



Larry Hogan, Governor
Boyd Rutherford, Lt. Governor
Mark Belton, Secretary
Joanne Throwe, Deputy Secretary

Meeting of the Tidal Fisheries Advisory Commission
July 20, 2017
Tawes State Office Building
C-1 Conference Room
Annapolis, MD 21401
3-6 PM

Preliminary Agenda*

- 3:00 - 3:10 Welcome, Announcements/Updates, Public Comment** – Dave Blazer, MD DNR and Billy Rice, TFAC Chairman
- 3:10 - 3:20 Oyster Advisory Update – Dave Blazer
- 3:20 - 4:00 Policy Program – Jacob Holtz, MD DNR
- Regulations Update
 - Regulatory Scoping Update
 - Penalty Workgroup Update
 - License beneficiary discussion on time frame
- 4:00 - 4:20 Striped Bass Marketing Opportunities – Steve Vilnit, J.J. McDonnell & Co., Inc.
- 4:20 - 4:40 NRP Activity Report, Lt. Roy Rafter and Sgt. Randy Bowman, MD DNR NRP
- Desired Outcome: Update and report out on NRP priorities through current quarter
- 4:40 - 5:00 Spanish Outreach Initiative, Dr. Linda Barker, MD DNR
- Status, what is and is not effective
- 5:00 - 5:30 Monitoring and Assessment Division – Dave Blazer
- ASMFC / MAFMC updates and announcements
 - Striped Bass Stocking Memo
 - Maryland Shellfish Area Closures books – Addition of Leases Reviewed
 - Eel Update
 - Blue Catfish Update
 - Department of Commerce's Summer Flounder Decision
- 5:30 - 5:40 **Public Comment

5:40 – 5:45 Closing Remarks – Chairman Billy Rice and David Blazer

5:45 Adjourn

*The Preliminary agenda is subject to change

**Public comment as time allows. Public observers will be allowed to address the TFAC at the designated time period on the agenda for each meeting. For topics that are not on the agenda, the Chairperson will use a public sign-up list in deciding how to allocate the available time on the agenda to the number of people who want to speak. For topics on the agenda, the Chairperson will try to provide an opportunity for comment, taking into account the time allotted on the agenda for the topic.

Count	DATES	TOURNAMENT TITLE
1	4-April -7-May	MSSA Spring Rockfish Tournament(C&R)
2	15-Apr	16th Annual Opening Day(C&R)
3	15-Apr	Opening Day (C&R)
4	5,6,7- May	Championship on the Chesapeake
5	6,7-May	Trophy Rockfish Tournament
6	21-May	Crazy Tuna Bar and Grille
7	13,14- May	Catch and Release Tournament
8	19,20-May	2017 Spring Rockfish Tournament
9	2-Jun	2nd Annual Casey Cares
10	3-Jun	Kent Narrows
11	17-Jun	2017 Mid-Magothy Invitational
12	17,18-Jun	38th Annual Small Boat
13	23-Jun	Talbot Chamber Rockfish Tournament
14	17-Jul	Congress. Seafood Hook, Line & Sinker
15	22-Jul	4th Annual Memorial Tournament
16	22,23-July	13th Annual Kid's Classic
17	5-Aug	Hook Line ~N~ Sinker LLC
18	9-Sep	4th Annual Gills 4 Bills
19	9-Sep	Back River Restoration
20	16-Sep	St. Christopher's Stiped Bass Championship
21	30-Sep	Red Trout
22	Oct 7-8	Chesapeake Bay Kayak Anglers Tournament
23	14,15 Oct	Octoberfest Tournament
24	21-Oct	Rocktober Cup
25	28-Oct	The Oyster Reef Grand Slam
26	4-Nov	10 Annual Fall Tournament
27	4-Nov	11 Annual Tournament
28	10,11-Nov	2017 Fall Rockfish Tournament
29	11-Nov	Rocksgiving
30	17,15,19- Nov	Chesapeake Bay Fall Classic
31	25-Nov	CBA
32	25,26- Nov	Bonus Rockfish Tournament
33	9-17-Dec	5th Annual OCMC Rockfish Tournament



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C-1 Conference Room
DNR Tawes Office Building
580 Taylor Ave
Annapolis, MD 21403

Summary of Motions & Actions

Commissioners in Attendance: Chairman William (Billy) Rice, Vice-Chair Robert (Moochie) Gilmer, Robert T. Brown, David M Sutherland, Gale Sindorf, Rachel Dean, Ken Jeffries, Buddy Carson III, William (Bill) Scerbo, William (Troy) Wilkins and J.D. Blackwell.

Commissioner Absent and Not Represented: Aubrey Vincent, Charles (Richard) Manley, Steve Lay

DNR Staff Attending: Fisheries Director Dave Blazer, Paul Genovese, Jacob Holtz, George O'Donnell, Lt. Tim Grove, Sgt. Randy Bowman, Jodi Baxter, Lynn Fegley, Linda Barker, Jim Uphoff.

Members of the Public Attending/Presenting: Steve Vilnit and Alice Nelson with J.J. McDonnell Seafood, Rona Kobell

Action Items:

- Department announced the postponement of NOAA's informational webinar on critical habitat designation for Atlantic sturgeon. The webinar is rescheduled for August 17.
- Commissioner asked the department to review the Aquaculture Enterprise Zones within the Patuxent River and the ability of the local watermen's association to plant spat on shell within the zones during the spring.
- Department will investigate and report out to commission on feasibility of giving commercial license holders the ability to change their beneficiary at any time. Currently, license holders can only change beneficiaries during the license renewal period.
- Commissioner suggested adding an asterisk/star within Shellfish Closure books, the symbol would show location of shellfish leases, text on each page would inform user where to look online for detailed information of lease boundary.
- Department will review and report out on whether or not having lease boundaries listed within Shellfish Closure books can substitute for buoys (in instances where buoys are missing).

Motions:

- *Commission supports giving commercial license holders the ability to change their beneficiary at any time, not just during the license renewal period.* Motion by Moochie Gilmer, seconded by Robert T. Brown. Vote in favor: 11, against: 0, abstained: 0

Tentative Agenda Items for Next Meeting: - Shellfish/Oyster focused.

Next Meeting Date: September 7, 2017

To be held in the Conference Room C-1 of the Tawes Building from 4:00-6:00 PM.

Fishing and Boating Services Regulatory & Penalty Update

Dates Covered: 4/1/17 to 7/11/17

Public Notices Issued

We started a new format for the public notice page. It is sorted by subject so notices will be easier to find. View Public Notices at http://dnr.maryland.gov/Fisheries/Pages/Pub_Notices.aspx

- 4/12/2017 — Application for Shellfish Aquaculture Lease - John T Barnette and Denise Barnette
- 4/21/2017 — 2017 Commercial large Coastal Shark Catch Limits Effective April 21
- 4/21/2017 — 2017 Commercial Horseshoe Crab Fishery Effective May 1st
- 4/21/2017 — Commercial Spiny Dogfish Landing Limits Effective May 1st
- 5/1/2017 — Application for Shellfish Aquaculture Lease in Somerset County, Andrew E Willey Jr. and PJH Oyster Leases LLC
- 5/1/2017 — Application for Shellfish Aquaculture Lease in Somerset County, Philip J Harrington III and PJH Oyster Leases LLC
- 5/11/2017 — Application for Shellfish Aquaculture Lease in Talbot County, Harold A McBee Jr. and Brian Connelly
- 5/15/2017 — Application for Shellfish Aquaculture Lease in Queen Anne's County, Harold A McBee Jr. and Brian Connelly
- 5/15/2017 — Application for Shellfish Aquaculture Lease in Queen Anne's County Harold A McBee Jr. and Brian Connelly
- 5/18/2017 — Application for Shellfish Aquaculture Lease in Queen Anne's County, Harold A McBee Jr. and Brian Connelly
- 5/18/2017 — Application for Shellfish Aquaculture Lease in Dorchester County, Wylie M. Abbott Jr. and Pamela J. Abbott and Jason M. Abbott and Kristin Abbott
- 5/23/2017 — Commercial Striped Bass Common Pool Hook and Line Season Modification
- 6/9/2017 — Application for Shellfish Aquaculture Lease – AJI Partners, LLC — Queen Anne's County
- 6/16/2017 — Public Hearing on Proposed Blue Crab Regulations
- 6/20/2017 — Application for Shellfish Aquaculture Lease – John T. Barnette & Denise Barnette — Somerset County
- 6/22/2017 — Application for Shellfish Aquaculture Lease – Paula J. Fernandes & Michael S. Donnenberg — St. Mary's County
- 6/27/2017 — Chesapeake Bay Commercial Mature Female Hard Crab Catch Limits and Crew Requirements — July through November 2017
- 7/5/17 — Application for Shellfish Aquaculture Lease — Guy Hanacek & Natasha Hanacek — Worcester County

Regulations that became Effective

View regulations at <http://dnr.maryland.gov/fisheries/Pages/regulations/changes.aspx>

- General — Fishery Management Areas — 08.02.01.13 — Effective 6/5/17
Urbana Lake Fishery Management Area — archery equipment only
- Channeled Whelk — 08.02.08.14 — Effective 6/5/17 — girth size

Regulations that have been Proposed and are Following the APA Process

View Maryland Register at <http://www.dsd.state.md.us/MDR/mdregister.html>

View Proposed Regulations at <http://dnr.maryland.gov/fisheries/Pages/regulations/changes.aspx>

- Striped Bass — Proposed — 08.02.15.04
Maryland Register 5/12/17, Comment Period Ends 6/12/17, Scheduled Effective 7/17/17
Shift the commercial striped bass declaration period from August 1 – September 30 to July 15 – September 15.
- Spiny Dogfish — Proposed — 08.02.05.24
Maryland Register 6/23/17, Comment Period Ends 7/24/17, Scheduled Effective 8/28/17
Modifies the commercial fishery by reducing the minimum landing requirement for permit eligibility and changing the declaration period.
- Smoothhound Sharks — Proposed — 08.02.22.
Maryland Register 7/7/17, Comment Period Ends 8/7/17, Scheduled Effective 9/11/17
Commercial changes to implement ASMFC requirements. Catch composition requirements for removing fins of smoothhound sharks.
- Blue Crabs — Emergency and Proposed — 08.02.03.11 and .12
Emergency Action — Submitted to AELR 6/8/17; Pending AELR Approval
Proposed Action — Maryland Register 7/21/17, Comment Period Ends 8/21/17, Scheduled Effective 9/25/17
Allows earlier harvest on certain holidays and the day immediately preceding the holiday.

Emergency Regulations in Effect

- None

Commercial Fishing Suspension and Revocation List

Last updated 6/19/17. View List at

http://dnr.maryland.gov/fisheries/Documents/Commercial_SuspensionsRevocations.pdf

Recreational Fishing Suspension and Revocation List

Last updated 6/20/17. View List at

<http://dnr.maryland.gov/fisheries/Documents/RecSuspensions.pdf>

Fishing and Boating Services Regulatory Scoping July 2017

Please review the following possible regulatory changes. DNR is looking for your advice on how to proceed with scoping (i.e. open houses, web feedback only, etc.).

Clams — Harvesting in Chester River

Current regulations conflict on whether clamming is allowed or prohibited in a certain area of the Chester River. The department would like to clarify that clamming is allowed.

Discussion: Code of Maryland Regulations (COMAR) 08.02.16.05C allows clam harvesting in Zone A of the Chester River Oyster Recovery Area (ORA). Clam harvesting is prohibited in all other ORA Zone A's (COMAR 08.02.16.05A). These regulations were promulgated in 1996 and allowed clam harvest in the upper area of the Chester River to continue. When the department created a new set of sanctuaries in 2010, regulations promulgated at that time prohibited all clam harvest from sanctuaries designated as "Section I" sanctuaries in the document titled "Oyster Sanctuaries of the Chesapeake Bay and Its Tidal Tributaries September 2010" (COMAR 08.02.04.15B(2)). All sanctuaries that existed prior to 2010 were classified as "Section I" sanctuaries, including the Chester River ORA Zone A. Therefore, clam harvest in the Chester River ORA Zone A was technically prohibited in 2010. The previous intent of the department had been to treat the Chester River ORA Zone A differently than the other sanctuary areas, but that was not reflected in final regulations that created the new sanctuaries in 2010. This action would reflect that previous intent and treat the Chester River ORA Zone A like one of the "new" sanctuaries which allows clam harvest within the sanctuary, but not within 150 feet of any natural oyster bar (COMAR 08.02.02.12B).

Scoping Recommendation: Scope on the Department's website, GovDelivery Communications, Facebook and Twitter.

Fishery Management Plans

The department would like to incorporate by reference fishery management plans for black bass and Spanish mackerel. Incorporation by reference (IBR) is a legal device by which one document is made a part of another simply by referring to it. The text of the referenced document, once incorporated by reference, becomes fully and legally a part of the document into which it is incorporated. Fishery management plans guide the department in conservation and management measures for the fishery.

1) Black Bass

The Black Bass Fishery Management Plan was signed and became effective in 2016. It describes the process by which fishery management is guided for largemouth bass in tidal rivers of Chesapeake Bay. This plan underwent internal and external public review, including review by the Sport Fisheries Advisory Commission.

2) Spanish Mackerel

The Chesapeake and Atlantic Coast King and Spanish Mackerel Fishery Management Plan was completed in 1994. The plan was inadvertently left off of the list when the other plans were incorporated.

Scoping Recommendation: Scope on the Department's website, GovDelivery Communications, Facebook and Twitter.

Gear

The department would like to clarify the definition of stinger hook.

Discussion: "Stinger hook" is defined in regulation and means any hook which trails another hook, either by direct physical attachment to the lead hook or by a connective device such as a swivel or chain, and is part of the same bait or lure. It has been brought to our attention that some people think that a lure with 2 treble hooks falls into the definition of stinger hook. That is not the intention of the definition. This can be a problem with lure enforcement so the department would like to clarify the definition by including 'hook unit' in the definition. The new definition would be "Stinger hook" means

any hook which trails another hook or hook unit, either by direct physical attachment to the lead hook or by a connective device such as a swivel or chain, and is part of the same bait or lure.

Scoping Recommendation: Scope on the Department's website, GovDelivery Communications, Facebook and Twitter.

Jonah Crabs

Make changes to the commercial Jonah crab fishery in response to Addendum II to the Atlantic States Marine Fisheries Commission Interstate Fishery Management Plan for Jonah Crab. ASMFC is requiring the management measures to be in place by January 1, 2018.

Discussion: Addendum II permits claw harvest coastwide. Specifically, the Addendum allows Jonah crab fishermen to detach and harvest claws at sea, with a required minimum claw length of 2.75" (from the elbow to the tip of the bottom claw) if the volume of claws landed is greater than five gallons. Claw landings less than five gallons do not have to meet the minimum claw length standard. Fishermen may also harvest whole crabs which meet the 4.75" minimum carapace width. Maryland fisherman typically harvest Jonah crabs greater than 5.5 inches and the claw length is about 3 inches or greater. The reason for the 2.75" minimum length is to ensure that the harvest of female crab claws will be minimal. Female Jonah crabs are smaller than males and the minimum claw length provides assurance that the claws will be taken from male crabs.

Addendum II also establishes a definition of bycatch in the Jonah crab fishery, whereby the total pounds of Jonah crabs caught as bycatch must weigh less than the total amount of the targeted species at all times during a fishing trip.

Changes to the Current Commercial Fishery:

- Eliminates the requirement for the claw landing permit
- No qualification needed to harvest claws
- New size limit for claws if harvesting over 5 gallons and removing claws at sea
- No size limit for claws if you harvest under 5 gallons or if you don't remove the claws until after you land
- Bycatch rules — Limited to 1000 whole Jonah crabs or 2000 Jonah crab claws if you harvest Jonah crabs with gear other than federally tagged lobster traps. Jonah crab claws harvested must weigh less than the targeted species at all times.
- No changes for harvesters with federally tagged lobster traps

Scoping Recommendation: Scope on the Department's website, GovDelivery Communications, Facebook and Twitter.

Oysters — Housekeeping

The department would like to make it clear that a person may not harvest oysters in a harvest reserve area when it is not open.

Discussion: There is not currently a statement in regulation that specifically says that you cannot harvest in a harvest reserve area if it is not open. Harvest reserve areas are areas reserved on a rotational basis for restoration and restricted harvest and are managed by regulation and public notice. When the harvest reserve areas were established in 2003 it is clear that the intention was to keep the areas closed and prohibit harvest until the oysters were able to be harvested. Since the intention is for the areas to be closed, planted with oyster seed and occasionally opened for harvest, a statement would be added to regulation that specifically prohibits harvest in those areas unless they are specifically opened.

Scoping Recommendation: Scope on the Department's website, GovDelivery Communications, Facebook and Twitter.

Striped Bass

The department would like to put the changes to the striped bass fishery that have been implemented with public notices for several seasons into regulation. Making the changes in regulation allows the public to be better informed since the rules are in one location.

1) Extend the commercial individual transferable quota (ITQ) striped bass fishery season for pound net gear to December 31.

Discussion: The department, in consultation with the Striped Bass Industry Workgroup, has extended the pound net fishery until the end of December for 3 years (2014, 2015 and 2016) by public notice. Changing the regulation would be a more permanent implementation of that season. The Striped Bass Workgroup is not in favor of an extension for January and February.

Scoping Recommendation: Scope on the Department's website, GovDelivery Communications, Facebook and Twitter.

2) Change the recreational size limit for the spring fishery in the Chesapeake Bay and its tidal tributaries. The spring fishery is the third Saturday in April to May 15.

Discussion: In order to implement Amendment IV of the Atlantic States Marine Fisheries Commission's Interstate Fishery Management Plan for Striped Bass the recreational size limit for striped bass in the Chesapeake Bay and its tidal tributaries has been changed by public notice for several seasons. The limit was not changed in regulation because there was a possibility of management changes for the fishery. The Atlantic States Marine Fisheries Commission will not be making management changes in the near future so the limit should be changed in regulation. The minimum size limit for the striped bass spring fishery is 35 inches.

Scoping Recommendation: Scope on the Department's website, GovDelivery Communications, Facebook and Twitter.

3) Change the recreational size and creel limits for the Atlantic Ocean, its coastal bays, and their tributaries.

Discussion: In order to implement the Atlantic States Marine Fisheries Commission's Interstate Fishery Management Plan for Striped Bass the recreational limits for striped bass in the State waters of the Atlantic Ocean, its coastal bays, and their tributaries has been changed by public notice for several seasons. The limits were not changed in regulation because there was a possibility of management changes for the fishery. The Atlantic States Marine Fisheries Commission will not be making management changes in the near future so the limits should be changed in regulation. The creel limit for State waters of the Atlantic Ocean, its coastal bays, and their tributaries will be two striped bass per person per day. The striped bass must be between 28 inches and 38 inches, inclusive, or greater than or equal to 44 inches.

Scoping Recommendation: Scope on the Department's website, GovDelivery Communications, Facebook and Twitter.

The department would also like to make changes to the commercial striped bass fishery that have been unanimously supported by the Striped Bass Industry Advisory Workgroup. These changes will address fairness issues and allow greater flexibility within the industry.

1) Require all striped bass permits fished during the common pool fishery to have the minimum initial allocation associated with the permit.

Discussion: Current rules require any individual who enters into the Chesapeake Bay Common Pool fishery to have the minimum initial allocation (.0185 percent of the commercial quota). Some individuals have more than one permit entered into the fishery, but only contribute one minimum allocation to the fishery. This results in some individuals having access to higher landing limits than they have contributed to the fishery and the industry feels this is unfair. The suggested change would require every permit, rather than every individual, that is entered into the Common Pool fishery to have the minimum allocation associated with it. This would mean that every permit that is used in the common pool has contributed a minimum amount to the fishery and relieve the inequity that is currently being experienced.

Scoping Recommendation: Scope on the Department's website, GovDelivery Communications, Facebook and Twitter.

- 2) Allow in-season transfers of less than all of an individual's remaining quota.

Discussion: Current rules require that if an individual temporarily transfers quota within the Atlantic Ocean fishery or the Chesapeake Bay Individual Transferrable Quota fishery during the season that the entirety of the remaining quota must be transferred. Permanent transfers of an individual's fishery share may only take place during the transfer window of July 15 through September 15. The Striped Bass Industry Advisory Workgroup has asked the department to be scoping the idea of allowing a certain amount of an individual's share that is less than all they have remaining to be temporarily transferred during the season. The Workgroup has also asked the department to begin scoping the idea of allowing permanent transfers outside of the July – September transfer window. The Workgroup will be meeting in September to further discuss the finer points of this idea, such as a minimum amount that would need to be transferred. For example, Virginia requires at least 1,000 pounds to be transferred if an individual is transferring less than the entirety of their remaining quota. Allowing permanent transfers outside of the current transfer window, and allowing transfers of less than the entirety of an individual's remaining quota during the season would both create additional business flexibilities for the industry participants.

Scoping Recommendation: Scope on the Department's website, GovDelivery Communications, Facebook and Twitter. The Striped Bass Industry Advisory Workgroup will also further discuss this issue at their September meeting.

Trout — Delayed Harvest Area

Create a new delayed harvest trout fishing area. The department would like to add the South Branch Patapsco River from West Friendship Road (Howard Co) and Main Street (Carroll Co) upstream approximately 1.1 miles to the upper boundary of the Hugg Thomas Wildlife Management Area (WMA) to the list of Group 1 Delayed Harvest Trout Fishing Areas.

Reasons for Proposal: The removal of Bloede Dam will result in the loss of a very popular put and take trout fishing area in the Patapsco River and the Patapsco Valley Chapter of Trout Unlimited has urged the department to consider additional delayed harvest fishing areas to maximize trout fishing recreation.

Discussion: The proposed timeline for dam removal activities indicates that recreational fishing will be heavily impacted during the winter of 2018 and during the 2019 season at a minimum. The proposed area will increase angler access and trout fishing opportunities on public land in the Patapsco River watershed and mitigate the loss of fishing access at Bloede Dam.

A total of 750 trout will be stocked in the proposed area by slightly reducing the number of trout stocked at several nearby locations during 2018. The 5500 trout allocated to the Patapsco River (Avalon) section affected by the removal of Bloede Dam during 2019 will be distributed among the proposed delayed harvest area and other nearby trout fishing areas.

Parking and access by foot is available from existing areas owned by Howard County on West Friendship Road. Additional fishing and stocking access is available near the upstream proposed boundary through property owned by Carroll County and the Town of Sykesville. The proposed Delayed Harvest Fishing Area is within the Hugg Thomas WMA under the management of the Wildlife and Heritage Service. Freshwater Fisheries staff and Wildlife and Heritage staff met on site to discuss the proposal and determine the potential conflicts between anglers and hunters. Anglers will access the stream corridor from designated parking areas outside of the WMA. No stocking will take place during the fall months to avoid any disturbance of hunting activities. Freshwater Fisheries will continue to work with Wildlife and Heritage to provide a fishing opportunity at Hugg Thomas WMA that will not conflict with the goals, objectives, and primary use of the WMA.

Scoping Recommendation: Scope on the Department's website, GovDelivery Communications, Facebook and Twitter.