Abstaining.

17 MR. RICE: Gail?

18 MS. SINDORF: I am going to say yes.

19 MR. RICE: Phil.

20 MR. LANGLEY: I kind of agree with Russell. I am
21 going to abstain, not hearing the other side.

22 MR. RICE: Moochie?

23 MR. GILMER: Yes.

24 MR. RICE: I am on the Striped Bass Work Group and I
25 vote yes.

1 MR. GENOVESE: We have got nine yes and 5 abstain.

2 MR. RICE: And the motion passes. Now would it be
3 possible to add this poundage to the initial report and adopt
4 the whole report?

5 MS. DEAN: Mr. Chairman, sir.

6 MR. RICE: Yes, ma'am?

7 MS. DEAN: I would like to make a second motion.

8 **MOTION**

9 MS. DEAN: I would like to make a second motion that
10 permanent in-season transfers can happen from January 1 until
11 September 15.

12 MR. JEFFRIES: What is it now?

13 MR. LUISI: That is what it is currently, right?

14 MR. JEFFRIES: That is what I thought.

15 MR. LUISI: And we said we would extend it.

16 MS. DEAN: So the only way that you can't do it is
17 if you are buying a TFL or a hook-and-line license with it.

18 MS. KENNEDY: Can you ask that in a different way?

19 MS. DEAN: Yes. If I purchase -- if I were to
20 purchase Ken's poundage only, I can do that at any time
21 during the year?

22 MS. KENNEDY: The all remaining of it.

23 MS. DEAN: No, I mean for future, not just for this
24 year.

25 MR. LUISI: So it is part of the recommendation that

1 permanent in-season transfers can be done throughout the year
2 as late as September 15. DNR, if we could extend that farther
3 we would but we have dates when we need to do tag orders and
4 things and we would try to make it longer but September 15 was
5 the minimum amount of time.

6 MS. DEAN: So on April 1, I can go and purchase just
7 an allocation. The only way that I can't do that is if I am
8 purchasing the hook-and-line license as well because a
9 hook-and-line license can only be purchased in August, right?

10 MR. LUISI: No.

11 MS. DEAN: Thank you. I withdraw.

12 MR. RICE: You are good?

13 MS. DEAN: Yes.

14 MR. RICE: Thank you. All right, now back to my
15 question. If the group agrees to pursue, to adopt the
16 recommendations, can we just change that poundage figure and
17 adopt the whole package?

18 MR. LUISI: Yes.

19 (Pause)

20 MS. DEAN: Mr. Chairman, I am sorry but why is it
21 that we are accepting all recommendations as a blanket because
22 some things were voted on, some things weren't. I am not
23 comfortable.

24 MR. RICE: That is fine. That is why we are here.
25 But they were presented to us as they came out of the

1 committee. Right now we decided to tweak one of them. Are
2 you comfortable with the rest? Then if so, change the figure
3 we decided to change and move forward.

4 (Pause)

5 MS. DEAN: Is this a new precedent that we are
6 setting that we accept everything in its entirety?

7 MR. RICE: Mike explained that, yes.

8 MR. LUISI: Absolutely not. It is just for
9 simplicity and for ease of -- if this group was willing to
10 move forward with the wording and the work of the Striped Bass
11 Work Group, which has been done in the past. It was just
12 presented that way to give you an option. We can go through
13 each one of these recommendations and modify them as you see
14 fit. If there are other things here --

15 MS. DEAN: I don't remember voting on all of those
16 issues at the work group, and it seems unusual to me that we
17 would just say -- I don't know what I am agreeing to.

18 MR. LUISI: At the work group, the question was
19 asked by either Lynn or Carrie, whoever was presenting, they
20 said does anyone oppose or --

21 MR. RICE: That is right.

22 MR. LUISI: And nobody raised their hand or said
23 anything so by consensus it was agreed upon that the work
24 group would present to the Tidal Fish Commission these
25 recommendations as presented to the work group that evening.

1 And that is what we brought forth. If you want to
2 change things, which you have. You have made adjustments and
3 modifications to those recommendations to the 350-pound
4 minimum transfer. And if there is anything else -- if you
5 don't want to take any of the rest of it up, then that is
6 fine. It is just we needed feedback from --

7 MS. DEAN: Okay, so that motion says only on the
8 issues of temporary transfers. Okay.

9 MR. LUISI: And so what I have done -- what I am
10 saying here is that if you wanted to make a motion that the
11 Tidal Fish --

12 MS. DEAN: That is not what it says.

13 MR. LUISI: Support the recommendations of the
14 Striped Bass Industry Work Group as modified today by TFAC.
15 We could include this language in the motion.

16 MS. DEAN: I just think that is asking us to accept
17 everything that they discussed and I don't even think that
18 they came to a vote on everything. Am I wrong?

19 MR. RICE: We came to a consensus.

20 MR. LUISI: Came to a consensus agreement that --

21 MS. FEGLEY: So after every issue, we repeated the
22 issue and said is this a consensus. We basically -- every
23 single issue was enumerated. So --

24 MR. CARSON: Is there something in there, that you
25 don't want in there, Rachel?

1 MS. DEAN: No, maybe it is a clear misunderstanding
2 on my part of a consensus but for example the pound net poles,
3 you know, we got 30, 60, 90 days. We are at 30 right now.
4 The department, were we supposed to recommend that the
5 department move forward with a law change? I just feel
6 like --

7 MR. LUISI: The suggestion from the work group was
8 that we explore what it would require. That was all that was
9 asked of us.

10 MS. FEGLEY: So we responded to that. We didn't
11 know at the work group meeting what it would take to do that
12 so the handout that you have -- you have a handout that
13 enumerates everything that happened at that meeting, and the
14 pound net poles, the request from the work group was, hey, can
15 you guys see what it would take to do this. We went back and
16 looked. The response is, from us, okay, that is a law change.
17 We are not presupposing what we want to do next . We are just
18 telling you what we learned.

19 The only thing that we were -- this is just about
20 the business rules, and as I understand it, that motion was
21 only referring to these business rules.

22 MS. DEAN: Okay, I see it now. I see it now. We
23 are not accepting everything it is just the poundage
24 allowance. Okay, thank you.

25 MR. BROWN: Mr. Chairman?

1 MR. RICE: Yes, Robert T.?

2 **MOTION**

3 MR. BROWN: Can I make a motion that we accept the
4 report from the committee with the modification?

5 MR. RICE: Yes.

6 MR. MANLEY: Second.

7 MR. RICE: And second, okay.

8 (Pause)

9 MS. DEAN: Thank you.

10 MR. RICE: Thank you, Robert T., for clearing that
11 up.

12 MR. LUISI: And who made the second?

13 MR. RICE: Richard.

14 MR. LUISI: Does that motion read like you want it
15 to, Robert T.?

16 MR. BROWN: Yes.

17 MR. RICE: Thank you very much. Do we need to go
18 around the room or will a simple show of hands satisfy
19 everybody on this one? Show of hands?

20 (Show of hands)

21 MR. GENOVESE: 12. You are in?

22 MR. JEFFRIES: I am going to say one thing and I am
23 probably going to abstain. The only thing I am opposed to is
24 the 4 percent overage, and you guys know I always argue that.
25 So I would abstain from the vote.

1 MR. RICE: Thank you. One abstention. Any no's?

2 (No response)

3 MR. RICE: Lynn are you doing the Blue Crab Advisory
4 Committee?

5 MR. LUISI: We are going to go to eels next.

6 MR. JEFFRIES: When you said the extension of the
7 pound net, and the hook and line, that is still up in the air?
8 That hasn't been voted? It is just being discussed, right?

9 MS. FEGLEY: The extension of the -- back to May?

10 MR. JEFFRIES: Yes.

11 MS. FEGLEY: Right. Those votes did not carry at
12 the work group. So the only reason we put that in this report
13 from the committee was to make you aware that the conversation
14 is happening.

15 MR. JEFFRIES: When that comes on the agenda, Billy,
16 you are probably going to need an hour just for me.

17 MR. RICE: Okay.

18 MR. JEFFRIES: I just want to give everybody fair
19 warning. When that comes on the agenda, save me an hour.

20 MR. LUISI: Since Billy needs to leave soon, we are
21 going to jump ahead to blue crabs because --

22 MR. RICE: That is next on the list.

23 MR. LUISI: We were switching it so we wouldn't have
24 to go back and forth but -- so I am going to present to you
25 some of the actions that were taken over the summer by the

1 Blue Crab Advisory Committee.

2 And I am going to look to the commission for --
3 again, whether you support the actions of the committee or you
4 would like to modify those actions today.

5 ***Blue Crab Advisory Committee Update***

6 MR. LUISI: First item of discussion is the spring
7 2018 bushel limits. Over the summer we worked with the
8 committee. We presented an initial phase of 2018 spring
9 bushel limits for female, mature female hard crabs. And it
10 was determined back on June 21 that there was a motion to
11 postpone any such action, and this is what was presented to
12 the committee regarding the bushel limits for April through
13 June.

14 (Slide)

15 MR. LUISI: And it was asked of us to work
16 internally to come up with an alternative measure that would
17 more fairly and evenly distribute the required reductions in
18 the spring bushel limits for 2018 as they were compared to the
19 2016 fishery.

20 So we did that. We went back and we took the
21 recommendations of the committee and we came forward with a
22 new recommendation, a staff recommendation to the committee,
23 about spring 2018 limits.

24 And what those limits did -- if we go back, you can
25 look, you can see here the CB9 did not have anything. There

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MOTION

MR. GILMER: I make a motion that we approve.

MR. LUISI: So we don't need one, but if you just want to call the question and take up a vote, that would be all we need. You can do a motion to approve if you want.

MR. RICE: Yes, I think you should -- you made the motion. Do we have a second on Moochie's motion? You made it? I am sorry, Gail. I didn't see you.

MS. SINDORF: That is okay.

MR. RICE: Mike, I think some people may be -- especially like Russell. When we support something, that means we are moving it forward to the next level.

MR. LUISI: Taking it to us.

MR. RICE: Taking it to you guys. Okay. So all those in favor of the motion made by Moochie to support the spring bushel limits, raise your hands.

(Show of hands)

MR. GENOVESE: It is unanimous.

MR. RICE: Those that oppose?

(No response)

MR. RICE: Those that abstain?

(No response)

MR. RICE: All right, we thank you.

MR. LUISI: Okay. All right, moving on to the next topic, which is crew limits.

1 So we had a discussion about the removal of crew
2 limits as they apply to the CB6 and CB9 authorizations. So if
3 you have a CB6 and a CB9 authorization, in order to fish the
4 appropriate gear and harvest the number of bushels that are
5 assigned to those authorizations or those license types, you
6 have to carry either one or two crew members with you.

7 So if you have a CB6 license, in order to harvest
8 the CB6 bushel limit, you need to carry someone with you in
9 order to do so. If you go out by yourself, you fall back to
10 the CB3 or the TFL license type, and you have different bushel
11 limits assigned.

12 So there was a suggestion by members of the group
13 that we would remove those limitations, and so somebody
14 individually, if I have a CB6 or a CB9 authorization on my
15 TFL, that I could go out by myself and fish 900 pots or run my
16 trotline and be accountable for the bushel limits under a CB9
17 without taking any additional crew with me.

18 The crew authorizations were established years ago.
19 Sarah probably -- she has a little more of the legislative
20 history about that. It is -- it would require a legislation
21 change, and the committee debated whether or not this is the
22 type of issue they want to take to the general assembly and
23 have them work with.

24 So you guys can speak to that better than I can
25 regarding some of the concern that the members of the Crab

1 Committee had regarding going forward with this to the
2 legislators.

3 So the way that this happened is that we presented
4 this to the committee and said, okay, you guys have a choice
5 that you need to make. You can either ask the department to
6 pursue this action and put it as a list of something that we
7 might want to accomplish this year during session or you can
8 ask us to postpone any further action on crew authorizations.

9 And by postponing it, what that would mean is we
10 would not bring this before the Crab Committee again unless
11 directed so by the Tidal Fish Advisory Commission.

12 So it was kind of putting to rest the issue unless
13 we get directed by the commission at a future date to bring it
14 back up and consider it.

15 And so this went back and forth. There was a motion
16 that was made. The first motion was to pursue this action and
17 to take to the legislature the idea of removing the crew
18 limits for the CB6 and CB9. There was an amendment to the
19 motion to replace the word pursue with postpone, which would
20 then ask the department to put it on the shelf indefinitely
21 until we get directed by the commission.

22 As you can see, the amendment failed because the
23 Blue Crab Committee works under a two-thirds majority for
24 approval. So this was the vote. It was eight in favor of
25 postponement, six "no" votes and two abstentions so the motion

1 failed due to a lack of a two-thirds majority.

2 We then, getting back to the original motion, which
3 was to pursue the action, and that also failed for a lack of
4 two-thirds majority.

5 So we are at the point in time where there is no
6 recommendation being made by the committee to the commission
7 as to how we would move forward with this one way or another.
8 So the point where we are now is whether or not this
9 commission wants to take up any action or not.

10 There is nothing needed at this time. If you would
11 rather not -- just leave it where it is at the Blue Crab
12 Committee, the fact that we couldn't get a two-thirds majority
13 on either side, that would be okay. It may come up in yet a
14 future date.

15 If you want us to pursue this action, you need to
16 take up that action today. Or if you wanted us to postpone
17 indefinitely until you direct us in the future to take it to
18 the committee, we would need to take that up today, and it
19 would be essentially deciding whether or not to pursue or
20 postpone.

21 But again there is no necessary action. It just
22 leaves it in limbo if this commission decides not to do
23 anything with it.

24 MR. RICE: That is up to this commission. I don't
25 see anybody --

1 MR. GILMER: Leave it as it is. Leave it as it was
2 voted.

3 MS. SINDORF: Limbo is good.

4 MR. RICE: The consensus of this committee is as
5 presented. Is that a safe way to put it? Okay, we can move
6 forward.

7 MR. LUISI: Okay. We are going to move on. Again,
8 in the same manner we presented an issue that came before us
9 over this last year about workday flexibility.

10 Workday flexibility was suggested to us -- think of
11 it like this. You may have a 10- or 12-hour window of time
12 that you could work for either 8 or 10 hours or whatever your
13 required time would be to work. You would have a longer
14 window to work within.

15 And that was something that was suggested to us. It
16 was brought to the committee. It was debated and discussed,
17 the pros and cons, and the committee took the action and voted
18 on this action, and the motion carried to postpone any further
19 discussion by the committee or the agency on workday
20 flexibility in this forum until further directed by the Tidal
21 Fish Commission.

22 So that was motion. It was motioned to postpone the
23 topic of workday hours flexibility for regulatory change.
24 Motion carried 12 to 0 to 2.

25 MS. SINDORF: So they were extending the amount of

1 hours you could work and you --

2 MR. RICE: They were giving you a window.

3 MS. SINDORF: So you were given a window and you
4 could pick the hours you --

5 MR. LUISI: You could pick your eight hours in a
6 window of time.

7 MS. SINDORF: Eight hours either earlier or late.
8 What was the --

9 MR. LUISI: There were concerns over enforcement of
10 that time and when that would be. There were concerns about
11 do you extend the window in the early part of the day or the
12 later part of the day.

13 If you went later in the day, people who weren't
14 necessarily full-time crabbers may be able to take advantage
15 of getting off work earlier to fact-fold into the fishery. So
16 there were pros and cons. The pros would be just to offer
17 flexibility. Some of the cons were those concerns over
18 enforcement and other things.

19 So this is where we came to as a committee and it is
20 being presented here today so you guys would -- you could take
21 an action either to approve or modify this action,
22 Mr. Chairman.

23 MR. RICE: Yes. We will need either to accept the
24 recommendation or come up with a new one.

25 (No response)

1 MR. RICE: Everybody's in favor -- consensus is to
2 accept the recommendation? I see nod of heads. Okay. We
3 accept that recommendation, so we will move to the next item,
4 please.

5 MR. LUISI: Okay. I will just --
6 (Pause)

7 MR. LUISI: Okay, the last issue that came before
8 the committee had to do with the importation of sponge crabs
9 and the flexibility question regarding importation of sponge
10 crabs.

11 The current status quo for sponge crab importation
12 in Maryland from jurisdictions that have legal harvest of
13 sponge crabs is a 71-day season or a 71-day time period
14 between April 25 and July 5.

15 It was asked of us to bring this before the
16 committee and come up with a series of alternative actions
17 that could be taken by the committee or be considered by the
18 committee for adding flexibility to this importation window.

19 We talked about whether -- those sliding days, if we
20 kept the days the same. We just had -- again, it would be
21 like a workday flexibility. You had a bigger window of time
22 but you would just keep 71 days and move it around within that
23 time.

24 We talked about increasing the number of days from
25 the first of the year, first of the season through July 31,

1 | which equals about 122 days.

2 | We talked about removing the prohibition altogether,
3 | and what the committee actually came up with and recommended
4 | to the Tidal Fish Commission was that we establish a fixed set
5 | of days but increase those days from 71 to 122 days from April
6 | 15 to August 15.

7 | That was the recommendation of the committee. This
8 | would allow for the importation during a longer period of
9 | time, and I won't speak for the processors but if anyone needs
10 | any justification for all of this, those of you in the room
11 | can speak to this much more eloquently than I could.

12 | However, the motion was to recommend this option,
13 | 3B, which is the increased days of 122 days between April 15
14 | and August 15 as the preferred option for recommendation or
15 | importation of sponge crabs.

16 | It was a 12-4, 2 against and 2 abstentions, by the
17 | committee, and it is now the property of the commission.

18 | MR. RICE: Now as part of the report, I know -- I
19 | think there are a couple of the committee members here today.
20 | They asked me to give them an opportunity to speak. Are you
21 | here, and would you like the opportunity? Richard?

22 | MR. LUISI: You want to come up to the mic, Richard,
23 | and just state your name.

24 | MR. YOUNG: Right here on the corner here?

25 | MR. LUISI: Yes, that is great.

Public Comment

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MR. YOUNG: You know, in all the time I have sat at this table, I don't think I have ever been as nervous as I am right now.

Russell, what you said earlier about adhering to the decisions of the work group, when I sat at this table, I thought that was the most important thing to do because those people are giving of their time, and their time is valuable and they have come up with that decision.

In this particular situation, on my way home from that meeting, I said, my God, what have I done? I voted for this. I voted to take more sponge crabs out of our fishery at the time when our juvenile is way, way down.

And it was the wrong thing to do. I made a wrong vote. I voted for this, and I wanted to come here, give my time to come down here and let you folks know that I feel like I voted incorrectly. And I oppose this. I go for the status quo or even cut back on it because we need to err on the side of caution here.

MS. VINCENT: So you are not willing to consider sliding dates?

MR. YOUNG: I was willing to do that, yes, but the more and more I think about it, we need to keep the sponge crabs in the fishery.

If the processers would take them from Texas, from

1 Louisiana, from Florida, I don't care, but not from Virginia.
2 Not out of our bay. Please, let's leave those sponge crabs in
3 there.

4 MR. BATTUS: I feel -- well, first of all, my name
5 is Blair Baltus. I am president of the Baltimore County
6 Watermen's Association, and I feel the same way as Richard
7 did.

8 When I went up the road, I said, what have I just
9 done? And reconsidering right now, I would have voted against
10 it. And judging from the amount of sooks we have got going
11 down the bay this fall, which is not a whole lot, and we don't
12 have a whole lot to work with next spring, and I can't see any
13 more pressure being put on these sponge crabs when they are
14 right there on the spawning grounds where they are going to
15 lay their eggs.

16 This makes absolutely no sense. I have got no
17 problem with them coming from Texas, Louisiana or anywhere
18 else but not out of our fishery because we are going to be
19 strained enough as it is next year. Thank you.

20 MR. RICE: All right, is there anybody else against
21 the wall?

22 MR. DIZE: I would like to speak on it.

23 MR. RICE: Well, now I am turning it over to the
24 committee to anybody who wants to speak.

25 MR. DIZE: Years ago either on the Tidal Advisory

1 Committee or the Crab Committee, I sat there when Jack Brooks
2 from Claytons came over.

3 They need the sponge crab to come in during the
4 spring of the year. And that is what we voted on. When they
5 couldn't get crabs out of localities, they would import them
6 from Virginia. But has anybody devoted to this ever look at
7 what that would do to your market in July if there was a
8 bumper crop of sponge crabs in Virginia, and what it would do
9 to our market selling to the pick houses and other places?

10 It will affect it greatly, and the further you go,
11 if you go into August, I mean, you are voting to put another
12 crab on the market that will affect the price you are getting
13 here in Maryland. Think about it. I mean, somebody hasn't
14 done much thinking on this.

15 MR. GILMER: No waterman could vote in favor of
16 this.

17 MR. DIZE: They can't.

18 MR. GILMER: They can't.

19 MR. DIZE: How can I vote for that?

20 MR. RICE: Well, that is why we are here.

21 MR. DIZE: I am putting myself out of business or
22 reducing my income by allowing -- and taking egg-bearing
23 females out of the water when we need, as these gentlemen have
24 just said, all we can get.

25 What it was originally done for was to let the

1 | picking houses get crabs in the spring of the year when they
2 | couldn't get them. They can get crabs in July. They can get
3 | crabs in August. And they probably get -- well, maybe not as
4 | much in June but they don't need that crab then. They will
5 | take it because it is probably a cheaper crab but I can't
6 | understand watermen voting for that.

7 | MR. RICE: Thank you, Russell. Aubrey, you are
8 | next.

9 | MS. VINCENT: Well, one, how many people here sell
10 | to a processing house full time? That is where they put their
11 | crabs, that is the market they are familiar with? That is the
12 | market they understand? Anybody else on the processing side
13 | sell to processors? Just a question?

14 | MR. DIZE: I bought and sold crabs for 40 years.

15 | MS. VINCENT: Do you process?

16 | MR. DIZE: Crabbers sell to me, and I sell to Jack
17 | Brooks the processor.

18 | MS. VINCENT: So when do you sell Jack processing
19 | crabs?

20 | MR. DIZE: Mainly in the fall of the year or glut
21 | time in August or July when we got --

22 | MS. VINCENT: This July there was no glut. Does
23 | everybody agree? Was there a glut in June, July, August?
24 | There were picking houses that worked less than five hours a
25 | week. I paid the same price for sponges as I paid for clean

1 | sooks this year.

2 | Understand that because Maryland doesn't bring
3 | sponges doesn't mean Virginia isn't harvesting them. I don't
4 | want to harvest a sponge crab in Maryland. Honestly, I don't
5 | want to harvest a sponge crab in Virginia. But my boats in
6 | Virginia, and I buy in Virginia, still harvest sponges once I
7 | can't bring them in the state.

8 | I have agreements with other picking houses in other
9 | states who take that product. That product is then processed
10 | in North Carolina, Virginia, South Carolina, in the gulf, and
11 | then it is shipped into the state of Maryland. It is put on a
12 | shelf and it is sold right next to my product, Clayton's
13 | product, WT's product.

14 | So what we are talking about here, I understand what
15 | you are saying about market. The reason we are talking about
16 | flexing these dates is because there isn't a big run on crabs
17 | in July. That is why we talked about moving it back in April
18 | because usually that is when the price is really high. If we
19 | have wait to pick, that is what we will do.

20 | That is why we talked about moving that date. That
21 | is why a lot of people voted the way they did. Nobody wants
22 | to rape the bay of all of its crabs. But the truth of the
23 | matter is I am buying sponges in Virginia. Those watermen in
24 | Virginia, when they are voting on this, are looking at it the
25 | same way you are. That is their crab as much as it is your

1 crab.

2 That is how they feel about it. They are going to
3 continue to harvest those sponges because that is what is
4 there that time of year. The issue, what it is, is that I
5 can't compete. I have to bring X number of people here to
6 process your extra crabs in the fall. And I do that, I am
7 happy to do that. I love to process your extra crabs.

8 You guys have picking crabs, sell them to me. I
9 would love to have them. And I will pay you a fair market
10 price because right now I am doing all the things to get the
11 best market price I can for my crab meat so that I can pay a
12 better market price for the crabs.

13 But I can't if I can't process three months out of
14 the year, and that is the issue. I am in direct competition
15 within an hour's drive of people who are processing this crab
16 because I can't. I don't want to harvest them any more than
17 you do or anybody else. I don't want to see the entire
18 fishery collapse.

19 But what I would like to see us do is come up with
20 some kind game plan where we can be competitive -- I don't
21 want to harvest in Maryland. I don't want to ruin anybody's
22 market but the truth of the matter is I can't be here in
23 October and November when there are sooks everywhere and the
24 market tanks because there is nobody there to process them if
25 I can't process in July and August, and that is where the

1 | problem is, in July and August.

2 | MR. GILMER: Now Aubrey, but you just said two
3 | different things. You need a sliding thing.

4 | MS. VINCENT: I need flexibility.

5 | MR. GILMER: Yes, I can understand the slide to a
6 | degree but I can't understand the extra days.

7 | MS. VINCENT: This is why we discussed the extra
8 | days. When the discussion happened, part of the reason for
9 | the extra days was because we weren't quite sure where to
10 | start in April, and that brought us into July/beginning of
11 | August because the biggest issue we have is no one ever has
12 | all the crabs they need on the Fourth of July.

13 | I don't know a single person, whether they are on
14 | the retail side, the wholesale side, processing -- Fourth of
15 | July, there isn't a beaucoup crop of crabs. That window right
16 | now cuts off on July 5th. July 5th, you can no longer import
17 | sponge crabs.

18 | So the holiday ends and you are dry. You have no
19 | picking crabs. But you have got a picking house full of
20 | workers that you guaranteed the Department of Labor you are
21 | going to pay for 35 hours a week. And I have to continue to
22 | pay for 35 hours a week and I have to pay my American
23 | employees for 35 hours a week until you have crabs again.

24 | And I am not saying that is your fault or anybody's
25 | fault. I am just looking for some type of solution that works

1 for everybody.

2 Whether I need to change my business model, I don't
3 know but I am in driving distance of competition that is
4 picking this crab because they are able to. And the only
5 reason we can't have it is because we have decided that this
6 feel-good measure -- for some reason we have convinced
7 ourselves that it means they are not being harvested. And it
8 is not true.

9 I am still buying their crab. I am selling it to
10 other picking houses in other states that I am having to
11 compete with my own crab on the shelf because I can't process
12 it here and I am the only state that can't process it.

13 I mean, I could see if Virginia said, look, we don't
14 want sponge crabs anymore. Let's go in on this together and
15 neither one of us do it. Let's just cut it out. Fair enough.
16 I could that.

17 The biggest issue I am having is the competition
18 part of it. I will process a clean crab all day every day
19 because a sponge doesn't yield. All that extra weight takes
20 away from your yield.

21 So yes they may be \$5 cheaper but when you deduct
22 the weight of the sponge they are actually more expensive and
23 they are slow.

24 So it is not a superior product. It is a stop-gap
25 measure to keep us in business and keep us rolling. There are

1 a fraction of the picking houses open. This didn't start
2 until 2002. It is not like this is a regulation since the
3 dawn of time, Maryland picking houses have not picked sponges.

4 We could bring sponges whenever they were legal in
5 other states. This is a fairly new regulation in the life of
6 picking house, and the majority of your picking houses have
7 been in business for 40 years.

8 So prior to this, this was a nonissue. It hasn't
9 stopped -- I haven't seen any type of information from
10 Virginia. I communicate with --- . There is not a single
11 indication that Maryland not buying sponge crabs has affected
12 the harvest.

13 All it has done is depress the price for that
14 product. So basically all you have done is created a
15 situation where they can't make the money on the product
16 either. It is just flowing into southern states and they are
17 taking advantage of --

18 MR. GILMER: But for my bait business, I do know
19 that it does depress the market because those guys move off of
20 them when it gets so cheap.

21 MS. VINCENT: Mine don't.

22 MR. GILMER: Well, my guys do, that I sell bait to.

23 MS. VINCENT: I have got about 40 boats in Virginia,
24 and they don't because they don't have anything else to work
25 on. They are working on the sea side, and when that crab is

1 | there, there is nothing else that is economically feasible for
2 | them to work on.

3 | Now in some areas they do. Like on the western --
4 | my boats on the western sometimes will move because they are
5 | not catching the value of my sponges. But for a lot of people
6 | in Virginia this is a stopgap for them until clean crabs show
7 | up again.

8 | MR. GILMER: But I see no way of benefitting the
9 | Maryland watermen. I just don't see how it does.

10 | MR. RICE: Troy has had his card up for a while, so
11 | let him speak. Troy?

12 | MR. WILKINS: I think our county was not at the
13 | meeting. Correct, Moochie?

14 | MR. GILMER: Right.

15 | MR. WILKINS: So I am just going to say our county
16 | was against it, and I don't know if we had the sliding dates
17 | presented to us. Do you know?

18 | MR. GILMER: The sliding dates we have talked about
19 | before at the Crabbing Committee.

20 | MR. WILKINS: That is the first I have heard of all
21 | of that but I just want to say that our county was -- we
22 | weren't represented there and here, for the record, that we
23 | were against it.

24 | MS. VINCENT: The watermen who were in support of it
25 | have a processing market. Those were the watermen who

1 primarily supported it and brought it to the table just for
2 those who weren't there. Those who depend on picking houses
3 for their yearly market not just when they are overflowed.

4 So I mean that is something to consider too.
5 Everybody has got a different market, and -- correct me if I
6 am wrong, please do. But I don't know if anybody here
7 regularly sells to a processor. It doesn't sound like anybody
8 does.

9 MR. GILMER: But here is another part of my
10 argument. So if you can import sponge crabs, then you are
11 going to send your clean sooks up the road against ours.

12 MS. VINCENT: No, I can't. Here is my problem, and
13 I can only speak for myself. I have to pick 400 bushels a
14 day. That is my processing volume. Plus my clean sooks.

15 So right now I still buy clean sooks. So have a
16 wholesale market, I have a processing market. We have two
17 separate things. So I am not picking those clean sooks anyhow
18 because I can't. I have to supply my bushel market.

19 All those sponges are to fill in, in the picking
20 house. That is it. Like, I think, what you are thinking is
21 if I don't have sponges, I am bringing all those sooks and
22 that gives you a better return. Is that -- am I understanding
23 where you are going with it?

24 MR. GILMER: No, no. When you are sending them up
25 the road to your wholesale market, you are competing against

1 | our sooks that are --

2 | MS. VINCENT: I am sending them now.

3 | MR. GILMER: Yes.

4 | MS. VINCENT: Right.

5 | MR. GILMER: So what you are saying is you would
6 | rather pay the picker not to pick and send the clean crabs up
7 | the road?

8 | MS. VINCENT: I have to. A clean crab -- like this
9 | summer. If clean crabs are worth \$60, and meat is only worth
10 | \$13, I can't pick them.

11 | MR. GILMER: Well, you having too many pickers is a
12 | business decision that you made.

13 | MS. VINCENT: Right but I have to make that decision
14 | a year in advance, and I have to guarantee those wages a year
15 | in advance before we ever find out what our limits are.

16 | MR. GILMER: Right, plus -- but you are making that
17 | decision before you even know how many crabs we have.

18 | MS. VINCENT: I don't have a choice.

19 | MR. GILMER: I understand that.

20 | MS. VINCENT: That is the conundrum.

21 | MR. GILMER: But to me, you have to be more on the
22 | conservative side and not put the burden on the industry.

23 | MS. VINCENT: How many people do you think I wanted
24 | to bring?

25 | MR. GILMER: I don't know.

1 MS. VINCENT: That is what I am saying. I feel like
2 we are on the conservative -- that is the problem. What has
3 happened with picking is if you are not picking a lot, it is
4 not profitable anymore because you have all these cheap
5 imports.

6 And that is something -- I mean, if we want to deal
7 with that issue, that is a whole different thing. If the
8 issue is processing sponge crabs also yourself, then all that
9 product is coming into the state. That is something that we
10 need to talk about because that is depressing the price that
11 people are getting.

12 Like if that is the argument, it is always going to
13 depress our price, all of these products that are flowing into
14 the state so people can have cheap crab cakes are what is
15 depressing the prices because if I am getting \$16 on backfin,
16 I can pay more for crabs.

17 It is a catch-22, and I see what you are saying
18 about the labor and there are some things the Department of
19 Labor needs to do with that program. When that will happen, I
20 don't know. It is a flawed program but right now it is all we
21 have.

22 MR. GILMER: Yes, but I don't think you can put the
23 burden of it on the resource.

24 MS. VINCENT: Understandable to a certain extent.

25 MR. RICE: That is a pretty good flow of

1 conversation but this committee needs to decide how they want
2 to move forward -- either support the recommendation, make a
3 different recommendation or dispose of it in whatever matter.

4 MS. SINDORF: Do we have to start by recommending or
5 not recommending this and then vote on what we recommend?

6 MS. VINCENT: Or have an alternative.

7 MR. RICE: If you have got a different
8 recommendation, you can go ahead and make it and we can vote
9 on it. It will supersede this one.

10 MS. SINDORF: Can we start by not recommending this
11 one? That would be the start, is what I am saying.

12 MR. RICE: However you want to handle it.

13 MS. SINDORF: Having two recommendations might be --

14 MR. LUISI: Well, this recommendation is now yours
15 to debate.

16 MR. RICE: Which we have done.

17 MR. LUISI: What you would do at this point, if you
18 wanted nothing to change from our current rules, you would
19 motion for Option 1, which would be the status quo.

20 And that would be your recommendation to the
21 department to leave things alone and leave everything as is.
22 If you wanted to recommend something -- anything different,
23 you would basically be making a new motion to replace Option
24 3B with another option here, as a recommendation to the
25 department. You don't have --

1 do not approve Option 3B that was recommended to us by the
2 advisory work group.

3 MR. RICE: Thank you, Gail. Do we need a second on
4 Gail's motion? Do we have a second? Second by Russell Dize.
5 I think it has been discussed enough unless somebody has got
6 something really burning.

7 MR. SINDORF: And then Aubrey will be able to pick
8 up on the slide.

9 MS. VINCENT: Well, the slide is something we talked
10 about for years but nobody has ever made it into something
11 that actually happens. We need some type of action. So what
12 was brought to us is, if this doesn't happen this time then we
13 are not bringing it up anymore. That is essentially where
14 this came from. It is either now -- we are either going to do
15 it or not do it.

16 MR. GILMER: Aubrey, did we ever decide how we would
17 decide -- to me that is a processor move.

18 MR. LUISI: Well, I can at least set the base for
19 how that will work.

20 MR. DIZE: But you have got a motion on the floor.

21 (Simultaneous conversation)

22 MR. RICE: Let's dispose of this motion before we
23 move on to something else. Thank you, Russell. We can do a
24 show of hands on this. All those in favor, signify by raising
25 your right hand in favor of not supporting 3B.

1 MR. GILMER: Not to support 3B.

2 (Show of hands)

3 MR. GENOVESE: 13 yeses.

4 MR. RICE: All those that oppose?

5 (Show of hand)

6 MR. RICE: All those that abstain?

7 (No response)

8 MR. JEFFRIES: When you get a chance, Mike, pull up
9 those options again.

10 MR. LUISI: I will.

11 MR. JEFFRIES: I am not a math major but Option 2 is
12 wrong.

13 MS. VINCENT: Well, it is because it is flexible.
14 Flexible between April --

15 MR. RICE: Okay, now let's go back and let Mike help
16 guide us.

17 MR. LUISI: So the sliding option is one for which
18 currently these numbers, the status quo, April 25th to July
19 5th is hardwired into the regulation. Those dates are
20 affixed. They are fixed in the reg.

21 For us to be able to make changes in real time that
22 would benefit the processing industry and give them the
23 flexibility they need, we would need public notice authority
24 in real -- so we could make decisions about which days the
25 seasons would start and end in real time, within a matter of a

1 week.

2 MR. DIZE: But if you do that, you are ruining their
3 flexibility. If it is going to be hardwired --

4 MR. LUISI: No, it is hardwired now.

5 MR. DIZE: But if we can't give them flexibility
6 that they have a committee that says, we like this from May 30
7 to whatever, the 71 days, the industry should have that.

8 MR. LUISI: That is what we are getting to. So --

9 MR. GILMER: That is what he is getting to, Russell.
10 The public notice thing that we have, that we killed, would
11 not allow them to do that.

12 MR. LUISI: We can't make the changes to those
13 dates. We would have to start in the summer of the previous
14 year to change the dates from April 25 to July 5. The sliding
15 option, we would go forward with a public notice authority
16 provision that would allow the state to do a public notice to
17 change those dates but not exceed 71 days.

18 And we would work with the processors through some
19 forum to get those dates as a recommendation. Now the thing
20 that complicates things is there is not -- there are a number
21 of processors --

22 MS. VINCENT: You could send out one group e-mail
23 and get them all. There are literally less than --- .

24 MR. LUISI: We would have to handle that through
25 some process to get a recommendation from the processors

1 | because we might get one set of dates from one group and
2 | another set of dates from another group, and we would have to
3 | figure out how to balance that each year. So --

4 | MR. DIZE: But they would figure that out.

5 | MR. LUISI: They could figure that out.

6 | MR. DIZE: These are business people.

7 | MR. LUISI: That is what that option offers. Now
8 | the dates of April 1 through July 30, I just chose those.
9 | They are random. You can make it the whole year and give them
10 | the flexibility for the whole season if you wanted to. This
11 | is just what was presented to the committee.

12 | MS. VINCENT: I don't think that is necessary. I
13 | would like to see -- I think the April 15 day into August,
14 | like I would like to see into August.

15 | A lot of times, the time that we feel it the most is
16 | into July after the holiday, and sometimes depending on the
17 | season, depending on when the crabs are running, into August.
18 | So I would like to see the flexible window in that time. I
19 | don't feel like I need it wide open --

20 | MR. GILMER: I know on the Crab Committee, and
21 | correct me if I am wrong, you guys who are on the Crab
22 | Committee, from what it was now, in the Crab Committee it was
23 | recommended two weeks earlier, two weeks later.

24 | MS. VINCENT: Yes, it was. That is why I would like
25 | the 15th into that -- if we could get into the end of July

1 that would be good or even in August. That is not quite two
2 weeks because it is the 5th. It is a little bit more than 2
3 weeks but July is where we really struggle.

4 MR. GILMER: I just want the people in this room to
5 know what came out of the Crab Committee.

6 MR. LAY: Another part of the discussion was that
7 those days need to be consecutive days.

8 MS. VINCENT: Yes, they should.

9 MR. LAY: That is something we need to mention. We
10 can't split it up.

11 MR. LUISI: So does somebody want to make a motion?

12 MS. SINDORF: So I am more comfortable being a
13 little more conservative on these dates. I am sorry, I am
14 just -- you had talked about us not having a glut this year.
15 And I am uncomfortable kind of expanding it, you know, and
16 possibly taking more sponges given that.

17 I know that a few years back, I remember Jack asking
18 for two weeks, a two-week flex in either direction. And I
19 didn't feel uncomfortable with that. I know you had brought
20 up something.

21 MR. GILMER: But that is what had come out of the
22 Crab Committee.

23 MS. SINDORF: But what was the opposition to that?
24 Wasn't there something, some issue they had?

25 MR. GILMER: Well, in a normal year, they didn't

1 | want -- I think we agreed to the two weeks but they didn't
2 | want it to go any further than that because after the 4th of
3 | July, the market usually fell off a little bit. That is where
4 | we agreed to the two weeks.

5 | MS. SINDORF: I am comfortable with the two weeks.
6 | How do you feel? A two-week gives them a little bit of a --

7 | MR. RICE: If the days didn't expand and there was
8 | flexibility built in with the same amount of working days,
9 | that would really not change the game, just the dates.

10 | MS. SINDORF: And as far as the officer goes, how
11 | does he feel about enforcement on that -- can he speak to
12 | that?

13 | MR. RICE: Officer Troy, Gail has got a question for
14 | you.

15 | MS. SINDORF: Officer Troy, we need you.

16 | SGT. BRIMER: What was the question?

17 | MS. SINDORF: We were asking about enforcement if we
18 | allowed flex -- two weeks in either direction on the sponge
19 | crab importation. Would you be able to do enforcement?

20 | SGT. BRIMER: I would speak on my behalf because I
21 | have worked Somerset County right against Virginia. But I
22 | feel as long as I knew the dates ahead of time, that we could
23 | be able to handle it.

24 | MS. SINDORF: And I guess the next question would
25 | be, would all of the picking plants, Aubrey, have the same

1 date?

2 MR. GILMER: Yes.

3 MS. VINCENT: That is the issue. 71 days
4 consecutively, and we pick that date, it doesn't -- the
5 two-week part, it seems like if you are going to have 71
6 consecutive days, you know -- the two weeks to me doesn't seem
7 like it is really that big of a deal. But if that is the
8 sticking point for everyone, it is still better than what we
9 are working in right now because we are only going to have the
10 71 consecutive days.

11 So you are not going to start like June 1. You know
12 what I mean? You are going to still start in that April -- so
13 you are always going to be within that same kind of time
14 period because it is going to have to be consecutive. But it
15 would be industrywide because I could be wrong but I don't
16 think there is any other use for that product other than
17 processing, really.

18 There is a certain customer who buys that crab but
19 typically that customer is located -- you can't have it in New
20 York but it is like in Virginia/Tidewater area. There is a
21 customer who buys that crab. They like the roe. Most people
22 who buy that crab, they like the roe. So they are looking
23 specifically for roe. There is a big market for that.

24 MR. CARSON: So for two weeks, if I understand it,
25 you would take the April the 25th, July the 5th, and put two

1 weeks on both sides of it so you could slide it back and
2 forth.

3 MR. GILMER: Right.

4 MR. CARSON: How do you like that? I think the 71
5 days is the sticking point to stay to.

6 MR. GILMER: 71 days, stay to the 71 days and give
7 them -- you go two weeks from --

8 MR. CARSON: How does that work, Aubrey?

9 MS. VINCENT: It does. The only thing that gets a
10 little tricky is the two weeks from July 15 or July 5th. That
11 is the only time because what would probably happen,
12 especially depending on how far ahead of time you made the
13 decision -- let's say you had a really cold spring -- you
14 would start later in April possibly into May, and that would
15 push you past that two-week past the 5th part. It would push
16 you later into July.

17 MR. GILMER: What you would have to do is have, you
18 know, if you want to slide -- you would still have a starting
19 date no later than this date to get you your 71 days until the
20 15th. Or the 15 days until the 19th.

21 MS. SINDORF: So you would always absolutely start
22 71 days before that --

23 MR. GILMER: You would always have a starting
24 date --

25 MS. VINCENT: I am just trying to think what the

1 | easiest way to do that would be, how you would make your
2 | decision ahead of time because when -- what your timeline
3 | would be and how you would decide to go about it. Because you
4 | figure, really it is only a matter of two weeks. Is there
5 | some kind of way you could draft that so that it was an
6 | easier -- probably not because there are so many --

7 | MR. CARSON: You said that it would have to go
8 | through public notice anyway. Am I correct?

9 | MS. VINCENT: Unless like he does a year ahead of
10 | time. I think there are some other things you could do. It
11 | is just very slow it sounds like.

12 | MR. LUISI: We would want to set those dates
13 | probably in mid-March based on feedback we get from the
14 | industry. And we would do a public notice and we would set
15 | those dates to be fixed for that year.

16 | MS. VINCENT: When would you be publishing the
17 | dredge survey?

18 | MR. LUISI: The dredge survey won't come out until
19 | after that.

20 | MR. GILMER: But your weather will no more determine
21 | when you -- let's just say in whatever date in March he sets
22 | it, it is still, our average temperatures are still in the
23 | 40s. You know you are going to be later.

24 | MS. VINCENT: The advantage -- Virginia sets all the
25 | regulations ahead of time so you already know what your

1 climate is so you already have that information. Anything is
2 better than what we have. I don't want to nitpick.

3 MR. GILMER: And you and the picking industry would
4 have to decide how you want to set that.

5 MS. VINCENT: Right. Honestly, there is really
6 nothing any of us -- so it would just be a matter of getting
7 everyone together. Probably the industry's association --

8 MR. GILMER: Right.

9 MS. VINCENT: And making that decision. And we just
10 have to have a timeline of, this decision needs to be made
11 this date in order to make it feasible.

12 MR. RICE: Can I make a suggestion? I don't know if
13 this works or not. Can we adopt a concept that, that is what
14 we want to do, to have the option of the sliding day but have
15 the details worked out and brought back to us for final
16 approval at our next meeting as to how it functions, how are
17 you going to determine -- right.

18 MR. GILMER: But I think you need to go back --

19 MS. VINCENT: I think they thought that you guys
20 were going to do that. That was kind of the assumption, that
21 it was out of our hands and it was in the committee's hands
22 but that doesn't mean that they wouldn't be willing to work on
23 it.

24 MR. CARSON: But you have narrowed it down and you
25 have taken all the other options --

1 MS. VINCENT: You want to kick it back to the Blue
2 Crab Committee --

3 MR. GILMER: No, we want to kick it back to the
4 processors and you give us a plan.

5 MS. VINCENT: Okay, so you want to take it to the
6 industry's association and see what the industry association's
7 ideas are as far as implementing this thing.

8 MR. GILMER: Yes, of implementing that.

9 MS. VINCENT: Is there any type of guidelines that
10 we can get from the department so that we don't run off on a
11 tangent?

12 MR. DIZE: Did the two weeks on either end come out
13 of the Crab Committee --

14 MR. GILMER: Not this year. In years before.

15 MR. DIZE: If we have only got 20 picking plants why
16 can't they do their own slide?

17 MR. GILMER: That is what we --

18 MR. DIZE: Why do they need that?

19 MR. GILMER: Crabbers do not want it to go beyond
20 the 19th.

21 MR. LUISI: So if someone wanted to make the motion
22 on the board, if somebody wanted to make the motion to
23 recommend that the department -- recommend to the department
24 Option 2.

25 MS. VINCENT: I would be happy to carry it back to

1 the industry association.

2 MR. LUISI: So what we would do is we would work
3 with the processors internally -- this will not be available
4 for this upcoming year I don't believe because of the timing
5 of it all.

6 MS. VINCENT: We had already figured it wouldn't be,
7 as much as we would have liked for it to be, to have the
8 flexibility, because I know, especially with the dredge survey
9 this year.

10 When the sooks change, when the catch limits -- it
11 really affects the processing market more so because the
12 majority of my boats are working on those larger licenses.
13 That is why we were kind of hoping that maybe something like
14 this would come through this year but if it doesn't, it is
15 status quo. We are doing what we are doing.

16 MR. DIZE: Have the sooks picked up in the lower bay
17 this year yet?

18 MS. VINCENT: We had a good run on them a couple
19 weeks ago but not like we normally do. Now I had a couple
20 people say that a lot of the sooks were moving. Now whether
21 we will get it or not, I don't know. But I am hanging my hat
22 on it so I certainly hope we do.

23 My boats in Tangier and down south and stuff like
24 that have had some but we had a really big run on male crabs
25 last year. We haven't seen that yet either so it is anybody's

1 | already made, is that we could -- I am looking over at
2 | Sarah -- we would actually try to submit these regulations
3 | prior to the start of session, which means that they may be
4 | effective for this upcoming season to give us public notice
5 | authority to work with the industry to give them the sliding
6 | ruler of time for next year.

7 | MS. WIDMAN: So if you guys approve it right now,
8 | then when I come to -- then we could start the scoping process
9 | immediately and get them in as soon as possible. And so the
10 | regulation change would take out the permanent dates and say
11 | we are going to announce it by public notice within that
12 | timeframe each year.

13 | And so we could try to get that in -- if we did it
14 | immediately and there are no hiccups, it would probably be in
15 | effect sometime in the month of March. And then we could work
16 | with the industry to figure out if we need to slide anything
17 | for this coming season, if that all works all.

18 | MR. RICE: Paul are you ready to take tally?
19 | Rachel, yes or no, and come around the table.

20 | MS. DEAN: Yes.

21 | MR. SCERBO: Yes.

22 | MR. LAY: Yes.

23 | MR. MANLEY: Yes.

24 | MR. BROWN: Yes.

25 | MR. WILKINS: Yes.

1 MR. JEFFRIES: Yes.

2 MR. CARSON: Yes.

3 MR. DIZE: Yes.

4 MS. SINDORF: Yes.

5 MR. LANGLEY: Yes.

6 MR. GILMER: Yes.

7 MR. RICE: And yes.

8 MR. GILMER: Did you vote with us, Aubrey?

9 MS. VINCENT: I didn't feel I needed to. My face --

10 MR. GENOVESE: I saw her face.

11 MS. VINCENT: So I will work with the processors to
12 get a committee together in anticipation of that possibly
13 being an option.

14 MR. LUISI: So that is it for --

15 MR. RICE: Now we are going to move to --

16 MS. VINCENT: What about out-of-state commercial
17 licenses?

18 MR. LUISI: Yes, so we did discuss the out-of-state
19 commercial licenses, so what we did was, instead of bringing
20 that to you today given all the other stuff on the agenda, we
21 had follow-up that we were going to do with the committee.

22 It probably won't be until next year but we had some
23 follow-up actions that we were going to look into. It just
24 wasn't anything that we would actually move on right now. So
25 that is where I left it based on all the rest of the things

1 that we had to discuss.

2 MR. RICE: Well, I apologize to the committee but I
3 have got to turn the meeting over to Moochie. If not, I will
4 probably get a speeding ticket. The meeting I have got to go
5 to is an annual meeting. We only have it once a year, and I
6 have got to unfortunately chair that meeting also.

7 So I guess I did half my work today. So I am going
8 to leave you in very capable hands.

9 MR. LAY: I can save the department one phone call
10 on that issue of the out-of-state licenses.

11 I called the Delaware Department of Natural
12 Resources and finally got through to the commercial side. I
13 asked them, as a Maryland resident, waterman, crabber, could I
14 buy a Delaware commercial crabbing license. The lady said,
15 well, there is one problem with that. We have a cap in
16 Delaware. And I said, what would that cap be? And she said,
17 80 licenses. That is all the Delaware wants to have.

18 But, she said, right now, there is just a little
19 over 100 commercial crabbers in Delaware, and extra ones were
20 kind of grandfathered in. She said, we are waiting for
21 attrition to take care of the number between whatever it was,
22 104 and 80. But there is also a provision that allows a
23 commercial waterman in Delaware to transfer his license to a
24 family member.

25 And she said, I have been here 21 years, and we have

1 never issued a new license. The ones who want to give their
2 license up transfer it to a family member. So she said, we
3 don't even have a procedure on the books that if we got to 80,
4 how would we give someone that license that became available
5 because, she said, it is not going to happen in our lifetime.

6 MS. VINCENT: She is telling the truth. Delaware is
7 a totally different animal.

8 MR. LAY: So that is what part of the discussion was
9 about, not allowing Pennsylvania or Delaware residents to buy
10 a commercial crabbing license in Maryland.

11 MR. LUISI: So we are going to go back. Lynn had a
12 quick update on eels. We jumped around a little bit. So we
13 have two more updates and then we will move into some ASMFC
14 stuff.

15 *American Eel Work Group Update*

16 MS. FEGLEY: I think eels will be easier. We had an
17 American Eel Work Group on October 23, and really, the purpose
18 of that meeting was there is a lot cooking with eels through
19 ASMFC, and we really wanted to make this group -- and there
20 are again, several people in the room who were there. So feel
21 free to comment when I am done.

22 The purpose was to inform them of an addendum that
23 was initiated at ASMFC to do three things. One was to
24 re-examine the coastwide cap under which eels are managed.
25 The second is to re-examine the triggers, and those triggers,

1 the triggers. They were not particularly well-thought out.

2 So just for the people who don't follow eels, there
3 is a coastwide harvest number. It is 907,000 pounds. If that
4 number is exceeded by more than 10 percent in a single year,
5 then we automatically go to state-by-state quotas or if that
6 number is exceeded by any amount in two consecutive years,
7 then we automatically go to state-by-state quotas.

8 Last year we went over by -- in 2016 we went by
9 about 20,000, maybe 28,000. So in 2017, if we go over by 2
10 pounds, it is really going to create a lot of angst up and
11 down the coast, and I think everybody understands that is
12 not --

13 MR. CARSON: When you allowing everybody, when they
14 renew their licenses, to go for an eel permit, an eel license,
15 aren't you opening the door for that quota -- in other words,
16 all of a sudden so many people could get into the industry if
17 things were going slow.

18 I mean, at home everybody signs it up, and then if
19 all of a sudden they wanted to go, you would have a problem.

20 MS. FEGLEY: Right, and we have had that discussion
21 at the work group. You know, one of the things that we have
22 talked about at length are tools to -- because Maryland
23 harvests over 50 percent of the coastwide harvest each year,
24 we really do control the coastal number.

25 So we have had this discussion about how -- what are

1 | the measures that we can use on our own to control our harvest
2 | to keep that coastwide total number under control? So there
3 | are several ways we can get at that, and we have had those
4 | conversations at the workgroup.

5 | MR. CARSON: But I think at the meeting I was
6 | sitting to, you said New Jersey is getting stronger all the
7 | time. Am I right or wrong on that?

8 | MS. FEGLEY: I don't actually remember the
9 | trajectory of New Jersey's landings. They are not -- I think
10 | they are the second-largest harvester. It is either New
11 | Jersey or Virginia.

12 | MR. LAY: Virginia is second.

13 | MS. FEGLEY: Virginia is second and then New Jersey.
14 | And then beyond that it is really everybody is really minimal
15 | for yellow eels.

16 | MR. LAY: Buddy, I don't know if you are aware but
17 | the Eel Committee recommended, and the DNR went through with
18 | our recommendation, that this current year, as we are
19 | speaking, you cannot eel on Saturdays or Sundays, and the
20 | season ends on the last day of November, which is a voluntary
21 | procedure we did to slow the harvest down to help us not
22 | trigger a second year in a row.

23 | MS. VINCENT: When is the main part of that season?

24 | MR. LAY: Well, it depends. Some people like to eel
25 | in the spring and fall and crab in the summer. Demand is --

1 the small eel is for bait. The big eel is for the restaurant
2 market.

3 There is a great holiday a day or two before
4 Christmas in New York, you get several times your normal price
5 for the eels then. So it depends on the eeler. There is not
6 really -- eels are harder to catch in the summer. They don't
7 live well, the bad water.

8 It is spring and fall primarily but there are eelers
9 who eel all year.

10 MR. GILMER: Are we good on the eel stuff?

11 MR. BROWN: Moochie, the one thing I want to add is
12 we were, last year, like 18,000 to 20,000 pounds over out of
13 950 plus thousand pounds. That puts us less than 2 percent
14 over our quota, the coastwide quota that we were supposed to
15 hit.

16 If we come within 2 percent of it, any quota, we
17 have done our job whether we are above it or below it. And
18 with the trigger that is into it through the Atlantic States
19 Marine Fisheries Commission, it treats the states unfairly.

20 We get the lion's share of the quota on the coast.
21 And the reason we are catching so many fish, these eels, is
22 because with less effort we are catching more eels because the
23 abundance has come up, and they, during one of their studies,
24 they have said that the places that are harvesting the eels
25 haven't been able to recruit. Isn't that correct?

1 MS. FEGLEY: Yes. It is true that the eel indices
2 are generally increases where harvest has been highest. And
3 we talked about that at length at the board.

4 So there are some issues. Scientists recognized on
5 the record that eels are data poor. There are a lot of things
6 that are inconsistent. There is a lot to work out.

7 ***Joint SFAC/TFAC Yellow Perch Work Group***

8 MR. LUISI: I just wanted to mention to all of you
9 that there is a Sport Fish Commission, Tidal Fish Commission
10 Yellow Perch Working Group meeting that we have put on the
11 calendar for November 20 at 2:00 p.m. here at the Tawes
12 Building.

13 There have been a few things that have been brought
14 to our attention regarding yellow perch over the last few
15 months that we need to work through. One of them -- so the
16 agenda is going to deal with four issues: The quota overages
17 and underages, which has been an issue on how to address
18 overages and underages in yellow perch over the last few
19 years.

20 We have draft amendment language right now that is
21 unresolved because of the different advice we got from both
22 the Sport Fish and the Tidal Fish Commissions regarding some
23 language about quotas and how we handle them as an agency.

24 So we are hoping that this discussion will lead to
25 finalizing some language that can be agreed upon by both sides

1 as to how we would move forward.

2 It has been brought to our attention that those
3 individuals who operate in the live market and sell live
4 yellow perch would like to be able to have a little more
5 flexibility about when they sell those live yellow perch and
6 not have a department representative required to be there to
7 watch the transaction happen.

8 There have been cases where we don't always have
9 staff available immediately to get in the car and drive
10 somewhere and deal with that situation so it is something that
11 we are going to talk about and figure out a plan forward on
12 how to make that situation a little less restrictive.

13 And it has also been asked of us to consider
14 additional rivers that are currently closed to commercial
15 yellow perch harvest. To consider whether or not we would
16 want to open those rivers, in particular the Choptank and the
17 Nanticoke. Those are the two rivers that it has been asked of
18 the department to consider that.

19 We are going to again be talking with the members of
20 this work group who, for your commission, are Billy and Steve.
21 And for the sport fish, it is Jim Gracie and Dave Sikorski.
22 And while Dave Sikorski is no longer a sport fish
23 commissioner, the Sport Fish Commission just the other day
24 said it would be fine if we kept him as the executive director
25 of CCA, and his longtime engagement in yellow perch management

1 over time.

2 So that is what I had for this, and this is the last
3 part of the report on this agenda item. If you have any
4 questions about that meeting --

5 MR. LAY: I would just like to let the commission
6 know that the members of the sport fish, Dave and Mr. Gracie,
7 are very good to work with. They don't oppose things just
8 because I am a commercial guy and they are recreational guys.
9 And I have a lot of confidence that any discussions we have
10 will be amicable and work toward achieving the goals and not
11 just a battle between sport fish and commercial fish.

12 MR. GILMER: Very good. And I would like this group
13 to -- for you to pass back that this group really appreciates
14 that, coming from tidal fish.

15 MR. LUISI: Okay, so we can move on. Back to Lynn.
16 We have a couple updates from ASMFC last week and some other
17 things that are on this topic under division reports. So Lynn
18 and I are going to bounce back and forth again. So you are
19 up, Lynn.

20 ***Monitoring and Assessment Division***

21 ***by Michael Luisi and Lynn Fegley, MD DNR Fishing and Boating Services***

22 ***Blue Catfish Trotline Update***

23 MS. FEGLEY: So you received today, and I think it
24 is in your packets, a handout on finfish trotlines. And we
25 wanted to just update you.

1 As you recall, in 2016 there was legislation passed
2 that granted the department authority to manage finfish
3 trotlines which were not previously legal in Maryland, and
4 this was because of this rising interest in targeting blue
5 catfish.

6 And so what the department did to understand how
7 this gear would work, when we went ahead and formed
8 regulations to allow this gear, we made part of that the
9 requirement to get a permit, which would allow us to figure
10 out exactly who is using the gear, how often, and particularly
11 we were interested in any kind of bycatch, nondirected
12 species.

13 This legislation will sunset in 2019 so there is
14 only one more year where this is going to be legal and, it is
15 likely that the legislature is going to ask us for some
16 information, if we are going to extend this authority.

17 So this is what this handout is, and basically what
18 it says is that interest was quite low. We really didn't
19 have -- we only had eight permits acquired. Very low harvest.
20 Interestingly, the people who harvested the most with this
21 gear were not permitted.

22 So we actually reached out to them and said, hey, by
23 the way, you know, just take note: You need a permit. We
24 don't want you to get in trouble. So I think the end result
25 of all of this, and I attached on here the letter that folks

1 received with their permit. On the very back is a copy of
2 what the permit looks like.

3 So there are couple things that I think we are going
4 to do. We are going to amp up our outreach a little bit to
5 remind people this thing is available. It is free. And see
6 how we do. But I just wanted you guys to know how this is all
7 working. And right now it is a pretty low-interest gear.

8 MR. GILMER: Maybe the counties, if we could get a
9 list of the county groups, that you could -- that we could
10 actually get this information and hand out at our meetings so
11 that people will actually understand what they have to have
12 and what this is.

13 MS. FEGLEY: I think that is a great idea. Do you
14 need something other than what this is?

15 MR. GILMER: No, I think that is all we really need.

16 MS. FEGLEY: And it tells you on here where to go to
17 get a permit, why we need a permit, the whole deal with the
18 gear and what has been harvested so far.

19 MR. GILMER: Maybe it is our jobs in the county
20 groups to really make this --

21 MS. FEGLEY: And we have talked about -- and that is
22 great. And that is one of the things I think where any other
23 suggestions you can give us on what we can do to spread the
24 word would be helpful.

25

ASMFC/MAFMC Updates and Announcements

1
2 MS. FEGLEY: So now we are moving on to, I think,
3 ASMFC updates. Two things of note besides eels are cobia and
4 black drum.

5 Cobia, which is not a large harvest, commercial
6 harvest in Maryland yet, is now managed under ASMFC. This
7 came about because Cobia is managed by the South Atlantic
8 Fisheries Management Council. That council sets an acceptable
9 catch limit for the Atlantic coast, which is primarily
10 everyone from Virginia south.

11 And those catch limits were blown through in recent
12 years, resulting in fishery closures. So the -- and most of
13 the harvest happens in state waters, not federal waters.

14 So the South Atlantic Council approached the
15 Atlantic States Fisheries Commission and asked that the
16 Atlantic states take some action to control harvest in state
17 waters, and as you probably are aware, we have not previously
18 had any regulations on cobia in our state. And because we are
19 a very small harvest, we got backed into a bit of a corner on
20 this one but I think we came out of it okay.

21 But at the end of the day, what is going to happen
22 for the commercial fishery is, the commercial fishery,
23 beginning in 2018, will have regulations on cobia that allow
24 the harvest of two fish per person per day with a maximum of
25 six per vessel.

1 Commission, so the South Atlantic Council has agreed, so we
2 are now in the process of transferring management authority
3 from the South Atlantic Council, which is an advisory body, to
4 the National Marine Fisheries Services, over to the states.

5 That process can take a year or two. At that point,
6 we will be able to --

7 MS. VINCENT: Will ASMFC be managing it in the
8 meantime?

9 MS. FEGLEY: In the meantime, ASMFC will be managing
10 under the plan that it just adopted, which is complementary to
11 the federal plan. And the reason for that is if the states
12 have a different management program than the feds, then it is
13 a nightmare because you can be -- so let's say the feds have a
14 two person, two fish per person limit. And you go out in
15 federal waters and catch that limit, but the states have no
16 limit.

17 You suddenly have two different -- right. And you
18 are always landing in a state. So it becomes an
19 enforcement -- just becomes a mess.

20 So it is going to be a little bit hairy with cobia
21 for the next two years, I would say. But that is where we
22 landed there.

23 Moving on to the better new, black drum, the state
24 of Maryland submitted a proposal to the Atlantic States
25 Technical Committee to reopen a limited bycatch harvest of

1 black drum.

2 The proposal asked for 10 fish per vessel per day,
3 with a minimum size limit of 28 inches. The Technical
4 Committee approved this, and the board, the South Atlantic
5 Board, agreed to initiate an addendum to allow us to make this
6 happen.

7 The plan is written in such a way that it has to go
8 through a broader public process in order for this to occur.
9 So in April of 2018, assuming all goes well, and I don't see
10 any reason why it won't, we will now have the ability to begin
11 our own public process to talk about reopening this historic
12 fishery.

13 And I will just say that there has been some
14 opposition expressed by the sport fish community so we are
15 going to have to work our way through that but we got the
16 first step through.

17 MR. GILMER: Any questions on those reports?

18 (No response)

19 MR. LUISI: Okay, I have just two quick things to
20 add.

21 ***Commercial Coastal Forum -- October 2 Meeting Report***

22 MR. LUISI: Not necessarily an issue for the bay but
23 along the coast we established, the commission established
24 horseshoe crab and spiny dogfish quotas for 2018.

25 There is no expected change from the previous year's

1 quota so our coastal fishermen, we have been in contact with
2 the coastal fishermen on this, and they will be fishing at the
3 same levels that they were last year.

4 I did want to mention to all of you, regarding
5 Atlantic menhaden, there was no menhaden meeting at the board
6 meeting down in Norfolk last week. The menhaden meeting --
7 there is a special meeting on menhaden that was established.
8 It is going to be on November 13 and 14 at the BWI Marriott
9 near the airport.

10 And the agenda for that meeting, it is over the
11 course of two days given how much is going to need to be
12 decided by the menhaden board at that meeting but the agenda
13 is to set the 2018 commercial quota or TAC, what we refer to
14 it as, the total allowable catch.

15 And to finalize Amendment 3 to the FMP. And
16 Amendment 3 is something that we have been working on for a
17 number of years now, and Amendment 3 contains -- the two vital
18 pieces of Amendment 3 are the reference points that would be
19 established for menhaden management and allocation to the
20 states.

21 So, you know, we have been in discussions with our
22 commercial industry and mainly our pound net fishermen. We
23 have also been talking with our coastal gill netters as to how
24 we would approach dealing with the items on the agenda.

25 We are not -- at this time we don't have any plans

1 to go into anything further on this but we wanted to make sure
2 that everybody was aware that this meeting is coming up. And
3 we will continue to work internally and with our stakeholders
4 to, you know, discuss these issues as we prepare for that
5 meeting.

6 The last thing I have under this division update has
7 to do with striped bass. This is a recreational issue, and I
8 know that I mentioned this to you at your last meeting but the
9 occurrence of increased dead discards in the recreational
10 fishery as it relates to the increased size limit from 18 to
11 20 inches a few years ago, we have been watching this, and we
12 are seeing a trend.

13 It is more and more of a problem each year as the
14 2011 year class has grown into that exploitable size. And so
15 we have made a commitment to try to resolve this as an issue,
16 as a problem. We see this as a problem, and we have been
17 working internally to try to put together a proposal for ASMFC
18 that would -- it would be presented as a conservation
19 equivalency proposal.

20 So in the interest of time, essentially what it says
21 is that we know that if we kept our regulations at 20 inches
22 for next year, in 2018, that we could predict there to be a
23 certain level of death. The death would be equated to dead
24 discards, fish that die as a result of being thrown back, and
25 the ones you keep in your cooler.

1 So we have a sense as to what that level would be,
2 and therefore we are going to present a new idea to the
3 commission, to the Striped Bass Board, about lowering our
4 minimum size limit to try to convert some of those fish that
5 we normally throw back into harvestable fish.

6 But in doing so, we can't exceed the total death,
7 the total removals from the fishery. So we are working on a
8 strategy that we would present, that we would present to the
9 commission as equivalent to what we currently have.

10 We are working out the details of that, and we did
11 mention this at the meeting last week in Virginia, and there
12 seemed to be a lot of head nodding and understand of our
13 concern. And it is not just a concern here in Maryland. The
14 dead discard concerns on striped bass is a coastwide issue.

15 We may be just taking the first steps at trying to
16 address this issue as it relates to the changes that were made
17 years ago, three years ago, on striped bass.

18 And Lynn mentioned it earlier but the Striped Bass
19 Industry Work Group made a motion at their meeting to support
20 this moving forward, to support the department's -- because
21 there is no commercial quota as part of this discussion.

22 It is a recreational issue that we are trying to
23 deal with so the Striped Bass Work Group did mention that they
24 supported this as long as this idea of -- reducing the amount
25 of dead discards as long as it doesn't affect the commercial

1 bass at ASMFC but it is not only in the summer fishery but we
2 have currently been under, during the last three years, a 25
3 percent reduction in the spring fishery as well, which we have
4 been, the last couple years, been fishing on a 35-inch fish.

5 Last year, our season opened April 15 in that
6 commercial harvest, and it technically ends May 15, which is a
7 30-day season.

8 Fishing on a 35-inch fish, supposedly we required
9 our 25-percent reduction within that timeframe. Pretty poor
10 season for most of the charter industry last year. We felt
11 that we took a much higher reduction than a 25 percent but
12 setting that aside, looking at 2018, by calendar date, the
13 season opens up six days later.

14 The season doesn't open up until April 21. So I am
15 not really on top of my game with the new math these days but
16 the old math, when I take six days off of the 30 days, that is
17 a 20 percent reduction off the season, this year versus last
18 year.

19 Is there any credit through ASMFC? So we are at a
20 25-percent reduction. Can that be negotiated through
21 conservation equivalency by fishing six days less this year in
22 that season? That there could perhaps -- instead of fishing
23 on a 35-inch fish, maybe a 32 or 33?

24 MR. LUISI: The simple answer as to whether or not
25 there is credit that can be given is no. I don't believe that

1 | there is a pattern between season length and harvest,
2 | estimated harvest, from the trophy fishery that would indicate
3 | a few less days is going to equate to 20 percent less fish
4 | harvested.

5 | And there could be more fish harvested than the
6 | previous year or when compared to the years when we had to
7 | make these adjustments regarding Addendum 4, just because the
8 | fishery would have been better. There were more fish
9 | available.

10 | It is not something that we are currently
11 | considering in any proposal to the board at this time. The
12 | proposal we are working on now deals with dead discards. And
13 | it is not about making adjustments due to days of the open
14 | season. I know we have talked about this before --

15 | MR. LANGLEY: Just two different fisheries, the
16 | coastal versus the summer so I know we have been -- the focus
17 | has been on, you know, the dead discards, and I totally
18 | support that, you know, for the last three or four years.

19 | But also there has been affect in the spring season
20 | as well where the last couple years have been down, and we
21 | don't feel -- we feel we have taken a much higher reduction
22 | than the 25 percent, in our industry anyway.

23 | And it seems to me it would be an opportunity
24 | that -- I can't see where, if you shorten the season by 20
25 | percent, how it wouldn't have an impact on the number of fish

1 taken.

2 MR. LUISI: Point taken. I am sorry I don't have a
3 better answer for you.

4 (Slide)

5 I am not going to get into this. You guys have a
6 handout. Every couple months or I guess two to three times a
7 year we meet with our coastal folks, either both commercial
8 and recreational, to discuss issues with them that are
9 happening on the coast.

10 You guys have a handout that is a summary of the
11 issues that we went through with them. In the issue of
12 time -- if you have any issues down the road or if you want to
13 call me and ask me any questions about what we discussed, I
14 would be happy to fill you in but with that I will conclude
15 this section of the agenda.

16 MR. GILMER: Okay. Sarah is up next.

17 ***Policy Programs***

18 ***by Sarah Widman, MD DNR Fishing and Boating Services***

19 MS. WIDMAN: So a lot of what we are talking about,
20 you guys have already heard tonight. So in order to save time,
21 does anyone have questions on our regular -- we haven't done a
22 lot since you have last met. But stuff that is on the hopper
23 currently?

24 So the handouts have all the public notices, a lot
25 of shellfish lease stuff. We had just a couple effective regs

1 and we have a couple that are out for processing.

2 I am going to start on the scoping stuff. I just
3 want to give you two heads up. One is a follow up. You guys
4 had a motion in your July meeting, asking us to look at
5 legislation for allowing beneficiary transfers throughout the
6 year instead of just at renewal time.

7 So I just wanted to pass along from our policy
8 office that the Secretary is favorable to that. It has gone
9 downtown for consideration so hopefully I will be able to
10 bring more information back in January but we are moving on
11 that idea.

12 So that is the legislative update. I will have more
13 obviously in January as we are starting a new session but I
14 wanted to follow up on that since it was a motion you had.

15 And then normally we bring you the fisheries
16 management update to the plans this time of year, and we are
17 reconfiguring them to make them kind of more consistent, more
18 reader-friendly. They are delayed because we are making edits
19 on them to bring them to you.

20 So at some point between now and the end of the
21 year, you will get them and we will send them out by e-mail
22 and give you the same kind of week or two to look over them
23 and ask questions like we normally do. It is just going to be
24 a little later instead of right now.

25 And then now back to reg world. So scoping. So we

1 all just talked about blue crabs. So we would move, as I
2 said, now to pursue that as a scoping item, currently and
3 hopefully have that sliding window of 71 days in place
4 sometimes in March that we could consider a public notice for
5 that if we need to for this coming season.

6 So that would be one item for scoping. On cobia,
7 Lynn talked about that and what is coming down the pike as far
8 as commercial so that is another item.

9 We have license-free fishing areas, so these are the
10 recreational areas, communities. So there are three of them
11 that are moving forward to our list.

12 Penalty system: So this was out of the report that
13 you all received during your July meeting. So the meeting
14 minutes from our June penalty meeting so these are the items
15 that were agreed upon at that meeting of membership of both
16 sport fish and tidal fish, that you all saw in July. So this
17 just kind of moves it forward through the regulatory process.

18 Striped bass: So we already did this for the bay
19 side as far as partial in-season transfers of the share or
20 remaining allocation, and we are just matching that, making it
21 consistent with the Atlantic fishery as well so both fisheries
22 have that in place.

23 And then the last item, submerged aquatic
24 vegetation. So every three years we have to do a survey of SAV
25 beds and update those. So that survey occurred and the

1 overall was no net loss or gain but the lines kind of got
2 moved around depending on where the grasses moved.

3 So those were e-mailed out in the giant pile from
4 Paul to you guys. So we would love feedback or concerns,
5 especially from the --- industry on those. If there are any,
6 to let us know so we can move ahead with scoping those because
7 we will have to update them every three years and we are
8 behind schedule.

9 So we do need to get them in but we want to make
10 sure we address any concerns from the industry on this map.
11 So if you could pass it along to the --- industry, and we can
12 get those maps up online hopefully and get feedback if there
13 are any concerns on those.

14 And then I just wanted to follow up. We kind of
15 talked about bringing -- so we have aquatic enterprise zones,
16 which were part of our shellfish aquaculture plan originally,
17 and just the way aquaculture kind of came about, they weren't
18 really ever used as anything.

19 So there is discussion of removing them. There are
20 two, and there was kind of different feedback from the
21 commercial industry and from the aquaculture industry and so
22 we need, I guess, more feedback as far as do we want to -- if
23 we just take them out of regulation, they become leasable
24 bottom areas. And I know with some of the counties, it would
25 be helpful if we knew which ones.

1 But what we found as a county is when we said, well,
2 okay, it was originally public shellfish area, we would like
3 to go back and plant it, the brakes were put on because it was
4 no longer designated as a public shellfish area.

5 If you look on a map, it is literally a hole in a
6 public shellfish fishery area. And I think that the way that
7 it was written in when they defined the public shellfish
8 areas, as they were defining the sanctuaries, that took it
9 out of a public shellfish area and gave it this designation as
10 an aquaculture enterprise zone.

11 So I can say with 100 percent certainty that our
12 county would not want to move forward if it meant that it was
13 not designated as public shellfish fishery area, and therefore
14 off limits to leasing.

15 It was part of a deal that we tried to make with a
16 prior administration. We were told that, you know, instead of
17 implementing this many sanctuaries, then maybe if you do an
18 aquaculture enterprise zone. Instead it was just swept up and
19 taken and now we would like it to be replaced as a public
20 shellfish fishery area.

21 MS. WIDMAN: Can I just clarify both areas?

22 MS. DEAN: Both areas, Jack Bay and the Broomes
23 Island Creek. Can I ask a question then for clarification?
24 Can either you, Chris or Jody confirm what was just said so I
25 can take that back to the group or is that not the

1 interpretation from the department of how it became
2 declassified?

3 MR. JUDY: What you said is accurate. What is the
4 current action to make it a PSFA?

5 MS. WIDMAN: So that is what we are trying to get
6 feedback on because originally when the idea came up, we were
7 like, oh, we will just remove them but then realizing if we
8 just remove them, they become leasable bottom.

9 So if we want to actually keep it in the wild
10 fishery, we have to take that out of that reg and add it to
11 the public fishery list.

12 MR. JUDY: That would be the better way to go, yes.
13 So I agree with you on that too.

14 MS. DEAN: May I make a motion?

15 **MOTION**

16 MS. DEAN: I move that the aquaculture enterprise
17 zone Jack Bay and Island Creek be reinstated as public
18 shellfish fishery areas.

19 MR. BROWN: I second it.

20 MR. GILMER: Any discussion?

21 (No response)

22 MR. GILMER: We vote on the motion?

23 MR. LUISI: You can. By the time I got it up on the
24 screen you had already stopped speaking. Robert T. seconded.

25 MR. GENOVESE: Can you say it again?

1 MS. DEAN: Yes. I move to reinstate Jack Bay and
2 Island Creek Aquaculture Enterprise Zones as public shellfish
3 fishery areas.

4 MR. LUISI: PSFA's?

5 MS. DEAN: Yes.

6 MS. WIDMAN: I think you need to say move to remove
7 Jack Bay and Island Creek --

8 MS. DEAN: As aquaculture enterprise zones and
9 reinstate them as public shellfish fishery areas.

10 MR. JUDY: Or make them. Reinstate is the wrong
11 word. And make them PSFAs.

12 MS. DEAN: And honestly that means you are going to
13 have a box of a PSFA inside of a larger PSFA.

14 MS. WIDMAN: It would just incorporate into that.
15 We would take out the donut.

16 MR. LUISI: Does that look good? All right. Did
17 you guys vote already?

18 MR. GILMER: No. I was waiting for it to get up
19 there. Show of hands of approval?

20 (Show of hands)

21 MR. LUISI: 13 to 0.

22 MR. GILMER: Any abstains? Any no's?

23 (No response)

24 MS. DEAN: May I just ask how long will it take, and
25 will we be able to plan it this year?

1 MS. WIDMAN: If we move forward with scoping at this
2 point, and we get them in -- there is a cutoff time period
3 every year for regulations. The same people downtown who
4 review our regs review legislation. So if we get it in before
5 that December cutoff, it will be effective sometime early
6 spring. That is all I have.

7 MR. JEFFRIES: Quick question, Moochie. On your
8 striped bass recreational penalties, under Number 5, when it
9 says removing the -- max it out from year, is that probation?
10 4 to 9 fish is 1 year. 10 to 19 is 2.

11 MS. WIDMAN: So under recreational before, it
12 just -- we never maxed it beyond 1 year so it was 1 year no
13 matter how many past that 4 you had. It was the same amount.
14 So they were trying to structure it a little more so the more
15 you had, we could incrementally raise --

16 MR. JEFFRIES: Is that probation?

17 MS. WIDMAN: It would be a recreational suspension
18 to your license.

19 MR. JEFFRIES: Are they going to do any more on that
20 to cut down on the ones who have 200, 300, every other week?

21 MS. WIDMAN: So we are doing -- on that point, we
22 are trying to do some outreach in those areas where we have
23 seen issues. And I know enforcement has stepped up as well.
24 Outreach in Spanish in those areas.

25 It is something that we talked about at the Penalty

1 Work Group back in June, as far as we want to change a fine,
2 as far as affecting behavior --

3 MR. JEFFRIES: When you are talking about managing
4 the fishery equally and fairly, a commercial guy, they are not
5 getting a license suspension for 200 illegal fish 3 times in a
6 month. They are getting Allentown Prison. And it is not
7 being managed equally and fairly if they are constantly
8 getting probation.

9 MS. WIDMAN: It is another outreach thing. So just
10 today I had a meeting and we are going to try to do some
11 outreach to the state's attorney's offices that are
12 prosecuting those in district court. And I am hoping that
13 will help cement at that level --

14 MR. JEFFRIES: So they will offer us outreach if we
15 get caught with 200 fish? That is where I am trying to go
16 with this.

17 MS. WIDMAN: It is not that we are offering
18 outreach, it is that we are trying to make sure the signage is
19 clear no matter what language you speak or where you are from,
20 but also making sure that the people who are prosecuting in
21 local court understand they are stealing a state resource from
22 all of us, and why that is important.

23 MR. GILMER: Next is the Chesapeake Bay Program Goal
24 Implementation Team. Bruce?

25

1 (Slide)

2 This is what their org chart looks like. Everything
3 at the top is sort of the leadership level. The Chesapeake
4 Executive Council, that is where your governor sits and is
5 driving sort of policy and vision for the entire program at
6 that level.

7 Those are the folks who signed up on the 2014
8 agreement and committed the states and federal agencies to
9 those 31 outcomes I mentioned.

10 Where we sit is down in the lower left corner.
11 There is a Sustainable Fisheries Goal Implementation Team.
12 Dave Blazer is on that team as well as a number of other folks
13 from Virginia and the Potomac River Fisheries Commission. But
14 we are really trying to support the management board that this
15 there in the middle.

16 So we are doing things at the Goal Team level to
17 implement our outcomes and feed those up to the management
18 board. That is actually -- they sort of have oversight for
19 implementing the 2014 agreement.

20 (Slide)

21 I won't go into this, just to say, reiterate that
22 these are the 31 outcomes that were in that 2014 agreement.
23 On the left-hand side you can see in blue, those are the ones
24 that are owned, I will call them owned, by the Sustainable
25 Fisheries Goal Implementation Team.

1 So we have the responsibility to implement the
2 actions and achieve those outcomes. There are a number of
3 other ones that are related to fisheries, so we do work
4 closely with other -- some of the other goal team, in
5 particular the Habitat Goal Team, Water Quality Goal Team and
6 the Healthy Watershed Goal Team.

7 So it is not just -- don't think about these as just
8 stovepipes. We are trying to work across the different teams
9 that might have some impact on fisheries health.

10 (Slide)

11 So the ones that we own: blue crab, there are two
12 for blue crab, one for forage, one for oyster restoration and
13 one outcome for fish habitat. The way that we are
14 implementing those is through our own structure. So we have
15 the big bay program structure, and we are that lower left-hand
16 box.

17 This is a blow-up of what that lower left-hand box
18 would look like for the Sustainable Fisheries Goal Team. We
19 have work groups that are designing and planning the oyster
20 restoration work that I think a number of you are well aware
21 of.

22 The Chesapeake Bay Stock Assessment Committee is
23 focused really primarily on blue crab. They are the ones
24 producing the advisory report each year that then feeds into
25 groups like this for deciding how the fishery is going to be

1 managed based on those numbers.

2 We have an Invasive Catfish Task Force that I chair
3 that I will get into in just a moment. And then we have
4 Forage Action Team and Fish Habitat Action Teams.

5 The box at the top, the Fisheries GIT, that is where
6 Dave Blazer would sit. That is also where Rob O'Reilly, his
7 counterpart in Virginia, Marty Gary with Potomac River
8 Fisheries Commission and also Bob Beal with the Atlantic
9 States Marine Fisheries Commission.

10 So I guess the bottom line there is this is meant to
11 be a regional group looking at issues not just specific to one
12 jurisdiction but things that affect multiple jurisdictions in
13 the bay. And to some extent along the coast.

14 (Slide)

15 How are we collaborating? The main point here is
16 this group is open. We are very much interested in getting
17 input from as many stakeholder groups as possible. Moochie,
18 you have been a part of this team and provide really good
19 input on some blue crab issues. Billy Rice has also been
20 really helpful on issues of blue crab and also blue catfish.

21 So we really welcome the input of all these groups,
22 and it would be great to get more commercial fishing interests
23 represented at the table.

24 (Slide)

25 I won't go too deep here into blue crab. You guys

1 know this inside and out better than I do. I will just say
2 that there are two outcomes under the 2014 agreement. One was
3 just to maintain the current target at 215 million crabs. But
4 the second was to consider or evaluate an allocation-based
5 management framework.

6 I think all of you commented on that and weighed in.
7 We reported back to the management board of the Bay Program
8 that we were not going to pursue that management framework,
9 that the existing framework is going just fine and we are
10 going to stick with that for now.

11 So they gave us the thumbs up on that so we got that
12 one off the table.

13 (Slide)

14 Oyster restoration: Just, you know, again, it is
15 more than just Maryland so there are three tribes that have
16 selected there in Virginia. It is probably hard to see there:
17 the Piankatank, the Lynnhaven and the Lafayette but there are
18 two more that have been picked so they have picked their
19 fourth and fifth trib.

20 That will be the Lower York River and the Great
21 Wicomico. So planning for those tribes will commence sometime
22 this year or this coming year, 2018, but there is progress
23 happening in all 6 baywide, and as you know, Maryland is still
24 working to select its 4th and 5th tributaries.

25 (Slide)

1 The forage fish we might want to talk about here.
2 Let me get through this. Forage is obviously really important
3 to sustaining our predators like the striped bass here in the
4 Chesapeake Bay but a lot -- we don't know a lot about how
5 important the forage base is and how healthy the forage base
6 is in the Chesapeake.

7 So we have a group of scientists as well as some of
8 the key managers trying to better understand that. We have
9 identified a list of the key -- of the most important forage
10 in the Chesapeake Bay. That is what you see here in blue,
11 green and red.

12 The blue come from looking at the weight of these
13 prey in the stomachs of key predators from the VIMS ChesMMAP
14 surveys, so those are very scientifically derived.

15 You see some obvious and maybe not so obvious on
16 that list, including a number of benthic organisms, worms and
17 bivalves that are really important.

18 The green ones are based more on sort of this expert
19 opinion and historic abundance so menhaden, blue crab, shad
20 and river herring didn't show up in the diets as much in the
21 ChesMMAP survey but everyone knew they were really important
22 to sustaining predators like striped bass.

23 And then the ones in red would not show up in a
24 survey like ChesMMAP, the trawl survey that is going up and
25 down the main stem of the bay, because their habitats are more

1 | in shallow water but they are important prey items in the
2 | shallow water habitats.

3 | So the idea here is we are just trying to
4 | understand -- this is a good start, we have a list. We are
5 | also looking at how predators are able to sort of shift from
6 | one prey item to another based on its abundance and what that
7 | means for sort of the health of those predators.

8 | So a lot of work happening but important, and we are
9 | happy to present to you more on those science studies if you
10 | are interested.

11 | (Slide)

12 | Fish habitat I think is a critical one, or one that
13 | might be of interest to all of you. So a big part of -- why
14 | would we talk about fisheries as part of the Chesapeake Bay
15 | Program, which has historically been pretty focused on
16 | water-quality issues?

17 | Well, I think the real value add is that we are able
18 | to sort of bring the fisheries' focus or lens to the table,
19 | and say we should be doing water-quality improvements in areas
20 | that are not just going to improve or reduce nutrient loading
21 | but also improve fish habitat or fish health in some way.

22 | That is not the way it always works. So we have
23 | made a couple of inroads this year, just within the past
24 | couple of months, to really get the rest of the people sitting
25 | around the table, people who are implementing water-quality

1 | improvements, like best-management practices, to say, yes, we
2 | want to listen to you and take your input and figure out where
3 | to best do that work.

4 | That is also going to have a benefit for fish. So
5 | that is an ongoing conversation but like I said, I think we
6 | made some really good inroads this year.

7 | The two pictures you see up here are, you know,
8 | hardened riprap shoreline and then a drainage area. The work
9 | group, the Fish Habitat Work Group has identified impervious
10 | surface and hardened shorelines as two of the primary
11 | stressors to fish health in the Chesapeake right now.

12 | So those are, from a messaging standpoint, we are
13 | really trying to push the idea of setting some impervious
14 | surface thresholds or targets or something like that to
15 | maintain ecological health in watersheds that will also yield
16 | we think healthier, more productive fisheries. And the same
17 | is true for shorelines.

18 | We just funded a study to try to develop a similar
19 | sort of threshold or metric for hardened shorelines which is
20 | where all of you know that habitat for a number of the forage
21 | species I showed on a previous slide, especially the finfish,
22 | those finfish species and certainly juvenile life stages of a
23 | number of predator fish, commercially important fish.

24 | (Slide)

25 | And lastly, invasive catfish has been a really big

1 issue. The task force put forth seven recommendations a
2 couple of years ago now but one of the big ones was to really
3 pursue and push hard for the development of a market and a
4 commercial fishery, and that has been taking off.

5 Of course there are some concerns or challenges like
6 the USDA inspection requirement that came down here at the
7 beginning of September that we are still trying to see how
8 that is going to play out and affect the fishery but one of
9 the things I wanted to mention is on November 6 and 7 we are
10 going to have a workshop or symposium that is going to bring
11 to the table all the latest science on both blue and flathead
12 catfish.

13 There is still a lot we don't know about their
14 habitat range. They are really moving a lot further than we
15 thought they were within these tributaries. They have got a
16 very broad range of prey, of diet, so we are trying to better
17 understand the diet and what impacts that might have on
18 managed species like blue crab, for instance.

19 So all of that is going to be brought to the table
20 on November 6 and 7, and we are also going to talk a little
21 bit about what that science means for our current management
22 approach.

23 The USDA issue will also come up there, and we have
24 invited a number of stakeholders to participate in that
25 meeting. Actually Rocky Rice we had invited. I am not sure

1 MR. VOGT: Oh, yes, the oyster slide.

2 (Slide)

3 MR. WILKINS: How do Virginia's rivers that they
4 have picked fit into their fishery? Like, I think we consider
5 we lost 25 percent of our best fishery to sanctuary. What is
6 Virginia doing?

7 MR. MANLEY: No, Troy, you are wrong. It is 75
8 percent of the best. It is 25 percent of all it. It is 75
9 percent of the best bottom.

10 MR. WILKINS: The places that Virginia is turning
11 into sanctuaries, are they commercially fished?

12 MR. VOGT: Some have commercial fishing, not all.
13 The Lafayette has been closed to fishing but there is a lot of
14 aquaculture in the Lynnhaven, the Piankatank, the York, the
15 lower York where there hasn't been any restoration yet but
16 still exists, has some existing wild fishery and public
17 grounds.

18 It is different. The management regimes look
19 different in the two but everyone is trying to bring back some
20 ecological --

21 MR. WILKINS: Just curious if we are giving the same
22 thing they are.

23 MR. GILMER: Any more questions for Bruce?

24 (No response)

25 MR. VOGT: Okay.

1 MS. VINCENT: Is your contact information -- do you
2 have a card?

3 MR. VOGT: Yes, I can send that around.

4 MS. VINCENT: I think it would be good. That way,
5 if people are interested in reaching out, if they could
6 contact you directly.

7 MR. VOGT: Sure, that would be great. I will send
8 it to Paul.

9 MR. GILMER: Oyster Advisory Commission.

10 ***Oyster Advisory Commission -- Sept. 11 Meeting Report***

11 ***by Chris Judy, MD DNR Fishing and Boating Services***

12 MR. JUDY: This will take a few minutes. I hope you
13 don't mind. I know it is late. Maybe about five or six
14 bullet statements. It is a summary of the last Oyster
15 Advisory Commission Meeting that was in September. They did
16 not have a meeting in October. We will have one in November,
17 November 20.

18 So here is a summary of September's meeting. I have
19 three main topics. I will just hit some highlights.

20 So the Little Choptank River, that is a sanctuary
21 and that has restoration ongoing right now. There is a Deep
22 Water Component and what is called a Shallow Water Component.
23 We are doing the deep water. That is what has been done for a
24 number of years. The Shallow Water Component has been put on
25 hold to be reviewed and discussed, and the OAC discussed it at

1 length.

2 So here is the update from the September meeting.
3 That is background. The Secretary decided not to conduct the
4 Shallow Water Component of the Little Choptank project so we
5 are only going to proceed with the Deep Water Component, and
6 the breakpoint is 9 feet, correct?

7 So the deeper water component is 9 feet plus. The
8 shallow water is 9 feet and less. And the reasons for not
9 conducting the Shallow Water Component are the various issues
10 that arose with the Harris Creek shallow water sites, so we
11 didn't want to replicate, duplicate, continue that type of
12 situation.

13 So the Secretary made a judgment call after lengthy
14 discussions with the OAC over many months. The Shallow Water
15 Component has been dropped from the Little Choptank.

16 Also what happened in the September meeting, the
17 Secretary announced that the commitment in the Little Choptank
18 River is to restore 50 percent of the restorable bottom. So
19 let me give you some context. The Little Choptank commitment
20 previously, from the prior administration to this one, was a
21 64 percent commitment, and the mandatory commitment under the
22 Bay Agreement Program is to restore at least 50 percent or
23 higher.

24 So the decision was to meet the 50 percent
25 commitment for the Little Choptank, remove the Shallow Water

1 Component, and those were the two highlights on the Little
2 Choptank River discussed at the OAC.

3 So we are continuing with the 50 percent commitment.
4 We are going to complete that but we will not do the Shallow
5 Water Component.

6 Next topic at the OAC was the Oyster Futures
7 Briefing. You may not have heard that term yet. Oyster
8 Futures is a project being conducted by the University of
9 Maryland and other groups but the University is spearheading
10 it.

11 It is focused, it is based out of Cambridge at the
12 Horn Point Laboratory, and the focus is to look at the
13 Choptank/Little Choptank regions, right, Choptank/Little
14 Choptank and pull together stakeholders who are in that area,
15 and the university is having discussions about what the future
16 of oyster management could be in that area.

17 So let me give you some examples. In terms of the
18 panel, there are 16 panel members. 6 are local watermen, 2
19 are aquaculture and then you have a representative from CBF,
20 CCA, ORP, NOAA, DNR. Dave Blazer is the DNR rep.

21 And this panel is discussing things such as continue
22 the sanctuaries in the Choptank/Little Choptank projects as
23 is, maybe tweak the sanctuaries and lessen them some, maybe do
24 some rotational harvests either on public bottom or including
25 the sanctuaries as well.

1 All these different scenarios are being discussed.
2 Of course, some of them aren't legal at this point but they
3 are discussing them should it be decided that, that is a good
4 way to go, and then the next step would be taken.

5 So really what I am saying is it is just a freeform,
6 open conversation about what if. What if we did this, this,
7 this, this in this area, what might the future fishery look
8 like?

9 And you might wonder, well, how can they estimate
10 what the future fishery might look like? So the university is
11 putting together a computer model. There are many scientists
12 involved with this from the university.

13 They are putting together a computer model to run
14 these multi-year scenarios: if you planted lots of shell, if
15 you planted lots of seed, if you continued the sanctuaries as
16 they are or if you reduce the sanctuaries -- all these if
17 statements. If you do this, if you do this, if you do this.
18 And the computer is going to provide a trajectory. The
19 industry might go up, it might go down, it might be level.

20 So all of this is highly theoretical but the Oyster
21 Futures Group is looking at this and discussing it, and an
22 update was given to the OAC, basically saying what I said plus
23 of course more. They had about an hour of the agenda.

24 So that is an update on Oyster Futures. The OAC has
25 heard about it. And meetings continue with the Oyster Futures

1 Group.

2 My last update, and then I will be glad to take
3 questions, the OAC in September also discussed the Man o War
4 Shoals shell dredging permit, and basically it was just a
5 status report, and here is the status report.

6 The Corps of Engineers permit is currently on hold.
7 It had moved through the whole process. It was very near the
8 end. It is currently on hold waiting receipt of the Water
9 Quality Certification from the Maryland Department of the
10 Environment.

11 So the Corps permit is nearly done. They are
12 waiting for this document, the WQC, from the state. And here
13 is how the WQC is generated. The state permit, because you
14 need a Corps permit and a state permit to do these types of
15 projects, the state permit, the next step for that is to go to
16 the Board of Public Works. That is the next step for many
17 state permits.

18 So it goes to the Board of Public Works we hope
19 within a month, and if the Board of Public Works approves the
20 state permit then within about a day the Water Quality
21 Certification is issued. That goes to the Corps.

22 So in summary, the Corps is on hold awaiting the
23 WQC, the Water Quality Certification. The state permit, the
24 next step is to go to the Board of Public Works, and if
25 approved, the Water Quality Certification is issued. That

1 goes to the Corps and then both permits would be decided.

2 Now I don't know what the decision will be, for
3 dredging or against dredging. That is unknown. We will find
4 out when these events unfold.

5 So that is the update that was given to the oyster
6 commission. And that is in short form for you what was
7 discussed.

8 MR. GILMER: Any questions?

9 *Questions and Answers*

10 MR. WILKINS: Maybe not on that, just maybe a little
11 bit off but -- and I talked to Matapeake and I talked to
12 Blazer about it, but he told me to make sure I went on the
13 record here to make sure it is known.

14 The buoy tender came and did maintenance on some
15 bottom that the Queen Anne County Shell Committee had closed.
16 And they did it like the first week in October, took the buoys
17 away, and then didn't bring them back for maybe two or three
18 or four days or something like that.

19 I think we got everything straight but I just wanted
20 to go on the record here to make sure that maybe they could do
21 the maintenance on the buoys before the season comes in.

22 MR. JUDY: I will up you one. Bring buoys that are
23 already ready on the boat so you pull out the old ones and the
24 new ones go in. How does that sound?

25 MR. WILKINS: Whatever it takes. Whatever it takes,

1 Chris. I don't care, whatever it takes. We went through a
2 lot of trouble making phone calls to get these places closed,
3 get them planted, and all this, and then --

4 MR. JUDY: I totally get it.

5 MR. WILKINS: Somebody should lose their license
6 maybe if they worked there.

7 MR. JUDY: Greater efficiency and less down time,
8 that should be our motto.

9 MR. WILKINS: Yes, let's make that your motto then.

10 MR. GILMER: Public comments? Anybody got public
11 comments?

12 (No response)

13 MR. GILMER: Closing remarks?

14 ***Mallows Bay Discussion***

15 MR. BROWN: Moochie, I need to bring up something on
16 Mallows Bay to bring us up to date. Okay, as you know, when
17 the NOAA came in and represented, they deceived us from the
18 very get-go on Mallows Bay.

19 They wanted from Sandy Point to Liverpool Point,
20 which was all Maryland waters. Or under the jurisdiction of
21 the Department of Natural Resources not the Potomac River
22 Fisheries Commission.

23 Now when they came back with their options, Option 1
24 was status quo, Option 2 was 18 square miles, Option 3 was 52
25 square miles, and Option 3 was 100 square miles of the river

1 to make it a national marine sanctuary.

2 The National Marine Sanctuary Act establishes NOAA's
3 authority to designate marine sanctuaries, enables NOAA to
4 provide more stringent fishing regulations in sanctuaries than
5 are provided by existing authorities.

6 That is part of it. The other part of it has NOAA
7 cannot enter into a binding agreement not to regulate the
8 fisheries. So the Sports Fisheries Advisory Commission
9 yesterday downgraded theirs to 18 square miles with a
10 restriction that there will be no restriction on the fishing.
11 Isn't that right, Phil?

12 MR. LANGLEY: Yes, no restriction on commercial or
13 recreational fishing.

14 MR. BROWN: Okay. Now Mallows Bay itself is already
15 in the historic trust. It is already a state park. They say
16 they are coming in to protect these abandoned vessels that
17 were burnt years and years ago. I don't know what they are
18 going to do, pull them up and copper paint the bottom of them
19 or what the hell they are going to do.

20 Every five years they have got another management
21 plan. And when that management plan changes, they can change
22 their mind on whether they want us to fish in there or not.
23 And they say we will have a place on the board. It will be
24 maybe two sport fishermen and two commercial fishermen. We
25 will be outnumbered again just like we always are.

1 MR. BROWN: That was the 18 acres.

2 MS. SINDORF: I think you guys were misled into
3 believing it was less than that. And we voted for what you
4 originally thought you were voting for --

5 MR. BROWN: From Sandy Point to Liverpool Point.

6 MS. SINDORF: Right, that is what this board put
7 forth, correct? Not 18 acres. And then sport fish went with
8 54 --

9 MR. LANGLEY: Originally they did and then they
10 withdrew that and went to 18.

11 MR. BROWN: 18 square miles, which covers a lot of
12 that -- I mean, we have got crabbing up there. We have got
13 fishing up there. We have got blue catfishing up there. We
14 only had the channel cats -- in the Potomac alone we only
15 caught 50,000 pounds of catfish. In the last couple years we
16 have been averaging 1.5 million pounds. Last year it was like
17 1.6 million pounds of catfish.

18 And to the commercial fishermen, the dockside value
19 is close to \$1 million. So I mean -- and that is not counting
20 the crabbing and the rockfish and eeling and everything else
21 that goes on up there.

22 Why do we want to even permit somebody to come in
23 there because that board, they are not going to be worried
24 about us fishermen when it comes to it. They are going to
25 be -- well, what can we do to get more tourism down here?

1 They can do everything they want to do now. There
2 is nothing stopping them. If they want to build a visitor's
3 center, they can do that. They can run up and down the river,
4 they can put divers overboard. There is nothing that will
5 interfere with what they want to do.

6 MR. GILMER: So do we need to make a recommendation
7 here today or do we need to have this on the agenda for next
8 time?

9 MR. BROWN: I was told by the governor's office that
10 they probably wouldn't make a decision on it until sometime in
11 the spring, possibly.

12 MR. GILMER: So do we need this to be on the agenda
13 for the January meeting?

14 MR. BROWN: Well, the sports fishermen gave theirs,
15 I think we should -- we need to do it before it is too late.

16 MR. GILMER: Right.

17 MS. DEAN: Robert T., can I ask a question, because
18 I was uncomfortable with the motion at the Sport Fish Advisory
19 Commission. I did not vote because they voted for the 18
20 square miles with the caveat that it not affect commercial and
21 recreational fishing. And my understanding is you can put
22 that caveat in there all day long. It doesn't do anything.

23 MR. BROWN: That is right.

24 MS. DEAN: So I am not in favor of any at this point
25 and I don't know if we are spitting into the wind but I am

1 ready for whatever motion you throw out.

2 MR. LUISI: So just -- I know that the sport fish
3 commission took action on this, and they discussed the options
4 and they went back through the history of how this all
5 happened. And you guys can do what you choose to do.

6 If a decision on this isn't going to be made for a
7 little while, it would be my advice to hold off on taking a
8 position on something since we are only just -- we are kind of
9 all throwing, you guys are throwing all different information
10 and facts around.

11 If you wanted to put it on our next agenda, we could
12 come forward with the actual -- and we could have staff from
13 our department, not fisheries but we have other staff in this
14 department who are working with the feds on this whole
15 program. I know there have been presentations before.

16 They are not available now to answer any questions.
17 That is just advice from me.

18 MR. SCERBO: There is one fact that is unanimous in
19 thought in this room. We do not want the feds mixed in with
20 the management of any of our bodies of water that they aren't
21 in now. Period. You give them an inch and they are going to
22 take more than that.

23 MS. VINCENT: Should we make a motion to put it on
24 the next agenda and have the people we need here to give the
25 information to make a motion?

1 MR. GENOVESE: 12.

2 MR. LANGLEY: One abstention. I would like to
3 clarify that abstention. I totally agree. I don't want to
4 see anybody regulate and take away our opportunity to fish and
5 crab on the rivers and whatnot but I was at sport fish and I
6 did vote for the 18 square miles. I am not going to
7 contradict myself as far as that but just for the record, I
8 totally agree. I don't want to see any impact to commercial
9 and recreational fishing in that area.

10 MR. GILMER: Any other public comment?

11 (No response)

12 *Closing Comments*

13 MR. JEFFRIES: I don't want to make a motion but can
14 I make a request that any time there is any overallocation,
15 any fishery issue in the state, that it comes before the board
16 before it is voted on and accepted through the department, so
17 we can discuss it?

18 MR. LANGLEY: And one other recommendation, and I
19 know -- hopefully I am in line here but I know that you are
20 giving us feedback on all the committees when they meet and
21 their recommendations, whether it is blue crab or striped bass
22 or whatever they are.

23 But it would help me that when it is being talked
24 about, if it is going to be presented to this commission, to
25 make sure that if any of them from those committees would be

1 willing to come in so that way you may be able to hear pros
2 and cons on both sides before it is brought to a vote.

3 MR. LAY: They were here. I mean the members of the
4 Crab Committee were here.

5 MR. LANGLEY: Yes, I know some of them were and they
6 had changed their mind on the -- and that was very, very
7 helpful because just like you said, their minds might have
8 changed from one meeting to the next. So it does help having
9 comment besides what is at the table. I don't know whether
10 they could be asked or whatever.

11 MR. GILMER: Right.

12 MR. LAY: I think everybody is represented, yellow
13 perch, eels, rockfish, crab -- they are all on this board.
14 They might not have two opposing views of the same issue on
15 this board but somebody is here.

16 MS. VINCENT: They could draft, if they are in
17 opposition, they could always draft a short thing to be added
18 to -- this is why I am in opposition. This is why I am in
19 support.

20 MR. LANGLEY: Just anything.

21 MS. VINCENT: They could draft something like that
22 if they are passionate about it.

23 MR. GILMER: Absolutely.

24 MR. LANGLEY: It would make me feel better about
25 which way I voted.

1 MR. GILMER: Any other comments?

2 (No response)

3 MR. GILMER: Thank you guys very much, ladies and
4 gentlemen, and we are adjourned.

5 (Whereupon, the meeting concluded at 6:12 p.m.)

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