

Maryland DNR
Fall Meeting of the Tidal Fisheries
Advisory Commission

Thursday,
October 18, 2018

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

Maryland DNR
Fall Meeting of the Tidal Fisheries Advisory Commission

October 18, 2018

TFAC Members Present:

Steve Lay, Chairperson

Robert T. Brown
Buddy Carson III
Rachel Dean (*proxy for J.D. Blackwell*)
Robert Gilmer
Sonny Gwin
Ken Jeffries Jr.
C. Richard Manley
Bill Scerbo Jr.
Gail Sindorf
Gigi St. John
David Sutherland
Bobby Whaples (*proxy for Thomas Powley*)

TFAC Members Absent:

J.D. Blackwell
Russell Dize
Thomas Powley
Troy Wilkins
Aubrey Vincent

Maryland DNR Fisheries Service

Dave Blazer
Paul Genovese

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I N D E X

	<u>Page</u>
<i>Welcome and Announcements</i>	
by Dave Blazer, Director MD DNR Fishing and Boating Services and Steve Lay, TFAC Chairman	5
<i>NRP Activity Report</i>	
by Sergeant Randy Bowman MD DNR NRP	10
<i>Proposed Educational Meeting</i>	
by Dave Blazer, Director MD DNR Fishing and Boating Services	12
<i>Questions and Answers</i>	
13	
<i>Oyster Stock Assessment Management Toolkit</i>	
by Jodi Baxter, MD DNR Shellfish Division	16
<i>Policy Program</i>	
by Sarah Widman, MD DNR Fishing and Boating Services	21
<i>Questions and Answers</i>	
23	
<i>Committee and Workgroup Reporting</i>	
46	
Penalty Workgroup	46
Striped Bass Workgroup	51
<i>Fisheries Management Update</i>	
by Lynn Fegley and Mike Luisi, MD DNR Fishing and Boating Services	52
<i>ASMFC Spot Management and State's Stock Assessment</i>	
53	
<i>Questions and Answers</i>	
56	
<i>MOTION</i>	
73	

I N D E X (continued)

	<u>Page</u>
<i>ASMFC/MAFMC Updates and Announcements</i>	80
<i>Questions and Answers</i>	83
<i>Regulation to Remove TFAC from the Appeals Process</i>	101
<i>MOTION</i>	102

KEYNOTE: “---” denotes inaudible in the transcript.

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

(2:11 p.m.)

Welcome and Announcements

by Dave Blazer, Director, MD DNR Fishing and Boating Services,

and Steve Lay, TFAC Chairman

MR. LAY: Okay, commissioners. It is about time we got started here this afternoon. The first thing on the agenda is welcome. Welcome, everyone. And updates and announcements, Dave is going to go first.

MR. BLAZER: Thank you, Mr. Chairman. If you look under Tab 2 in your folder, we have the proposed 2019 TFAC meeting dates and times. Trying to stay consistent with our Thursdays the week before ASMFC. So that is what those dates represent, and the times, for summertime we pushed back a little bit later per your request.

So this is pretty consistent with what we have been doing at least since I have been here, and I think a little bit before that as well. If everybody is okay with those meeting dates and times -- are there any objections?

MR. GILMER: They look good on paper.

MR. BLAZER: You will call us January 23 and say, oh, that is not a good day. So if you all are okay with that, we will post those on the calendar and hopefully you all will do the same.

MR. GWIN: If I can't make one of the meetings, do I

1 have somebody that can take my place?

2 MR. BLAZER: You can designate a proxy, just let
3 Paul know who that would be and we can work through that. I
4 think there are a couple proxies that we have had coming.

5 The other item that I wanted to bring up was we sent
6 you the Sport and Tidal Fisheries Advisory Commissions'
7 guidelines. I believe they are in -- under Tab 2 as well. We
8 like to give these out every once in a while for a refresher.
9 They are a good refresher for me as well to go through and
10 read. I need to my change my process on agenda setting and
11 work more with the chairman but please review those.

12 The other reason I wanted to bring those up is we
13 have been considering and contemplating going to a Webinar
14 approach. If you follow the Potomac River Fisheries
15 Commission, ASMFC, Mid-Atlantic Council, a lot of those
16 commissions and councils are moving toward a Webinar approach
17 where they record the meetings -- they don't have them
18 transcribed -- and then we would put the recording on the
19 Website as a record of the meeting.

20 And in our operating guidelines, we say that we are
21 going to transcribe the meetings, and that would be posted as
22 a reflection of the meeting. We are thinking about changing
23 that to the Webinar format with a recording so people can hear
24 people's voices and stuff instead of just reading it.

25 I wanted to introduce that to you today and let you

1 know that we are thinking about that. One, to kind of get up
2 with the 21st century. We have got a lot of people outside of
3 this building who might be interested in what is going on here
4 but they have no way of hearing the comment as we go through.

5 But also there might be a cost savings, and in these
6 budget restricting times it might be a little bit cheaper for
7 us to do it that way in converting that over. So at the next
8 meeting we may discuss that a little bit more but I wanted to
9 introduce that to you, get you to think about that.

10 Maybe look at some of the Webinars like ASMFC or
11 Mid-Atlantic Council or Potomac River Fisheries Commission,
12 some of the other entities that have Webinars and try those
13 and see how they work.

14 We mentioned this to sport fish the other day, and
15 the one recommendation they had was make sure that in the
16 transition that you kind of do both so that you make sure
17 that -- you know, when you do a Webinar sometimes the
18 connection isn't good and you may lose a portion of the
19 meeting.

20 But continue with the transcription in the
21 transition while we are learning and working all the bugs out
22 so that we are able to continue to provide that excellent
23 service until we kind of get it right. That was the one
24 thought they had the other day. So I don't know if anybody
25 else has any comments on that concept.

1 (No response)

2 MR. BLAZER: So we may at the next meeting have a
3 Webinar set up but we will also have the transcriptionist here
4 as well recording every word to see how that goes as kind of a
5 trial basis. I wanted to share that with everybody and let
6 folks know that is kind of the direction we are thinking about
7 going.

8 MS. SINDORF: So I have got to do my hair?

9 MR. BLAZER: No, it won't be a video. It will just
10 be audio.

11 MR. GILMER: I won't have to do my hair either then.

12 MR. BLAZER: I am more worried about Moochie's hair
13 than yours.

14 Two other really quick announcements. Many of you
15 in this room are involved in the Aquaculture Workgroup. One
16 of the things that the department has done is start to put out
17 more of the aquaculture application notifications earlier in
18 the process. So in your tab you also have a press release
19 associated with that. Again that is one of the things that we
20 have heard, and a lot of discussion on this issue is the
21 desire for earlier notifications so people can comment earlier
22 if there needs to be adjustments or there are issues brought
23 up.

24 So the department has modified some of their Website
25 and notification processes to try to get that word out earlier

1 | instead of waiting until kind of the whole application is
2 | done.

3 | And then the last announcement I have is the press
4 | release for the juvenile index for striped bass. It went out
5 | yesterday morning, and it is slightly above average. And I
6 | hope that you all saw that. So the striped bass number is
7 | out, and it just came out yesterday if you have any questions.
8 | Just let us know.

9 | MR. BROWN: Do you know what the number is?

10 | MR. BLAZER: Is it 14.8? The average is 11. So
11 | just slightly above that. And Virginia's press release was
12 | embedded in that press release as well. You can click on one
13 | of the links, and theirs was slightly above average as well.

14 | MR. CARSON: I didn't see the link. I guess I
15 | overlooked it.

16 | MR. BLAZER: Well, it is at the bottom. If you got
17 | the e-mail, it should be in blue while the rest of the text
18 | should be in black. Just touch that, and the Virginia thing
19 | should pop up. And that is all I have Mr. Chairman.

20 | MR. LAY: Thank you, Dave. I have got a couple of
21 | announcements here. At the sport fish meeting a couple days
22 | ago, the Maryland Sportsmen's Foundation is having a meeting
23 | November 14 from 6:00 p.m. to 9:00 p.m. at Union Jack's here
24 | in Annapolis. The topic of discussion is rockfish. They want
25 | to talk about the dead rockfish off of Love Point; and circle

1 to believe that is a mistake. I believe there is probably
2 more than one so I don't believe that is a real reflection of
3 what is really out there. I think there were 69 nontidal just
4 looking at the screen before.

5 So if you can see, licenses are still the number one
6 thing that people don't buy. And then followed closely by
7 striped bass violations. A lot of them, most of them are
8 recreational violations.

9 The officers are working on oysters right now. A
10 lot of time spent on oysters, and oysters don't -- the word is
11 there is not a whole lot for the hand tongers, what they have
12 seen yet. And I guess we are going to wait until November 1
13 to actually see what the --- is and get a better perspective
14 of what might be there but the word is they -- a lot of the
15 watermen said they haven't grown in places that they are going
16 to dredge so that is the word.

17 We will see what happens in November but there
18 wasn't that much at the end of the season last year so if that
19 is the case, they are probably exactly right. The officers
20 are working hard every day and it is not that many. We have a
21 new academy class coming out in November, and that will be a
22 help with things but basically -- so our priorities are going
23 to be striped bass and oysters for these winter months, which
24 they always are.

25 And that is just a brief cite. It just tells

1 different places where people have been caught for undersized
2 fish and undersized crabs for the last quarter. Anybody have
3 any questions?

4 (No response)

5 MR. LAY: Okay, no questions. Thank you. Okay,
6 Dave, your educational --

7 ***Proposed Educational Meeting***

8 ***by Dave Blazer, Director, MD DNR Fishing and Boating Services***

9 MR. BLAZER: Yes. Thank you, Mr. Chairman. At the
10 last TFAC meeting, we had kind of a request to put some
11 educational material or a seminar together, and we are working
12 on that.

13 We also presented the idea to the sport fish
14 commission. They were very interested in having, say, a
15 two-hour presentation maybe before the next January meeting.
16 Maybe the morning of the January meeting, and then you all
17 would be here at 2:00 p.m. We could do something and we will
18 try to find some money in the budget for a lunchmeat platter
19 for lunch or something.

20 But I wanted to bring it up today to ask because
21 there are a wide variety of topics that we can bring to you
22 all as far as education. You know, we could do kind of a
23 fisheries management 101 and talk more on the science stock
24 assessment biology side of things.

25 Then there are the legal processes that Sarah Widman

1 | said. I would like a little bit of everything.

2 | MR. BLAZER: And that is kind of what sport fish
3 | said as well. Sport fish also highlighted a couple --
4 | apparently on the Gulf of Mexico Council they had some
5 | educational material that they had a three-day course that was
6 | put together initially with the commercial fishermen in that
7 | area but a lot of recreational folks started taking it so they
8 | got a better handle.

9 | So we will kind of use a little bit of that but
10 | again, like you said, 30 to 40 minutes, we will bring in staff
11 | and have them kind of go through some of the other things that
12 | we think are relevant that may help with some of the
13 | understanding of what we are doing.

14 | And if you have any ideas or you want to understand
15 | more about stock assessments or fisheries independent surveys,
16 | where do you get all your data, the data collection, what do
17 | the data mean, how do you do that --

18 | MR. GILMER: And I tell you, I am guilty of it now
19 | that I attend these meetings of using abbreviations in talking
20 | to people, and if you had a list of what those are, that would
21 | be very helpful to a lot of people.

22 | MR. BLAZER: Also a little bit of my background: I
23 | am trying to model this after -- any of you who work with
24 | county governments and planning commissions? The Maryland
25 | Association of Counties has -- if you are a new planning

1 commissioner, they have a planning commission training that
2 they offer in Ocean City at their annual conference.

3 And I am hoping that maybe we can put together a
4 curriculum because we have got 17 of you all, 16 at sport
5 fish. You count the Atlantic States Marine Fisheries
6 Commission members, PRFC commission members and the
7 Mid-Atlantic Council members, you are looking at 30 to 40
8 people there who are helping with fisheries management-related
9 issues.

10 So if we can get some fundamental understanding of a
11 lot of these things, I think that will be very helpful. So
12 hopefully we will try this and see if we can expand on that
13 and do a yearly thing, especially for new commissioners who
14 are coming in.

15 MS. SINDORF: I think that as far as TFAC only
16 having two years versus the four for SFAC, you have got to
17 learn fast.

18 MR. BLAZER: If we offer that -- the January meeting
19 I think is January 24. It is scheduled from 2:00 p.m. to 5:00
20 p.m. Maybe we ask you all to come in at, say, 11:30 or 12:00
21 p.m. We will have lunch, offer this educational program, and
22 again it is voluntary. But would you all be interested in
23 attending something like that? We want to make it convenient
24 for you as well.

25 MR. GILMER: Well, since we are coming anyway.

1 MR. LAY: Sport fish recommended that DNR supply us
2 with lunch.

3 MS. SINDORF: I would like to second that.

4 (Asides)

5 MR. BLAZER: We will be planning that. We may
6 contact you with some e-mails to ask some questions but staff,
7 we have already talked about it, about putting some stuff
8 together so we will move from there. Thank you.

9 MR. LAY: Oyster Stock Assessment Management
10 Toolkit. Jodi?

11 ***Oyster Stock Assessment Management Toolkit***

12 ***by Jodi Baxter, MD DNR Shellfish Division***

13 MS. BAXTER: As some of you may know, there is an
14 oyster stock assessment currently going on, slated to be
15 completed December 1. As part of that, the department has
16 been directed to identify management strategies to address the
17 maintenance of the sustainable oyster population in fisheries.

18 In order to meet this part of the regulation, the
19 department is going to include a section in the report that
20 lists out different types of tools or management strategies
21 that can be used to manage an oyster fishery or a population.
22 This section basically is sort of like a glossary. It is
23 going to say bushel limit and kind of define what a bushel
24 limit is. Season limits, et cetera.

25 The section will not make any recommendations on

1 down on paper but something needs to be added that tells the
2 value of each one and when it would be more beneficial than
3 others as far as the management tools.

4 I know there is going to be a lot -- dust is going
5 to be hitting the wind here after the beginning of the New
6 Year with all this stuff but knowing what our options are
7 doesn't really help too much unless we know when one should be
8 used over another.

9 MS. BAXTER: That is a good suggestion.

10 MR. LAY: Anyone else have a suggestion or comment?

11 (No response)

12 MR. LAY: Okay, read this over, and if you think of
13 anything, then let Jodi know.

14 MR. BLAZER: If I could just add quickly, you all
15 are experts in the field, and you hopefully understand a lot
16 of this much better than the normal person on the street.
17 This is going to be going in a document that is going to the
18 legislature and other people are going to be reading it. So
19 that is kind of the importance of this, to give people an idea
20 of what all is the universe.

21 This may be all basic knowledge for you all as
22 experts in this but this is what we are trying to do, give
23 them an explanation, some of the lay people, the legislators,
24 some of the people who aren't in the industry, kind of an
25 understanding of what these do and what they don't do.

1 So Bill, your comment is well-taken. It might be a
2 good thing.

3 MR. SCERBO: We have all been to these hearings and
4 we know there are going to be a few coming soon. Is this
5 stuff going to be made available to the folks at the hearings?
6 Every time we go to these hearings, the legislators, they
7 don't really give you -- that place is not the time to be
8 educating legislators but a lot of times that is all we do.
9 They start asking questions about the fishery, and they are
10 making a decision on a fishery in which they don't have a
11 clue.

12 This stuff, if it could be made into some sort of a
13 handbook and passed out to those folks ahead of time --

14 MR. BLAZER: Well, this is going to be part of the
15 legislative report that goes on December 1 over to the
16 legislature and the governor, and it becomes a public document
17 at that point. We will make sure that we remind them that it
18 is there.

19 MR. BROWN: The main legislators that we need to
20 contact are the ones that are on environmental and
21 transportation committees. We have been fortunate enough over
22 the last couple of years, Jay Jacobs has had a caucus over
23 there and we have been able to reach some of them so they
24 could hear our side of the story.

25 A lot of the legislators we have on there are from

1 | Montgomery County and PG County. They have no idea what the
2 | seafood industry is. I think the ones who are on these
3 | committees should be the ones we target the most because if it
4 | doesn't make it out of that committee, it is dead right there.

5 | Or if it is something bad, we need to get it killed
6 | in committee, because once it gets out of committee, it is
7 | like a snowball. It has already started rolling down the
8 | hill.

9 | MR. BLAZER: Robert T., you have brought up a really
10 | good point. We have been focused on getting this report done
11 | by December 1 and talking to OAC and so forth but I
12 | anticipate -- you know how early in the session there are a
13 | lot of briefings for the different committees. We haven't had
14 | those conversations yet about the outreach for that report and
15 | these items.

16 | So I will take your words and take that along that
17 | we need to be doing a little bit of education I think along
18 | the way with this document that we are asking you to review
19 | but also the stock assessment, and be prepared for those
20 | briefings eventually. It is a very good point we need to be
21 | focused on over the next several months.

22 | MR. LAY: And we are getting ready to have elections
23 | so we will probably have some new people on these committees
24 | so we will have to get them educated. Anything else for Jodi?

25 | (No response)

1 MR. LAY: Okay, thanks.

2 ***Policy Program***

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

4 MS. WIDMAN: There is not a lot of stuff on the regs
5 handout. You should have gotten that ahead of schedule. I am
6 happy to answer questions.

7 Scoping is the other handout. Any feedback -- I
8 know it is hard to come up with feedback on the spot on this
9 stuff but especially on scoping, please go out to your
10 communities and talk with them about anything you have brought
11 up for scoping ideas.

12 We don't need the feedback today. If you get
13 feedback next week. Or if you perceive that we get more
14 feedback on the Website, let us know because we would rather
15 hear about that and look at things now than think it is okay
16 and put it in and then someone points out a really good issue
17 with it that we hadn't considered. So we sort of depend on
18 you guys to help us with that, to get the word out and get us
19 feedback.

20 So blue crabs, there are just some housekeeping
21 changes that we need to make so housekeeping really are errors
22 that we find or things get moved around and it doesn't make
23 sense so we just fix them. So there are not any substantive
24 changes. Most of it has to do with recreational use of traps
25 and net rings and making sure that is clear, clarifying the

1 types of gear you can use with different license types.

2 Fish refuges, there is one for Gumtree Cove. This
3 was put in place mostly related to a largemouth bass spawning
4 area, and it is not -- we are not seeing that as a spawning
5 area anymore so we are looking to take that off the list. It
6 went to the Black Bass Workgroup, and they are fine with that.
7 They are seeing the same thing we have seen.

8 Gear, haul seines: So this is really just fixing in
9 regulation what was changed in statute last year for the
10 weekend haul seine use for certain types of species in certain
11 counties. So we just need to update our regs to match
12 statute.

13 Fishing license and crabbing boat decals: So there
14 was just some concern. We haven't had any enforcement issues
15 with it but the regulation was saying you need to affix your
16 decal right away, and because we went to that 365 day license
17 from the date you purchase it, we have to have the paperwork
18 sent to our service centers for them to actually print out the
19 decal with the date on it.

20 So you don't get it -- if you walk in Walmart you
21 won't get that sticker right away so we are just clarifying
22 that your paperwork, you know, on the boat works in lieu of an
23 affixed decal for the first 10 days so there is time to get
24 you the sticker.

25 Penalty system: So these were the changes discussed

1 declaration that you are talking about. And it seems that a
2 way to simplify it would be, why don't we have that be the
3 same time as our licenses are due, August 31? Because most
4 people, when they go in and pay for their license, they do
5 their declaration of intent all at the same time.

6 And possibly -- let them take and use the same form
7 as they do for your license if you don't have it on time and
8 pay a penalty in case something happened and they wouldn't be
9 able to get it on time. And you could put in there, say, I
10 know that the department needs like somewhere in October, the
11 first of October or October the 15th, they need a time when
12 they have got to order their tags and stuff.

13 Say, hey look. If you haven't reverified by this
14 date, your quota for this year is suspended but whatever the
15 date is that tidal fish and license can be -- you can pay the
16 penalty get it back -- have the declaration the same way. And
17 that would make it -- I think it would make it easier for
18 everybody to remember because two dates, it seems like to me
19 it is double work, and maybe it might cut down on some of your
20 work too if you had them both coinciding exactly the same.
21 Just an idea.

22 MS. WIDMAN: Okay, I am noting it.

23 MR. CARSON: How many people fail to renew their
24 license, like their TFL, finfish or whatever and then ask for
25 an appeal to get that back?

1 MS. WIDMAN: Roughly I know, and we send out letters
2 in February. So the cutoff for late renewals is March 31. We
3 send the letters, the reminder letters, in February. And it
4 is usually somewhere, between, like 500 to 700 people have not
5 renewed by then.

6 MR. BROWN: That many?

7 MR. GILMER: Oh, yes.

8 MR. BLAZER: Let me just clarify something because
9 there are a couple different issues at play here. One, there
10 is the licenses that, you know -- and that is what Sarah is
11 talking about. People who don't renew their licenses on time.
12 That is the 500 to 700, and then usually once they get the
13 notice that it is late, we give them that eight-month grace
14 period to kind of get in, and usually we get a lot of them.

15 MS. WIDMAN: By the end of March it is usually down
16 to about 100 to 200 people that we see who haven't renewed.
17 And out of that, I don't know, 5 to 10 people might come back
18 and say, oh, something happened. I forgot or whatever.

19 MR. BLAZER: We got about 10 to 12 of those this
20 year, people who missed their license renewal that came back
21 to us and asked, you know -- and that is where we took your
22 recommendation from 2016, those of you who were here back
23 then, that said, you know, TFAC said follow your procedures,
24 and we are not going to grant an appeal or an exception for
25 that to come back in.

1 This issue that we are talking about today is with a
2 permit, which is slightly different, and it kind of coincides
3 with some of the management. You know, if you think about all
4 the permits that you have to get -- eel permit, yellow perch
5 permit, striped bass permit -- they are not tied, they are not
6 corresponding to the license timeline so we have a little
7 different timeline to be able to do that.

8 Robert T., we will take your suggestion and try to
9 look at it and see if we can get those permits in line with
10 the licenses but it is really -- it is not a licensing thing.
11 It is a permitting thing. We handle the permits internally in
12 fisheries. The licenses get handled by our licensing
13 department so it is a logistical thing that we need to work
14 out to kind of go through.

15 So our permitting system seems to be working pretty
16 well in my opinion because the people who get permits are
17 people who are active in the fishery. I mean, they are yellow
18 perch, eel, striped bass. They are working that fishery.

19 We only get two or three people who miss the
20 permitting timeline, if you will. Licenses, we have got 6,000
21 license holders, and we miss a lot of those. Permits are the
22 people who are serious. They have got an allocation, they
23 know what they are doing and they are keeping on top of it so
24 we don't get very few. This year, I think we got three that
25 missed the striped bass permit.

1 That just goes to show me that the other several
2 hundred that are in that fishery are on top of things, and we
3 missed -- these three people didn't quite get in under the
4 gun. So that is the issue. We would like to kind of be able
5 to kind of coincide it but we have got to look at that so we
6 will look at that suggestion.

7 The other thing, based on the e-mail that we sent
8 out last week, we recognize that TFAC doesn't want to be the
9 appeal board on that so we need to go back and change that
10 regulation so that is what we are scoping here but do we need
11 to revamp the system, you know, so that those one, two or
12 three people -- do we give them more time or how do we handle
13 that?

14 And we are willing to handle that but we just need
15 to know what that process is that you all would recommend to
16 us so that is just my thought.

17 MR. CARSON: So linking the declarations to the
18 renewal of the TFL or finfish would really -- it won't work
19 because if you say there are 500, 600, 700 late filers for the
20 licenses, then you have to have a scud full of -- the tightest
21 timeline you have is for the declarations, am I correct?

22 MR. BLAZER: Correct.

23 MR. GILMER: And I will say in all the years I have
24 bought my license that I have held a rockfish permit where it
25 was separate, I never went to licensing that they didn't ask

1 me if I wanted to renew my rockfish while I was there because
2 when they look at you on that computer, they know whether you
3 have a declaration or not. And they always ask.

4 MR. CARSON: But what I was trying to get to at
5 first, which I talked to Steve earlier today, I would like to
6 see the declaration, when you go in to get your licenses, I
7 thought everybody gave priority to the licenses. I know it is
8 a different agency that does that, that if they asked you did
9 you want it or did not want to make your declarations, by her
10 statistics, there could be a lot of them that don't go there.

11 How do you eliminate -- you know, you have got
12 Maryland Department of Motor Vehicles. You got a suspension
13 period. You have got a time you have got to renew that
14 license. You have got to man up.

15 MR. GILMER: It is a responsibility to be a member
16 of this fishery.

17 MR. CARSON: I hate to say it. That e-mail we got
18 last week, which I made a comment on it, it bothered me. It
19 upset me. There is somewhere you have got to man up. You
20 have got to --

21 What I did, which you see, I threw it back at the
22 department. I don't feel it is our responsibility, and I hate
23 to be the bad guy but -- and I know we have got
24 responsibilities here but that is how I feel anyway.

25 MR. BROWN: Don't you have to have your license paid

1 for your declaration?

2 MR. BLAZER: Yes.

3 MR. BROWN: Well, if you have got to have your
4 license paid for your declaration, and I am assuming that most
5 people do it all at the same time, correct?

6 MR. BLAZER: Yes.

7 MR. BROWN: So I mean, the majority of people are
8 doing it all at the same time. I was just thinking, try to
9 simplify things. Have it all done at once. You can send it
10 back to the Rockfish Committee and let them look at it or
11 whatever. I am just saying look at it, and whatever comes out
12 of it comes out of it but just try to make it simple for
13 everybody.

14 And if you can use the same guidelines on your
15 declaration as you do on your license, and then if you happen
16 to miss your date, you can pay a penalty up to a certain date.
17 And then your rockfish quota would be suspended for a year
18 because the department has got to order tags and allocate the
19 quotas but it would still give them time enough to -- you
20 know, say for example, well, sometimes I procrastinate. My
21 wife says I do it all the time but she is not exactly right.

22 But you get ready to go get your licenses the Friday
23 before, you are closed on a Sunday, so you got Monday. And it
24 might be Monday before I get there sometimes. Well, suppose
25 on the way up there I was to be killed in a car accident or

1 anybody. I am hoping that the last thing the family would be
2 thinking about would be the license.

3 MR. GILMER: I am laying two to one on that.

4 (Laughter)

5 MR. BROWN: But you understand. When things of that
6 magnitude happen, there should be some time period where they
7 can get it because then you have got to come back and who is
8 the beneficiary, where it goes and whatnot. That is all.

9 MS. DEAN: Sarah, can I go back to the penalty
10 system? It is a question that I have, and maybe Robert T. can
11 fill me in a little bit more because I understand he was at
12 the Penalty Workgroup but I think attendance might have been a
13 little slim.

14 My concern is with the number two under the
15 commercial changes for the penalty system. It says add
16 failure to submit shellfish buy tickets for oyster taxes to
17 penalty schedule. I understand that we need to add it to the
18 penalty schedule. That is how we are going to get people to
19 pay their dollar tax.

20 My concern is that they need to be in, and I don't
21 know if it is within seven days or ten days --

22 MS. WIDMAN: There is a ten-day. Yes, we have been
23 talking about --

24 MS. DEAN: Speaking of procrastination, if we are
25 sitting down to do monthly oyster reports, that is the time

1 that we sit down with our buy tickets and fill out the forms.
2 Now the girls at the service center aren't very happy with us
3 but it gets paid.

4 But my problem is, if I look a C, 51 bushels or
5 more, tier 6: 30 points, one-year suspension. If he works 2
6 days over a 10-day, he is looking at a 1-year suspension.

7 Now we are paying that oyster tax. It is going to
8 get in. But for every 10 days, him to have to go there.

9 Now I know it can be mailed in too but that is not
10 how we choose to do it. So my fear is that without a
11 qualifier for the 30 points and 1-year suspension of after 30
12 days or after 60 days, I don't know how an NRP officer or how the
13 department would enforce that. And on the practical side, how
14 fast would we lose our license because we procrastinate.

15 MS. WIDMAN: Got you. Okay, we can look at -- I
16 will talk to staff. We can talk to staff and see if there is
17 a qualifier of maybe a certain period of time before that
18 would kick in based on the number.

19 MS. DEAN: And can I ask that now, who does check
20 that? Is that something that an NRP officer would say, hey,
21 let me see your tax receipts?

22 MS. WIDMAN: They could. We are not seeing -- most
23 of the ones we are seeing with the oyster is just failure to
24 pay it all ever but then also they are making something up on
25 them so they are not --

1 MS. DEAN: Yes, within 60 days of the end of the
2 season would be fantastic but thank you.

3 MR. BLAZER: Sarah, before you go on, I just want to
4 go back to the striped bass declaration of intent. I just
5 want to make sure that we are clear because I heard go back to
6 the Striped Bass Workgroup and ask them about the process. We
7 will internally look and see if we can do a joint renewal and
8 get all that done but we will also take that back to the
9 Striped Bass Workgroup and maybe the Eel Workgroup and some of
10 the yellow perch permit holders to see if there are some
11 revisions or timing that we need to modify with that. If that
12 is the will of the commission we will go back and look at that
13 and maybe offer up some recommendations.

14 MR. GILMER: And Dave, so our licenses are due by
15 the first of September and the rockfish thing is September 15,
16 correct? I have had a couple guys tell me that we are pressed
17 for money. That I have renewed my license. I have to go back
18 next week and do my rockfish because it is another \$100 or
19 whatever.

20 But it is after that period, it is not before the
21 license. It is already after that.

22 MR. BLAZER: Thank you. I just want to be clear.

23 MS. WIDMAN: I am just passing out -- Russell Dize
24 and Moochie both asked to provide you all with just some
25 information about -- it is the name, individuals' last names.

1 So it is all public record you can get through the Maryland
2 Judiciary Case Search but we just pulled together a document
3 for you because there concerns about, in these particular
4 cases, where we have taken action about how many guilties or
5 what the process was on these specific cases. So I just
6 wanted to provide that as a handout.

7 Russell is not here today. If you want to wait and
8 talk about it when he is here, I just wanted to make sure you
9 guys had it, and we can get it out to you by e-mail as well.
10 But it shows you what the offense was, when it was, the
11 disposition in court, whether they were guilty or not guilty,
12 and then any administrative action taken. So hopefully that
13 answers some questions. And since he is not here, we can talk
14 about it when I give my spiel next time as well.

15 MR. JEFFRIES: Will this finally put this thing to
16 bed?

17 MR. LAY: Before this meeting is over.

18 MR. JEFFRIES: Only because every time we do this,
19 everyone wants to bring up we need to make it easier, we need
20 to make it longer. You have six frickin months to pay that
21 bill. If you are a cab driver, you know you have got to have
22 tires on your car. I mean, this license thing is out of
23 control. If you don't pay -- six months is ridiculous. There
24 is no other license you can have in America where you have got
25 six months to pay it if you feel like it, but if not you come

1 in here and cry. It is getting to the point where it is
2 coming up at every meeting. We spend 35 minutes every meeting
3 guaranteed some sob story, boo hoo. My dog got run over. I
4 couldn't pay for it. It is ridiculous.

5 If you don't pay in 30, 60 days, come on. It is
6 insane. I don't mind being the bad guy. It is ridiculous.

7 MR. LAY: Rachel?

8 MS. DEAN: I am struggling with the acronyms on
9 this. I know PBJ.

10 MS. WIDMAN: I will have Jacob put a little key on
11 it when we e-mail it out to you all. But G is guilty. NG is
12 not guilty. Nol pros, it means, yes, essentially you weren't
13 prosecuted. We will put a key on it.

14 MR. BLAZER: Stet means it goes on the thing and it
15 can come back up later.

16 MS. WIDMAN: I am going to give a quick
17 presentation, just refreshing everyone on really exciting
18 stuff, you are going to be so excited to hear about how a reg
19 becomes a law.

20 But in all seriousness, I come up here and talk
21 about stuff but I think sometimes the nuances of how it
22 actually works gets lost on folks so hopefully I can
23 straighten some of that out or teach you something new. A
24 quick regs 101.

25 MR. BLAZER: This is part of what we talked about as

1 far as the education stuff, and this was one of the chapters,
2 if you will, that we started to talk about. And Sarah, being
3 the motivated go-getter that she is, already put it together.
4 And because of a lot of the questions that you all had about
5 penalties and some of this stuff, we put this together and
6 Sarah has got that today. So I just wanted to clarify that.

7 (Slide)

8 So a lot of people ask us where do we come up with
9 things. As much as I would like to say that we all sit around
10 drinking beer together at night and come up with great ideas,
11 that is typically not what happens.

12 We have science and surveys that you all hear about
13 all the time. So sometimes those are dictating maybe we need
14 to make a change in the rule. The general public will call us
15 with questions or comments a lot of times. The legislature
16 will pass laws that tell us we need to do something. Folks
17 like yourself, our stakeholders, will come and ask us to do
18 some sort of a change, and sometimes the federal government or
19 an interstate commission like ASMFC will require us to make a
20 change.

21 (Slide)

22 So I think you are going to learn about all these
23 fun commissions and counsels at a later date but just a quick
24 tutorial.

25 (Slide)

1 So here is our coastline. That big, bold black line
2 along the coast is zero to three miles. It is a really old
3 rule. It is how far you could fire a cannon in the 17 or
4 1800s, cannon-shot rule, is our state waters. So we have
5 jurisdiction over those. And then from 300 to 200 miles out
6 are federal waters.

7 So through international treaties, countries have
8 200 miles off their borders. So those are ours. So the state
9 waters, we have that compact, Atlantic States Marine Fisheries
10 Commission, ASMFC, and we meet with them throughout the year
11 to manage fish that are in state waters.

12 And then in federal waters, there are regional
13 councils throughout the U.S. coast. Ours is the Mid-Atlantic
14 Council. I think Mike had mentioned they talk to each other
15 so they will have a meeting where they are talking to each
16 other. The fish don't stop at the three-mile marker so they
17 have to integrate sometimes.

18 Just the lay of the land of some of the external
19 groups that help us manage our fish.

20 (Slide)

21 And we also work more locally so a lot of you are
22 familiar with the Potomac River Fisheries Commission in the
23 Potomac River. We have compacts more on the recreational end
24 with license reciprocity with West Virginia, Pennsylvania,
25 Virginia.

1 We work on invasive species issues regionally so as
2 things come up we work with other states.

3 (Slide)

4 Of course you guys know who you are so we have a
5 bunch of different commissions. I threw up just some of the
6 committees and commissions we have. And then we have various
7 other workgroups.

8 (Slide)

9 So basically this is where I always get a lot of
10 questions. People get confused. So we have statutory law,
11 and that is what we all learned in second grade with the
12 little video about the bill becoming a law. And so the
13 legislature downtown makes a bill, passes the bill and it
14 becomes a law.

15 Some of those laws basically are saying, hey, we
16 legislators don't really understand striped bass biology so we
17 are actually going to take our legislative authority and grant
18 it over to the executive branch agency DNR to go make striped
19 bass size limits because they seem to have a grasp on science
20 over there. So that is how that came to be.

21 Every state federally, that is kind of how it all
22 works. So then when we make the rule, it is called a
23 regulation. So that is the difference between the two of
24 them. So we have the three branches of government.

25 (Slide)

1 So the legislature -- and I always break down
2 statutes into the three basic types that you will most
3 commonly see in the fisheries world. So there are rules, and
4 some of these go back to the 1800s about size limits, seasons.
5 The legislature decided what the rule on a certain fishery
6 should be.

7 They might make a codifying agreement like when we
8 created the Potomac River Fisheries Commission and they have
9 to pass it and it becomes a law then. And then authority that
10 I was just talking about. They say, hey, Department of
11 Natural Resources, you should create a regulation about X, Y
12 or Z.

13 (Slide)

14 It is really hard to read that but essentially it is
15 an example -- the text usually says the Secretary shall or may
16 or the department shall or may make a regulation. That is
17 what you are looking for if you are looking for an authority.

18 We have two main ones that we use a lot, and that is
19 creating a fishery management plan about a species or
20 declaring they are in need of conservation. Both cases may
21 need some science showing us what to do in order to make
22 regulations under those authorities.

23 (Slide)

24 Okay, so here we are. The executive branch.

25 (Slide)

1 So we have kind of a longer process so the fishing
2 rules that we deal with here go through kind of this
3 pre-regulatory process so every agency in the state can make
4 regulations, certain types of regulations, and they all go
5 through the same process.

6 There is a law called the Administrative Procedures
7 Act, the APA, and it tells you how you make a regulation. And
8 everyone has to do it the same way.

9 Before we even get to that, we come to you. So we
10 just talked about scoping stuff so we are doing all of that
11 before we even draft a regulation most of the time. We have
12 nothing drafted yet. We have ideas. And that is just a
13 little history. It has been going on for about 12 years that
14 we have been doing that.

15 And it has been catching on. The feds are starting
16 to do what is called scoping as well. So we like to think we
17 were ahead of the game there.

18 (Slide)

19 So this just kind of lays out -- so we kind of had
20 the pre-scoping where people are coming to us with ideas and
21 we are talking about ideas. And then we are starting the
22 scoping process really when we come to you with the concept in
23 kind of a paragraph form usually talking about what we would
24 like to do.

25 Then we take that out to the public. The public

1 gives us some feedback. And then if we decide to proceed with
2 that, we will go through that formal regulation process that I
3 like to refer to as regulatory chutes and ladders.

4 (Slide)

5 I don't know if anyone is familiar with this game
6 but that little pink box is where we start, and we draft the
7 whole reg, and we move to the right and we edit it. And then
8 we send it downtown. So the Administrative Executive
9 Legislative Review Committee, so it is senators and delegates
10 downtown, they review every single reg that is created in the
11 state. Not just ours, everybody's.

12 We can either do a regular one that follows this
13 whole crazy 94-day process or we can ask for a 180-day
14 emergency reg. Usually with us, you will see that in places
15 where something had to be approved through ASMFC or a quota
16 change or something happened and we don't have 94 days to get
17 it in before a season begins.

18 So we might ask for an emergency, in which case that
19 committee downtown, the legislative committee, will vote yes
20 or no. If they vote no, then it kind of slides back down and
21 we start over again. Or if they vote yes, it would just go up
22 to that green box and become a reg for that period of time
23 unless we make it permanent.

24 If we don't make it permanent it would go away at
25 the end of that time. If it is a regular one, they review it

1 for two weeks and it goes in the Maryland Register, which
2 basically gives the public 30 days to comment on the proposal.
3 And then we only have three options, and this is why we do the
4 scoping ahead of time.

5 We can withdraw it, which means it starts all over
6 again or we can adopt it as proposed, which we means we don't
7 make any changes. We can make nonsubstantive changes but that
8 is really just a miniscule change so it is kind of like it
9 sounds. If it is not more restrictive, if we have talked
10 about it with the public, we might be able to make a minor
11 change to it.

12 But typically we can't make any major changes once
13 we have started this process. We have to start over again if
14 we want to make a big change.

15 So once we decide what to do, we put that final
16 notice of what we are going to do with it in the register and
17 it could be effective 10 days later and then it goes into
18 COMAR until we change it again.

19 (Slide)

20 I just had another flowchart way of looking at
21 because sometimes people -- and we can e-mail that to you. I
22 don't know if it came out in the e-mail yet or not. Sometimes
23 people learn better with a flow chart but it is telling you
24 the same thing and the time frames for us to kind of do those
25 things. And a little key at the bottom of acronyms so

1 hopefully that helps to.

2 (Slide)

3 In your world, you might see in our regs, and
4 something you see in kind of public health and fisheries
5 because that is how fast things change so we might issue
6 something by public notice. And our regs usually say because
7 of the change at ASMFC, or we would give you the reason of why
8 we would do a public notice, it is usually for very specific
9 things like a quota change or move to end the season if we
10 need a threshold or something like that. Those are all posted
11 on our Website.

12 (Slide)

13 And then judicial. Again I told you about the APA,
14 the Administrative Procedures Act so there is a lot of history
15 to it but essentially we were ahead of the ball game in
16 Maryland, and we had all this in place before a lot of other
17 states did, so at the federal level, if you get in trouble
18 with a federal agency, you go before that federal agency. It
19 is like, they make the rules. And then they try your
20 suspension case and they do it all within the agency.

21 And our state back in the 90s said, well, that
22 doesn't really seem to make sense because why would DNR, for
23 example, make a rule and then they actually have your hearing
24 about whether you should keep your license because you broke
25 the rule. So they created OAH, the Office of Administrative

1 Hearings.

2 And it is a state agency but all they do is hear
3 other state agencies' cases. So it is supposed a more
4 objective body to go before if you are potentially going to
5 lose or have a suspension to your entitlements. So if you get
6 suspended on your driver's license you go to the same Office
7 of Administrative Hearings.

8 (Slide)

9 And then this is just a flow chart. So a lot of
10 people get confused because they think if we are suspending
11 their license and they have already been found guilty, it is
12 double jeopardy. But they are kind of two different things.
13 So you have your criminal violation, where NRP would write you
14 a ticket. You would pay the ticket if you want to pay the
15 ticket and be found guilty or you could go to court.

16 And if you are found guilty, we get all that
17 information here. So if you have a license, an entitlement to
18 do something with the agency, we can go, hey, this person has
19 committed a violation. Under the systems that we have, do
20 they have any sort of an administrative action on their
21 entitlement to engage in something the state licenses or
22 permits them to do?

23 So it is kind of related to it but not the same
24 thing so here at the department we are sending out those
25 notices and the stuff that you guys see as suspensions on our

1 Website happens here. We send out notices. People can
2 request a hearing. It goes to that OAH, the court if you want
3 to have a hearing.

4 Sometimes we are able to settle the cases with the
5 individual at that point, and essentially that goes into our
6 Compass system if there is a suspension or a revocation on a
7 license.

8 So that is the Cliffnotes version. And everyone can
9 read. I won't go through the whole thing to save a little
10 time but I am happy to take questions on any of that. That is
11 a lot of stuff, I know. I taught at a law school for 10
12 years. This is like two classes worth of stuff. You all can
13 graduate law school now. Congratulations.

14 MR. BROWN: Sarah, I have got a couple questions but
15 it doesn't pertain to that. One of them is with Rachel on
16 that points on not paying the tax on time. I don't think it
17 should be --- and I don't believe that was the meeting that I
18 was the only one that --

19 MS. WIDMAN: That was the previous meeting.

20 MR. BROWN: That was the previous meeting. And that
21 has nothing to do with harvesting so I don't think there
22 should be any points put on it. I think it should be -- you
23 know, that is doing paperwork, and you are talking about a
24 week or so. You know, if somebody said you are guilty, you
25 give them 30 days. At least you try to pay it before they

1 even send you, you know, you owe this bill.

2 So I think that needs to be looked at but the main
3 question I have got is the meeting that I attended, I was
4 asked a question by you, and it said we are supposed to have
5 parity between aquaculture and the commercial fishery on fines
6 and penalties. And it said if a person working in
7 aquaculture, if they go outside their grounds, what should
8 happen to them? Should they lose their license?

9 And I told you no, and the reason I said no was I
10 don't think anybody should lose their license, okay? And the
11 way we said it was if it was, say, a hand-tong area where this
12 man had this lease, when you went on the outside of that
13 hand-tong area, and you would dredge it, you were using the
14 wrong gear.

15 And according to that, you automatically lose your
16 license when it goes to the administrative court, and they
17 said they shouldn't. My suggestion was both of them should be
18 suspended, and no revocation at all. And you could suspend
19 it. You have got it right in the notes here. Suspend it a
20 year to start with. Put them back in business. If they get
21 it again, suspend it two or three years the second time.

22 If they get caught again, suspend it four or five
23 years the next time. Just suspend them right on out of the
24 business. And it even had some kind of probation on it. And
25 I was hoping to have heard something about that idea in your

1 | comments today.

2 | MS. WIDMAN: You jumped ahead. That is my next
3 | section.

4 | MR. BROWN: Oh, okay.

5 | MS. WIDMAN: But I can cover that now.

6 | MR. BROWN: Well, you can cover it now because I
7 | was -- I thought you had finished up with your beautiful
8 | slides and stuff you had. I was kind of mesmerized.

9 | MS. WIDMAN: So the Penalty Workgroup stuff, if you
10 | want me to move on to the workgroup reports.

11 | ***Committee and Workgroup Reporting***

12 | ***Penalty Workgroup***

13 | MS. WIDMAN: So we were asked at the July meeting to
14 | come and meet again on some concerns about the commercial
15 | point system. So we just had that meeting at the end of
16 | September. We did not have very good attendance at it but we
17 | wanted to report back some of the concepts that we talked
18 | about and that Robert T. is bringing up.

19 | So part of it was just letting the Penalty Workgroup
20 | know about some penalty discussions going on within the
21 | Aquaculture Workgroup where they were looking at trying to
22 | make consistent the penalties between kind of similar things
23 | in aquaculture world versus the wild fishery.

24 | So there were some, in the one handout, kind of what
25 | was presented, some suggestions they had to make those two

1 kind of more consistent with one another.

2 And then we also kind of just summarized some
3 concepts of do we, you know, not have a revocation but have
4 longer suspensions, add more tiers into the tiered system,
5 things like that.

6 So that is kind of what came out of it. I don't
7 know if you want to add anything.

8 MR. BROWN: The only thing I want to add is we all
9 pretty much agreed -- well, I was the only one so I kind of
10 had my way with it but even the department is agreeing that it
11 should be suspensions instead of revocations. You know, you
12 were leaning toward that way. You didn't say, you know --

13 MS. WIDMAN: Yes, we looked at, so we broke
14 down -- so right now it is 35 points for the point system is
15 where the revocation line is drawn. So we kind of pulled out
16 how many revocations happen with like 35, 40 points.

17 Like basically you could have gotten in trouble
18 maybe one time or two times and you are out. And then kind of
19 the 50 to 60 or 65 points and then like 65 points or more. So
20 the majority was kind of in that middle ground but there were,
21 I think it was 12 there, and there were 7 that were kind of
22 just over the line, the revocation line.

23 So I think that was, when you brought that up, one
24 area that we have kind of internally talked about as well is
25 do we add, especially there would we have a longer suspension

1 before you just get cut off period. So do we add the two-year
2 suspension in there? And then I think the bigger concept was
3 what about those greater penalty points, and would we just not
4 ever have a revocation option? Would it just become longer
5 and longer suspensions or would we draw the line somewhere?

6 I think we talked about public-health related
7 penalties being maybe kind of a separate thing because of the
8 fact that the whole fishery, through the federal system, can
9 be shut down because of one of those types of violations.

10 And do those need to have, at some level, some sort
11 of revocation option because of, A, someone could die but
12 also, B, the whole fishery, aquaculture and wild fishery,
13 could be shut down.

14 So I think that was kind of a different level of
15 concern and then there was kind of the conservation-related
16 ones that we were looking at. Do we not have revocations? Do
17 we draw the revocation line separately but certainly I think
18 staff saw your point. If you are just over that line, should
19 we draw that line there where you are potentially out forever?

20 MR. BROWN: Another thing that we didn't talk about
21 was if you get caught oystering 12:00, 1:00 or 2:00 a.m. in
22 the morning. Something like that. That should have a heavier
23 penalty. And I think we need to come up to try to get the
24 administrative court so we get the word shall out or get it
25 changed. In order to get it changed I think we need to come

1 up with a plan like if you are oystering in the middle of the
2 night. If you are way in the --- zone where public health is
3 in there.

4 Way, way into a sanctuary or something. We have got
5 to review this because if a person is just over a little bit,
6 if a man is dredging and it is hand-tong bottom beside him and
7 he gets off of it a little bit, he loses his license. You
8 know, these things aren't right.

9 I mean, especially when you have got a buoy here,
10 and you have got another buoy that might be two miles down the
11 river, and those are the only two buoys you have got. You
12 know, you say, well, you can get 100 feet over. 2 miles, and
13 you put a buoy here and buoy here, if you can go right there
14 and put your foot right on the line, you can't do it.

15 And if you are a little bit more than that -- you
16 have got to have some common sense in this. But we have got
17 to come up with a package to send to the legislators because
18 the only thing they look at is sanctuaries. You are working
19 in the sanctuaries. And everything else is, you know, not
20 being looked at.

21 I think we need to come up with more of a detailed
22 way to get rid of some of the suspensions on some of it. We
23 have got to go into detail and hopefully we can get some of it
24 changed.

25 MR. SUTHERLAND: Well, as long as it is not a tool

1 to protect a bunch of bad apples.

2 MR. LAY: Anything else on the Penalty Workgroup
3 situation?

4 (No response)

5 MR. LAY: While we are on -- I am going to get to
6 you, Carrie, in a minute. Did we want to -- what we talked
7 about today?

8 MS. KENNEDY: If you would like me to say something
9 or do something, I can do that.

10 MR. BLAZER: But I think we have covered it.

11 MS. KENNEDY: Yes.

12 MR. LAY: Oh, no, we haven't done a thing yet.

13 MR. BLAZER: Well, on the scoping, I think we have
14 got it --

15 MR. LAY: Well, we want to do something formal.

16 MR. BLAZER: Okay.

17 MR. LAY: And we talked about a couple things but if
18 you didn't do anything then I will just go ahead with it.

19 MS. KENNEDY: Yes, it is totally up to you.

20 MR. LAY: These committee and workgroup reports were
21 on the computer. They are handouts that everybody could have,
22 should have received at home, read and looked over.

23 This is a time when anybody who has any questions on
24 any of those workgroup reports that they read over, we can
25 address them. We did the first one, the Penalty Workgroup.

1 Are there any questions or discussion on any more of the
2 reports from the workgroups? Lynn?

3 MS. FEGLEY: Sorry, Mr. Chair. I was going to give
4 a verbal update on the Striped Bass Workgroup since that group
5 has not yet approved its minutes. If that is okay with you.

6 MR. LAY: That would be fine.

7 ***Striped Bass Workgroup***

8 MS. FEGLEY: Thank you. Lynn Fegley. The Striped
9 Bass Workgroup met October 2 and we are in the process of
10 completing those minutes to circulate to that group for
11 approval, after which -- and once they approve those minutes,
12 they will be posted online as a public document so that
13 everybody can see what they contain.

14 But there were two -- it was a very productive
15 meeting. We covered a lot of ground but there were two
16 important outcomes that I wanted to forward to this group.
17 They made two motions. There was no quorum at the meeting but
18 the motions both carried with the membership that was there.
19 And the first one was to recommend that the hook-and-line
20 fishery be extended through December of 2018.

21 So I wanted to make everybody aware of that. This
22 is not a biological or conservation issue. This is simply a
23 market issue. You are all aware that the department extended
24 the pound-net season by regulation but the hook-and-line
25 season did not go with it.

1 back.

2 MR. LAY: Okay, Lynn.

3 MS. FEGLEY: And I had actually forgotten that I
4 also intended to mention to everyone, remind everybody that
5 this is not -- I am going to digress a little bit, Mr. Chair.
6 Sorry. We are out of finfish logbooks. I meant to say this
7 earlier in my Striped Bass Workgroup update.
8 So just let everybody know that from now on, once those
9 logbooks are completed, when you need more, we are going to
10 give you a single form and they will need to be photocopied
11 like we do for crabs. I was supposed to mention that earlier.
12 So back to ASMFC updates.

13 ***ASMFC Spot Management and State's Stock Assessment***

14 MS. FEGLEY: I actually -- this is more of an
15 outcome from the last ASMFC meeting that we had in August.
16 Spot and croaker, these two species had an assessment that
17 went through and those species are -- the results of those
18 assessments show that they have very poor indices.

19 Basically what those analyses are saying is that
20 they are recommending that some management action be taken on
21 these species. The problem is that these analyses cannot tell
22 us what percentage of harvest reduction is needed. These are
23 data-poor species. These are managed via a stoplight
24 analysis.

25 And so what that means is that there is a combined

1 bunch of indices. There are triggers that are set, and we
2 have fired those triggers for both species. So initially
3 there was an idea to initiate an addendum to create management
4 for spot, which we currently don't manage at all.

5 We were successful at the board to slow this process
6 down. This is going to be, you know, in my mind, to begin
7 management for a species this complicated that so many user
8 groups use, sometimes in an interconnected way, we need to
9 travel through this in a very deliberative way and understand
10 the consequences.

11 So at the end of the day, what the board was tasked
12 with by the scientists, and what the board decided to do was
13 to go back, have a conversation with its constituents about
14 what we could do to put guardrails on these fisheries. We
15 don't have any kind of percent reduction so the idea is when
16 the fishery is -- when there are no rules, put some sort of
17 rule in place that will constrain the fishery, and if there is
18 a rebound give it some buffer to keep going.

19 For croaker, we should be fine. We have got rules
20 on croaker. For spot, we are not fine. We have not a single
21 rule on spot. So what we would like to do, when this came up
22 at the board, Dave and I both had the same thought that a
23 couple of commission meetings ago or maybe it was the last
24 one, there was the development of a workgroup to talk about
25 user conflicts in Tangier Sound in the summer, having to do

1 with gill netters, recreational fishermen and charter boats on
2 the oyster beds down south.

3 And of course the fish that are in the mix and all
4 that are spot and croaker. So we thought, and if I recall,
5 the people from this group that would be on that workgroup
6 were Robert T., Buddy and --

7 MR. BLAZER: And we were going to talk to Lee
8 Wilson --

9 MS. FEGLEY: Lee Wilson.

10 MR. CARSON: I talked to Lee. Lee is willing to do
11 it.

12 MS. FEGLEY: That is good. So this is not replacing
13 the charge of that group but because we have got recreational,
14 charter, commercial interests all together in that group, we
15 thought it would be a really good place to start, to just
16 start brainstorming, you know, what are some things that we
17 can do with spot that won't be damaging to businesses but it
18 will allow us to put some sort of backstop on the fishery.

19 So our thought was that once we met with that group,
20 we would get some ideas and then what we would do is take
21 those ideas and put them out on a larger scale to the public
22 via like a Survey Monkey sort of thing and really try to use
23 that to get a broader input.

24 And then we would put, distill those final ideas and
25 bring them back to you at this group. And by February, we are

1 supposed to return to the ASMFC with some ideas about how to
2 handle this fishery. It is going to be a very complicated
3 issue because, you know, one of the really difficult
4 situations with this is that because the scientists could not
5 tell us, hey, states. You all need to take a 10 percent
6 reduction.

7 We want to be really careful that the states
8 involved -- there is equity in what the states are choosing to
9 do. You want to make sure that all the states are sort
10 of -- are playing on the same page. And the board had a lot
11 of consternation about this because of the vague guidance we
12 were getting from the science.

13 So we are going to take it slowly but that is our
14 first step. We are going to try to get back in February with
15 some broad-stroke ideas.

16 *Questions and Answers*

17 MR. CARSON: And is there a time when the meeting
18 between this group and the other groups --

19 MS. FEGLEY: Yes, and we were hoping to have a
20 meeting with this first subgroup in November. That was the
21 hope.

22 MR. BLAZER: I hope to send you an e-mail tomorrow
23 or early next week to pick a date but we hope to get something
24 in early November.

25 MR. SUTHERLAND: This is a very complicated issue.

1 | It crosses a lot of sectors. Is November and February really
2 | paying justice to the complexity of this? I just raise the
3 | question.

4 | MS. FEGLEY: It is a really good question. The
5 | reason that we wound up in this process was because initially
6 | there was some interest at the board at ASMFC to start an
7 | addendum.

8 | And we will go over this in the education seminar
9 | that we have but at the ASMFC you can do an addendum or an
10 | amendment. And an addendum happens fast. An amendment
11 | happens slower because it allows for some time for iterative
12 | public input. You go out, you get ideas, you bring it back to
13 | the board, you do another document, you take that out and get
14 | public ideas.

15 | The commission did not want to do an amendment for
16 | these species so this is our way to try to slow the process
17 | down and make sure we get that formal comment but when we go
18 | back to the board in February with our ideas, there is no
19 | guarantee that we are going to -- I mean, I can tell
20 | personally that I have no interest in starting a management
21 | document for the species until we think we have it straight
22 | because it is that complex.

23 | So you are right. We are going to have to step
24 | through it and see.

25 | MR. SUTHERLAND: We talked about this at sport fish.

1 | What makes it very complex is you have little to no science at
2 | all. We don't know really where they are, where they are
3 | coming in. We talked about the shrimp trawlers. We are
4 | concerned about the shrimp trawling in the Carolinas and the
5 | impact they are having on this.

6 | There are so many issues that we don't know anything
7 | about other than maybe we know about the shrimp trawlers. I
8 | just wanted to share.

9 | MS. FEGLEY: And I have one more commission update
10 | for next week in New York. If you are looking at the agenda,
11 | I wanted to draw your attention to the Law Enforcement
12 | Committee will be taking up the issue of striped bass sales
13 | out of state. We have heard from the Striped Bass Workgroup
14 | that they can't market their fish in New York and
15 | Massachusetts because those states won't allow the sale of
16 | fish outside their size limits while their season is ongoing.

17 | And so the first sort of thought there was, well,
18 | maybe we can prohibit the sale of big fish in our state. When
19 | we met with our attorneys, their assessment was that
20 | we -- federal commerce laws will not allow us to do anything
21 | like that unless there is a clear enforcement concern on our
22 | part of having those fish outside our size limits in our
23 | state.

24 | And our NRP officers did not feel like those
25 | enforcement concerns existed. So what that means is that the

1 states like Massachusetts and New York -- and Maine is one of
2 them as well but they don't have a commercial fishery -- those
3 states, unless they have a clear enforcement concern, they are
4 cross-wise to federal commerce rules.

5 So at the Law Enforcement Committee next week, the
6 law enforcement officers from the states are basically going
7 to have a roundtable and discuss whether or not they have
8 enforcement concerns. What are Massachusetts' enforcement
9 concerns with having our small fish come up there?

10 If those concerns exist, they will be identified in
11 February to the Striped Bass Board, and we can potentially
12 start to address them. If all of the states say they have no
13 concerns, then it gets a little more interesting because what
14 that means is that the state is essentially cross-wise to
15 federal trade regulations, and at that point, to be honest, it
16 leave the purview of the commission.

17 Its purview isn't to tell states to comply with
18 federal trade law but what it does is it opens up the
19 conversation. It allows everybody to have an open and frank
20 conversation about these enforcement issues, and I am
21 cautiously optimistic that maybe for striped bass, we can
22 start to solve some problems. So we will keep you posted as
23 that rolls.

24 MR. SCERBO: I don't know a whole lot about spot
25 other than people think of them as bait but -- I see Maryland

1 has no regulations. What states have regulations, and is that
2 causing a friction in the room because some have regulations
3 and we don't?

4 MS. FEGLEY: No, it is -- well, to answer your
5 question straight up, I think South Carolina might be the only
6 state that has regulations for spot, and it is an aggregate
7 bag limit for spot and croaker. It is an aggregate creel.

8 We are one of the few states that has regulations
9 for croaker, so a lot of the states around the table are in
10 the same boat with croaker, and spot and croaker, as we are
11 with spot. We actually are kind of fortunate that we already
12 have croaker regulations in place. So I don't think we really
13 have to worry about it.

14 It is the states that don't have any regulation all
15 that have to come up with something.

16 MR. SCERBO: So when you are saying we don't know a
17 whole lot about the -- we don't know how we got into the
18 situation or we don't know a whole lot about the fish itself?

19 MS. FEGLEY: Well, both of these species had a stock
20 assessment conducted, and what that does is it estimates the
21 abundance of the fish. It estimates levels of fishing and
22 then it estimates sustainable reference points. We want to
23 maintain our fishing levels here in order to obtain an
24 abundance of this. So all those analyses were done but they
25 did not pass peer review. That is why we do peer reviews.

1 So the peer reviewers basically said you can't use
2 this for management. So then what we had to -- what the
3 science had to revert to was this sort of conglomerated series
4 of indices, which are things like recruitment, harvest, adult
5 abundance, and how all of those -- which directions those are
6 trending.

7 They are divided into a northern and a southern
8 region. Northern region, the line is Virginia/North Carolina.
9 So when this happened, only the northern region has these poor
10 indicators.

11 Southern region is fine but the scientists
12 recommended -- they said because there is some movement of the
13 fish between the regions, that if the northern region takes
14 action, the southern region should go as well. So I don't
15 know if that answers your question.

16 MR. SCERBO: So was this just a one-time assessment
17 or they do it periodically?

18 MS. FEGLEY: They do it periodically. So they will
19 try it again in a few -- it will be a few years before they go
20 at it again. I will tell you where some of the issues are.
21 Both of these fish are subject to substantial by-catch in the
22 off-shore shrimp trawls. Well, not necessarily off-shore but
23 North Carolina shrimp trawls.

24 And it is very difficult to estimate what that
25 bycatch mortality is, so that is one of the pieces of data

1 that providing difficulties in the stock assessment that would
2 give us sort of -- give us the ability to say, okay, you have
3 to reduce harvest by this much in order to reverse your
4 trends. That is the information we can't come up with.

5 And because spot is such a short-lived fish, it gets
6 even more complicated. It is such a quick --

7 MR. SCERBO: So has there been a movement in where
8 the shrimp fishery -- has there been a change in the shrimp
9 fishery over the last few years, where they work or intensity
10 or anything like that?

11 MS. FEGLEY: Not that I know of.

12 MR. SCERBO: But they want to point a finger at the
13 shrimpers?

14 MS. FEGLEY: I don't know that anybody is pointing a
15 finger at the shrimpers but I think one of the issues when you
16 do these big analyses and you try to estimate fishing levels,
17 those data become important, and those are the data -- that
18 methodology for estimating that is where the peer reviewers,
19 that is one of places they lost comfort.

20 MR. SCERBO: But is it just a new piece of
21 information they discovered, it is a by-catch issue with
22 shrimpers or is it something that has always been there?

23 MS. FEGLEY: I think it has always been there. It
24 has always been there, and in the last stock assessment, there
25 was no means to estimate it at all, estimate that by-catch.

1 In this stock assessment, they took a shot at it but the peer
2 reviewers weren't comfortable with the methodologies they
3 used.

4 So it is not so much finger-pointing as it is just
5 the pieces of data that are needed to make any kind of
6 realistic or reliable estimate of this stuff just weren't
7 quite there.

8 MR. BROWN: You know, these fish, just like you
9 said, they are very short-lived. We have them, they started
10 into the Potomac. I started seeing some this year, more than
11 what I had in a long time when we started having a bunch of
12 rain and that washed them back out because, you know, they are
13 a salt-water fish.

14 It makes little difference what the state of
15 Maryland does if other states don't join in because they are
16 only here during the summer. And the trawlers are one of the
17 problems that we have but we have always had the trawlers down
18 there.

19 We have got a big problem with the amount of
20 rockfish that we got in here and that is what they primarily
21 eat on now. And it is not the people who are catching two and
22 three for the live-liners. That has nothing to do with it.
23 The amount of fish that they use live-lining is not a drop in
24 the bucket to what the wild fish eat that are already out
25 there.

1 And, I mean, you have got to realize, it is going to
2 be one of the hardest problems to do.

3 How do you do it with a size limit? Well, number
4 one, really, when it comes to it, we don't hardly have a
5 harvest in Maryland now to speak of because by the time they
6 get up about big enough -- you have got a little bit in the
7 southern part of it -- but by the time they get big enough,
8 they will migrate up there. We will catch maybe a few in the
9 fall but we have no spot fishery like we used to have years
10 ago, back in the 80s and 70s and 60s.

11 We used to haul seine on the Potomac, and I know
12 right out of our creek there were five or six haul seiners,
13 and they would catch -- each one of them would catch anywhere
14 from, say, 3,000 to 5,000 or 7,000 pounds a night. Each one
15 of them.

16 And I mean, it is not there. I made one haul on
17 St. Clements Island back in the 90s or late 80s, and I caught
18 over 30,000 pounds in one haul one night. And I mean, we had
19 been catching them -- 8,000 pounds, 10,000 pounds. And then
20 the cownose rays came in where we were, and they scattered the
21 fish all over the place.

22 So as far as managing it, the state of Maryland
23 cannot do it by itself.

24 MS. FEGLEY: No, it can't.

25 MR. BROWN: And we have got problems with the

1 predators.

2 MR. CARSON: Are there any other states that are
3 going to do surveys on it, form committees to look into it?

4 MS. FEGLEY: So in February, every state on the
5 south Atlantic, so this is from New Jersey south to Florida,
6 will be coming back to the board with ideas on things they can
7 do.

8 For example, set a season, right? So these kinds of
9 examples might be -- we are going to have a season or we are
10 going to have a size limit. And once those ideas are
11 presented -- every state will present those ideas. And then
12 we will start to talk about, present options for what those
13 seasons might be. But yes, every state is in the mix.

14 MR. GWIN: And this is without -- you haven't had a
15 stock assessment or you said that was a stock assessment?

16 MS. FEGLEY: We did but it failed. I mean, it
17 failed peer review so this is that stoplight analysis that
18 everybody loved so much.

19 MR. GWIN: So that is a common thing with the
20 fisheries to have a fisheries management plan without a stock
21 assessment? Is that very common?

22 MS. FEGLEY: Yes, I mean, there are few of them.
23 Eel is another one where we do have a stock assessment but it
24 is not a great one. It has passed but it doesn't really
25 give -- we can't even tell if we are overfishing with eels.

1 We don't even know.

2 MR. GWIN: So you could actually do something to
3 them that could be minute that would satisfy the --

4 MS. FEGLEY: That is sort of where -- yes. So we
5 are not talking about taking a big reduction here. We are
6 just talking about sort of freezing it where it is. And one
7 of the discussions that has to happen is, as Robert T. alluded
8 to, spot harvest has declined quite a bit in recent years so
9 if you want to freeze the fishery, what is the time span you
10 want to freeze it to?

11 Do you want to freeze it to what harvest looked like
12 10 years ago or do you want to try to freeze it to what it is
13 now? That is the conversation to have.

14 MR. GWIN: And I think that is the other part of my
15 comment. With the spot, and I have spot-fished before, they
16 are an up-and-down fish. So depending on which year --

17 MS. FEGLEY: Very cyclical, yes.

18 MR. GWIN: I mean, this year, you don't want to give
19 any spot out but next year could be a different year. And
20 there will be all the spot you want. I am just speaking for
21 the ocean side. I don't know about coming up into Maryland
22 but I know they are very susceptible to being an up-and-down
23 fish. So now all of a sudden they pick a bad year, well then
24 it is bad all the time. So that is something you have to keep
25 an eye on.

1 MS. FEGLEY: Yes.

2 MR. BROWN: And that is true in the Potomac and in
3 the bay. You don't have them every year. And a lot of times
4 when they come in, you will have a good amount. They come in
5 kind of heavy. And when they don't come, they don't come.

6 MR. GILMER: When you get this board together, up in
7 my area there are a lot of head boats that are bottom fishers
8 that fish for spot. And I would like to have somebody from my
9 area -- I could talk to my captains in my area and get them,
10 if it is okay to join into this group because it is very big.
11 When we have spot, they do really well.

12 MR. BLAZER: I think that is fine. I just want to
13 try to keep the group small because eventually we want to take
14 these six or eight folks' ideas out beyond that but, yes,
15 because I think sport fish, we had four people. I think right
16 now with Robert T., Buddy and Lee Wilson. We will add your
17 person on there. That will be eight.

18 MR. CARSON: I think you were going to also put
19 somebody from the consumer group in that if I remember right,
20 and I didn't understand that.

21 MR. BLAZER: I think we will start with those eight
22 folks just to address the two issues: One, the ASMFC request
23 but also the user conflict issue. At least have some dialogue
24 and discussion about that at that point.

25 MR. CARSON: Is there any knowledge of how

1 many -- how the shrimping business -- dredging, dragging --
2 has increased? Have the amount of people in that in North
3 Carolina, South Carolina increased in the last few years?

4 MR. BLAZER: I think that is a good question. I
5 don't have that information but that is something that keeps
6 coming up. So I think that is a question we can ask.

7 MR. CARSON: So many people feel that there are
8 being so many caught in those shrimpers, and I was just
9 wondering if the shrimp industry is growing down there and
10 causing this problem. You know, it is awful if the Chesapeake
11 Bay pays the price for them. And that is the nursery area, am
12 I right?

13 MR. BLAZER: Yes. All the estuaries on the East
14 Coast are nursery areas so, yes, those are good questions. We
15 will bring that up as we go through and formulate that list of
16 questions as we come up with ideas when we go back to ASMFC
17 later. That is what this smaller group -- and then the Survey
18 Monkey or the survey idea, it is kind of like scoping but I
19 don't want to use scoping as the word because that means there
20 might be regulation eventually with that.

21 That is not where this process may go but we want to
22 get some feedback, scope some different ideas as we go
23 forward, and that is what the Survey Monkey -- we will come
24 back to you all in January. We also plan on doing other
25 things on the Website and let you guys know so we get feedback

1 from all of our stakeholders as we go through.

2 So it is a pretty significant outreach effort to try
3 to get more information as this process kind of goes forward.

4 MS. DEAN: Can you tell me again who is on
5 the -- from tidal fish on that workgroup? Robert T. --

6 MR. BLAZER: Buddy and then we were going to ask Lee
7 Wilson from Somerset County, I believe, and Moochie had a
8 charter captain from there. And then on the sport fish side
9 was Mack -- I don't even know his last name. Dave Sikorski,
10 Scott Lenox and Toby Frey.

11 MS. DEAN: And one more question. Lynn, I am sorry,
12 before I let you off the hook there, or Mr. Chairman, was it
13 your intention to discuss the extension of the hook-and-line
14 season this season? I don't know if I have missed that now
15 with Lynn giving her update because I think the Striped Bass
16 Workgroup did want the Tidal Fish Commission to weigh in.

17 MR. LAY: It wasn't on our agenda but we can
18 certainly talk about it.

19 MS. DEAN: Then can I back up and address that now?

20 MR. LAY: Let's make sure we are finished with this
21 here and then we will go forward. Are you finished?

22 MS. FEGLEY: I am done, Mr. Chair.

23 MR. LAY: Are there any more questions for Lynn?

24 (No response)

25 MR. LAY: Okay, Rachel. You are up.

1 MS. DEAN: I certainly don't want to put words in
2 the Striped Bass Workgroup's mouth because as Lyn said, we
3 didn't have quorum. I thought maybe we did counting the
4 person on the phone. The concern has come up that we have
5 extended -- and anybody correct me if I say anything wrong --
6 we have extended the hook-and-line season and the pound net
7 season for the last three years by four? I guess halfway
8 through the season, and through regulation?

9 MR. BLAZER: Public notice.

10 MS. DEAN: Public notice, sorry. Through public
11 notice. And recently we moved that the pound net season be
12 permanently extended through regulation. My concern, and
13 there has been much talk about the marketing issues but my
14 concern is that there are hook-and-line fishermen who have
15 come to expect that extension for the last four years.

16 And if we do not extend it, but we are extending the
17 pound net season, those fishermen may not be able to fish in
18 the month of December.

19 Now their fish could certainly be transferred to a
20 gill netter and now a pound netter but I don't think that we
21 have given them enough notice in that we should be treating
22 them fairly so I am not requesting that we extend it
23 permanently or move this into a regulation process like we did
24 with the pound net but I think for this particular season, if
25 guys are intending to fish as they have in the last four

1 years, and use their quota in the month of December -- and we
2 are not talking a lot here. There are a few, as far as I
3 know. I think we should give them that opportunity.

4 MR. LAY: Also at the Rockfish Workgroup meeting we
5 agreed to look at all of the rockfish seasons maybe at our
6 next meeting or a following meeting to see the equity and the
7 complaints, the good sides the bad sides, of extending seasons
8 and how best to manage that.

9 So we are not looking to say that an extension to
10 this fishery this year is something that we are definitely
11 going to ask for next year or want to be permanent as the
12 pound net fishery went to this year but there were good points
13 made, as Rachel just did, at the Rockfish Workgroup that we
14 shouldn't penalize those even though it is not in regulation
15 that it has to be extended.

16 That it has been a courtesy but it has been a
17 precedent set over the last four or five years that this would
18 happen, and it was hoped by most that it would again happen
19 this year, and then we would take a look at the future of
20 different user groups to see how we wanted the rockfish
21 fishery to go forward in the future. That the was
22 conversation.

23 MR. CARSON: Do we have a quorum here for someone to
24 make a motion?

25 MR. LAY: We have a quorum here, yes.

1 MR. CARSON: You want to make a motion, Rachel?

2 MR. JEFFRIES: I have got a question first. Is the
3 ultimate goal in this to really put the gill netters out of
4 business?

5 MR. LAY: No.

6 MR. JEFFRIES: I don't have anything to gain or lose
7 in this. The gill netters' season was always December. That
8 is when they made their money. Now we have extended pound net
9 to take money out of their pocket. Now we are going to put
10 hook and line into it. So if I were a gill netter, I would
11 say, why can't I gill net in June, July and August?

12 Again this is another one of the topics that we
13 continually -- it has morphed into something that we shouldn't
14 be doing.

15 MR. LAY: Yes, the workgroup acknowledged that at
16 their meeting. It was the prime discussion of the meeting,
17 and that is why we decided that in the future, maybe next
18 meeting, that we would act, take a serious look at this.
19 Maybe establish seasons, and that would be it. There would be
20 no more extensions.

21 What we are trying to do is just get through this
22 season with what the commercial hook-and-liners have expected
23 to happen because the precedent has been set that it has
24 happened during the last four or five years and they have
25 saved quota for December.

1 hook-and-line fishery through December 31, 2018.

2 MR. CARSON: I second the motion.

3 MR. LAY: Does everybody clearly understand the
4 motion? Is there any other discussion on the motion?

5 MR. BROWN: What did the Rockfish
6 Workgroup -- didn't they vote on that?

7 MR. LAY: Yes. We didn't have a quorum, and I
8 believe we did approve that.

9 MR. CARSON: We didn't have a quorum but we made a
10 vote and it flew.

11 MR. BROWN: However, I do want to add this in there.
12 That at the present time, the gill netters fish approximately
13 60 to 62 or 63 days. That is all the season that they can
14 fish because they fish only five days a week. I just wanted
15 to make that known.

16 MR. LAY: Good point. Are there any other comments,
17 discussion?

18 MR. MANLEY: On that same line, they were talking
19 about stretching the gill net season to Saturdays too because
20 the pound netters could do it. What is that going to do with
21 the market? Another day's fish on the market? That is going
22 to drive them down cheaper yet. Like I said, the gill
23 netters, they only have got a month and a half to really catch
24 their fish: December and half of January.

25 But the middle of January, Virginia is sending them

1 in, the market is dropping. In February, it goes right in the
2 toilet. So they really only have got a month and a half to
3 catch them. And now you are stretching everybody else in
4 there. I don't think it is fair.

5 I have got a pound netter on board now but I still
6 don't think it is fair.

7 MR. LAY: Yes, that is why it was such a hot topic
8 at the workgroup and it is going to be discussed.

9 MR. MANLEY: They don't get any extra time. They
10 keep getting cut back. They are not doing that with anybody
11 else. It is a one-way street, seems like.

12 MR. CARSON: A good question would be, which we
13 don't have access to, is what percentage of the quota is
14 caught by the hook-and-line fishermen? Does anyone in here
15 have any idea? I mean is that a threat, a hook-and-liner, a
16 threat to the gill net fishery?

17 MR. BROWN: Well, there is another way to look at
18 it. The hook-and-liners, just like the pound netters, the
19 pound netters got December, but the hook-and-liners used to
20 start the 15th of June if I am not mistaken. We came back and
21 they backed them up. We gave them until I think the 7th or
22 8th. Then we backed them back to the 1st of June.

23 So now they were just like the pound netters
24 originally where from June 1 to the last of November, okay, to
25 catch their quota. And they have been kind of playing the

1 market the whole time trying to get -- you know, it is a
2 gamble when you are playing the market. You sell them today,
3 you get \$4 and a half. Well, I am going to go again tomorrow.
4 Well, it might not be but \$3 and a half.

5 It depends on how the fish hit the market. It
6 doesn't make any difference if you have got Saturdays into it
7 or not. When fish are high, if you can fish another day, it
8 probably wouldn't hurt the market, but when fish come on, they
9 come on everywhere.

10 But the whole thing in a nutshell is the gill
11 netters are having more competition on the market. You can
12 only put so many fish on the market, and the fish maintain the
13 high price. So I am just saying, this is something that is
14 going to have to come up on the next one.

15 And when it comes to it, since the gill netters have
16 been getting an extension every -- for the last three or four
17 years, they kind of plan on that they are going to get it this
18 year. Maybe some of them didn't fish as hard as they would
19 have if they had known that it is going to stop on November
20 the 30th. That is the situation.

21 MR. LUISI: Maybe Carrie was going to say the same
22 thing but I did want to say that, if you remember, this all
23 changed when we shifted from the derby to the ITQ fishery
24 where the flexibility that we talked about as we developed
25 that fishery was the thing that we wanted to offer.

1 Which was why -- you know, we viewed ITQ permit
2 holders, when that all changed over, that was I guess five
3 years ago now, we didn't view fishermen anymore as a hook-and-
4 liner, a gill netter and pound netter. They were ITQ permit
5 holders.

6 Which is why we started that extension, because the
7 derby was no longer part of it, and we were moving into this
8 new phase, which is why we are where we are today. So I want
9 to remind everybody, that has taken me back many years but
10 that was a long time ago it seems like now but that was reason
11 for all of this.

12 MR. JEFFRIES: Then why do we still have common
13 pool?

14 MR. MANLEY: It is the same thing where you are
15 pushing the ITQ and want you to be able to sell your fish when
16 you want and get top dollar for them. This is not working out
17 like that, Mike. When you have got two or three different
18 fisheries putting them in at the same time, that is not
19 working out.

20 MS. KENNEDY: Can I just answer Buddy's question and
21 say that typically in December, I have some data in front of
22 me that we had looked at immediately after our workgroup, and
23 for December there is typically between 6,000 and 14,000
24 pounds of striped bass landed by hook-and-line from 2014
25 through 2017.

1 Whereas the gill net is from 100,000 to 200,000
2 pounds. So it is a pretty small -- again just in December but
3 it is a pretty small segment of the fishery.

4 MR. CARSON: It is very small proportion.

5 MS. KENNEDY: Just to answer Buddy's question
6 earlier.

7 MR. CARSON: Thank you.

8 MR. LAY: We have a motion on the floor. Is there
9 any more discussion on it? Go ahead, Dave.

10 MR. SUTHERLAND: So I understand the reason behind
11 this and the rationale. Why wouldn't we do the same thing for
12 the charter boat industry and extend their season?

13 MR. LAY: Well, we are talking about commercial.
14 Charter boats are recreation.

15 MR. LUISI: So the charter boat fishery is lumped in
16 with the recreational fishery and it is managed completely
17 independently of the commercial quota. So the charter boats
18 and the recreational anglers don't have a quota, which is why
19 we can provide that extension when there is a hard tack or a
20 hard quota.

21 Recreationally it is based on a projection of catch
22 that we compare with the MRIP estimates, and it goes into the
23 fishing mortality, which is an entirely separate piece to all
24 of this.

25 MR. SUTHERLAND: But in this situation, they chose

1 to keep their quota and hold it for December when they really
2 don't have that season, which I find kind of forcing into this
3 discussion, in this situation. And I understand and
4 appreciate, in my ignorance on the difference between the
5 commercial and the charter boats, so my apologies there but I
6 just learned something.

7 So there is not a mechanism then to extend the
8 charter boat season as well. Thank you.

9 MR. LAY: Any more discussion on this motion?

10 (No response)

11 MR. LAY: Okay. All of those in favor, please raise
12 your hand?

13 (Show of hands)

14 MR. LAY: All those opposed?

15 (Show of hands)

16 MR. LAY: Motion passes. Oh, abstentions.

17 (One abstention)

18 MR. BLAZER: It passes 8 to 3 to 2.

19 MR. LAY: Okay, motion passes 8 to 3 to 2.

20 MR. JEFFRIES: One more thing. I don't want it to
21 happen because it affects my business, but I can tell you one
22 thing, if I were still gill netting, I would be right here at
23 the next meeting saying, I want to be able to gill net in
24 June, July and August. And I would challenge that the same
25 people who voted for the hook-and-liners better be the same

1 ones who voted for the gill netters. To me, I don't think
2 this is right and I will leave it at that.

3 MR. LAY: That is why this discussion is going to
4 continue over at the Rockfish Workgroup at our next meeting.

5 MR. JEFFRIES: It has been continuing for six years
6 and it is still a big, old circle.

7 MR. LAY: Mike is going to --

8 MR. LUISI: I just wanted to finish up from where
9 started before on the update of the Mid-Atlantic Council.

10 ***ASMFC/MAFMC Updates and Announcements***

11 MR. LUISI: So at the upcoming meeting in December,
12 the council is going to be taking up, along with ASMFC at a
13 joint meeting -- it will be held here in Annapolis if you are
14 interested in attending December 11 through the 13th.

15 And at that meeting we are going to be finalizing
16 something that I have been bringing to this commission's
17 attention for probably over a year now, and that has to do
18 with commercial allocation of summer flounder to the state of
19 Maryland.

20 There is an interest by member states of the council
21 and the commission to make adjustments to the commercial
22 quota, what we receive and what -- so every state gets a
23 percentage of the total quota for the coast. And there is an
24 interest in shifting that quota around, away from the
25 percentages that we had based on -- and it goes back 20 or 30

1 | years.

2 | And so that meeting will be held here in Annapolis.
3 | We had a really good hearing down in Ocean City on that
4 | specific issue. And in some cases the plan would give us more
5 | quota for Maryland. In other cases, it would take away from
6 | our fishery. On the coast is where we have our most
7 | significant commercial fishery. We have seven permit holders
8 | who share the lion's share of Maryland's quota, and they would
9 | be the ones most impacted by any change, any shift away from
10 | what we have.

11 | Now we can go only get two and a quarter percent of
12 | the total coastwide quota so we are a small player in the game
13 | but those individuals affected by the decisions that are going
14 | to be made, it could be great.

15 | Now what we got back from the permit holders who
16 | attended the meeting was leave everything alone. Don't do
17 | anything because the system isn't broken. The whole concept
18 | of the shift in allocation has to do with what we are
19 | witnessing which is -- I have talked about this before. It is
20 | a shift in the stock kind of north. To the north and to the
21 | east as it relates to the change in water conditions in the
22 | ocean.

23 | So there are more fish in places where there is less
24 | available quota. The point of me bringing all of this to you
25 | is to let you know that decision, that final decision, will be

1 made in December. We got good feedback from our permit
2 holders to try to get through it by saying, you know, we just
3 considered this question of allocation shifts for the last two
4 years but, you know, we really don't want you guys to do
5 anything.

6 And what they told us was, we don't even want any
7 more. If you can just leave everything alone, do your best as
8 members of the council and as our state representatives to
9 just leave things alone. Now we did come up with a backup
10 plan, and Sonny was at the meeting, Sonny along with Ward in
11 the back of our room here. Ward is also a Maryland member of
12 the Mid-Atlantic Council.

13 So we came up with a good backup plan. Hopefully we
14 won't have to go down that road but that backup plan would
15 be -- we will be ready to move on it. If you need any other
16 information or have any questions, you can give me a call
17 before that meeting but that was really all I had to report.

18 MR. CARSON: What building will that be held in?

19 MR. LUISI: It is going to be in the Westin, which
20 is the hotel -- if you just continue past all the way to the
21 circle there. The agenda is not out yet. It will only be one
22 small portion, a couple of hours' block of time on that agenda
23 but we can certainly send that agenda to the commission.

24 And it would be great -- I also mentioned this at
25 the Sport Fish Commission the other day. As far as the

1 depended on these flounder. I mean, that is all they have
2 got.

3 And if they got a raise in fish, they wouldn't get
4 any more flounder. They were keeping it at what they were
5 getting now, and it is at the lowest level that they were
6 going to get, and they didn't think it would be fair to just
7 cut them off at that point.

8 So I think the point I am trying to say is this
9 reallocation issue has to be closely looked at.

10 MR. LUISI: Another point just to make on
11 allocation: So with the new recreational estimates that are
12 going to be coming out as a result of the change in the MRIP
13 program, we are going to see over the course of the next year,
14 as that information becomes available, there are going to be
15 a lot of differences between commercial catch and recreational
16 catch because what we are being told is that those new MRIP
17 estimates are elevating the recreational harvest, showing that
18 they are catching more than what we thought they had been
19 catching for the past, let's say, couple decades.

20 What that is going to cause is a review of most
21 allocations between commercial and recreational fisheries for
22 most species over the next three to five years, I would say.
23 And where Sonny is going, and I know what you have mentioned
24 at this commission before, is that it is very important when
25 you have a quota, when you have a hard quota for a species,

1 that you do your best to try to catch that full quota because
2 it becomes important when you evaluate that catch as it
3 compares to what it is you were given.

4 It gives us more firepower when we have to argue to
5 keep it. If you have a million pound quota and only harvest
6 20,000 pounds of that every year, when it comes time to argue
7 to keep it, it is harder to keep it. It is good for this
8 commission understand that over the next few years, allocation
9 issues between the commercial and rec sides are going to be
10 part of the conversation that we are going to have, and we
11 will keep you guys up to speed as those development.

12 MR. CARSON: So am I misunderstanding you or
13 understanding you that because the recreational has overfished
14 their quota, they might come back to try to get some of the
15 commercial quota? Reallocation --

16 MR. LUISI: Not necessarily. They haven't
17 overfished anything. They estimate -- and this could be an
18 excellent education piece of how recreational harvest is
19 estimated but we -- let's say we thought that bluefish were
20 caught. There were 100,000 bluefish caught in Maryland by
21 recreational anglers. The new way that the survey is being
22 done may estimate that catch to be 500,000.

23 Now the commercial catch hasn't changed. So if you
24 look at the ratio of commercial and recreational, now all of a
25 sudden the recreational is up way up here. It is going to

1 cause a discussion between the two sides as to who should have
2 more when it is time to give out that big pound of quota that
3 we get.

4 So it is just something that we are going to be
5 talking about in the next couple years. Since we are talking
6 about allocation, and Sonny brought up the point about the
7 other species on the coast, I just want to make you guys aware
8 of that. We could put that as a piece to our education
9 program.

10 MR. CARSON: Robert T. said at the workgroup, at the
11 last one or the one before it, with the 22 percent reduction
12 that we took 4 years ago, I think it was 4 years ago, we have
13 had a whole year's fishery given up. It is hard to give up
14 anymore. Did I quote you right, Robert?

15 MR. BROWN: Yes.

16 MS. DEAN: I just wanted to ask as we start to have
17 those discussions about possible reallocation, will we still
18 be operating under the fisheries management plan or are we not
19 following fisheries management plans anymore?

20 MR. LUISI: All of those conversations and all of
21 those discussions will happen as a result of either an ASMFC
22 plan or a Mid-Atlantic Council plan. It will be in the form
23 of an amendment. It will not happen quickly and it will not
24 happen without a lot of input along the way.

25 MS. DEAN: Follow-up question, Mr. Chairman: You

1 mentioned the Mid-Atlantic plans and the ASMFC plans. Does
2 Maryland have fisheries management plans?

3 MR. LUISI: Yes.

4 MR. GWIN: One more comment, and that is why it is
5 so important that the consumer be involved in this process
6 because as the recs want to get more fish and allocations and
7 everything changed around, I think the consumer should be part
8 of this process.

9 MR. SCERBO: When will the mortality of the -- like
10 the side mortality be figured into the recreational catch? I
11 mean, we had somebody here with a bunch of color, glossy
12 photos last time we were here. That is sort of like the
13 gorilla in the room. I told that fella to burn those
14 pictures.

15 Is that going to be playing into our future sooner
16 than later?

17 MR. LUISI: So what you are referring to is the
18 discard mortality that is happening. And that is being
19 factored into the recreational fishery already. The thing
20 about the discard mortality is that the stock assessments use
21 a static in value for that discard mortality, and it is based
22 on work that was done many years ago, and it is an averaging
23 across the board, across the coast, as to how many fish die as
24 a result of being caught and thrown back. I think the number
25 is 15 percent if I remember correctly.

1 So every 100 fish that are caught, 15 of them are
2 going to die as a result of release mortality. Oh, no. Maybe
3 it was 9 percent.

4 MR. BLAZER: It is 9 for striped bass but I think it
5 is higher for flounder.

6 MR. LUISI: So to get to your point, right now we
7 use a static number, 9 percent. We are currently -- there is
8 an ongoing benchmark stock assessment that is happening, as we
9 speak, for striped bass, which we have mentioned many times.
10 When I stepped out, I don't know if Lynn mentioned that
11 earlier but that is also using those same values.

12 Now if we come to find that there is more, there are
13 higher levels of mortality associated with discards, that will
14 be something that could be factored into the recreational
15 fishing mortality at a later date. But there is nothing that
16 is being done now that would influence this benchmark
17 assessment to that value being used.

18 So it is being incorporated but if you think about
19 it, if there is more happening in Maryland and less happening
20 somewhere else, there is an averaging that is going into the
21 assessment. The assessment isn't state or region specific.
22 It is the whole coast altogether.

23 MR. SCERBO: But it would affect Maryland's portion
24 overall though, right?

25 MR. LUISI: If it is determined --

1 MR. SCERBO: I mean, if somebody else is pushing to
2 have it determined. I am sure it is not being pushed by
3 Maryland itself.

4 MR. LUISI: Well, the way I like to think about it
5 is whatever the value is, that goes into the assessment, if it
6 is determined that we are fishing -- if we are overfishing
7 then there will have to be some form of an action that will
8 have to be taken, whether it is coastwide on the spawning
9 stock or within the resident portion in Chesapeake Bay.

10 If fishing mortality gets too high, whether it is
11 fish that go into coolers or fish that die as they are being
12 thrown back, that is all getting taken into consideration.
13 And if we are fishing too high, we will have to do something
14 to lower that.

15 So all of that benchmark information, this new
16 assessment, all of this information will be coming out over
17 the winter and there will be a report in January and the
18 board, the ASMFC board, will get a first crack at looking at
19 that assessment update to consider whether or not it is going
20 to make changes for -- probably not 2019 but it will be for
21 2020 and beyond is kind of what we have been reporting out
22 over the last year as that assessment is being considered and
23 worked on.

24 MR. BROWN: Another thing we need to consider is,
25 like Clifford Hudd, a lawyer for the Potomac River Fisheries

1 Commission stated years ago when we started with these quotas,
2 and it says the number of pounds you catch or the number of
3 fish you catch. We need to look at that.

4 If you look at the number of fish or animals that we
5 are taking out of the river compared to what we were with our
6 quota just say five years ago, we are taking more pounds and
7 less fish out.

8 And this is something that needs to be addressed.
9 If you go back to when we were catching a 12-inch fish, how
10 many 12-inch fish does it take to make -- some of the averages
11 I had the other day were 6.3, 6.4. A 12-inch fish won't even
12 weigh a pound.

13 So we are more restrictive because we are taking a
14 less number of fish and getting the same amount of poundage.
15 And I think this needs to be addressed and looked at. Instead
16 of taking, say, 100,000 fish and getting, say, 600,000 pounds,
17 we are taking 80,000 fish and getting 600,000. So that is
18 200,000 less fish you took.

19 And I think that, I know no one wants to listen to
20 it, but it seems like to me it needs to come down to the
21 number of fish you are taking out of the bay instead of the
22 number of pounds.

23 When you are using them both -- because you are
24 counting every fish, we need to do the math on how it has
25 progressed over, say, the last 10 years. We are taking way

1 | less fish and catching more pounds. So therefore the 20
2 | percent is even more than 20 percent because we are taking
3 | less fish out of the system.

4 | MR. JEFFRIES: I wasn't going to bring this up but
5 | since it already came up, since this assessment is coming up
6 | and we are talking about mortality, and for some ungodly
7 | reason, the recreational guys are taking all the blame for it,
8 | are we going to address the catch and release before this
9 | backfires on us and we have full-scale explosions in this
10 | room?

11 | Because we still have not addressed this mortality
12 | thing. Catch and release is the problem. No one wants to
13 | address it. I know it is a law. You have got to let them do
14 | it. It is not a regulation.

15 | But that is your problem. It doesn't matter if the
16 | fish is 10 inches or 30 inches. All day long, they are
17 | getting handled and thrown back. They die. And I don't know
18 | if I have got to make a motion, if we are going to do a
19 | committee or some real questions are getting answered but it
20 | just seems like this catch-and-release issue just keeps -- the
21 | state is circling again. We are not addressing the problem.

22 | MR. LAY: In the beginning of the meeting, I let you
23 | know that the Maryland Sportsmen's Foundation was having this
24 | meeting, and that is a high priority on the list. And over at
25 | sport fish, we had a meeting a couple days ago, in general

1 they are aware and concerned about that.

2 We didn't make any motions or vote on anything. We
3 certainly can do whatever you want to do but it is on the
4 front page of pretty much everybody's agenda. Whether
5 something happens, I don't know but in the sport fish world
6 there is an acknowledgement that this is happening and that
7 they don't want to see it happening and that something should
8 be done.

9 MR. JEFFRIES: Well, I am just using Mike's model.
10 If he uses that 100,000 pounds he said -- or 100,000 is the
11 number, under the way it is managed now, that is where we are
12 at, and that number might now, with the mortality and all the
13 other factors might be up at 500,000.

14 Now the recreational angler has got to make up
15 400,000 somewhere, so the first place we are going to look at
16 is trying, like Buddy said, we are going to go try and get
17 commercial. And then we are fighting amongst ourselves again.

18 We are back in this full-scale circle and not
19 addressing the problem. And that assessment is going to be in
20 shortly so it can't be something we keep pushing back 30 days,
21 60 days, 90 days. Summer study, the death of everybody.

22 It has got to be something that happens before
23 Christmas, before the assessment comes out. Some kind of
24 management plan.

25 MR. LAY: I want to hear a couple other comments. I

1 see some hands up but I will get back to you, Ken. Dave?

2 MR. SUTHERLAND: I chair the Maryland Sportsmen's
3 Foundation, and we put this forum together for the reasons
4 that you said and what the chairman has said. And it is
5 really to take an honest look at what we pushed this past
6 summer.

7 I think it was timely because we all know what
8 happens with the catch-and-release tournament, those hot
9 months, and what the impacts are, and want to understand what
10 people's perceptions and reality are with regard to how circle
11 hooks have impacted their fishing, how they impact the
12 releasing of fish and the hooking of fish.

13 And so all of these things are going to be on that
14 agenda. It is a pretty aggressive agenda and it is -- we are
15 going into this with no perceived agendas at all. I mean, we
16 are not going in trying to direct the conversation. Quite the
17 opposite.

18 So I think anyone who want to be involved in that
19 discussion needs to RSVP so we know. It is not like an
20 auditorium setting. If you want to e-mail me and say, I am
21 coming, please do that because we would love to have you.
22 There are no restrictions on who is going to be there.

23 The outcome we are planning is going to be quick.
24 We are going to have a report. I think we agreed to have
25 something to -- back out by the end of December. I think we

1 are going to probably have it before that. It is not that
2 complicated. So just to let you know that is what we are
3 trying to achieve.

4 MR. GILMER: Ken, are you opposing -- and I don't
5 have a dog in this fight. I just want to hear from you. Are
6 you opposing the catch-and-release during the season or the
7 catch-and-release -- I know you can catch-and-release prior to
8 the season.

9 MR. JEFFRIES: It is obvious it is worse in the
10 summer months. If I were Jesus Christ, I would say the
11 easiest decision would be, okay, you can't do it in June and
12 July and then you don't have all those dead fish floating down
13 the bay but I don't know how all the other user groups feel
14 about it.

15 But it something we have been talking about forever
16 and it just seems like, let's throw circle hooks in it. Let's
17 throw Ph in it. It is like catching an undersized oyster. If
18 you crack each one of them open and throw it back, it is going
19 to die. We would all be having strokes over that.

20 MR. GILMER: And I always see the pictures in the
21 spring before the season starts of people holding these great
22 big fish up. And, you know --

23 MR. JEFFRIES: It is the same thing.

24 MR. GILMER: I just wanted to know how you all felt.
25 I agree.

1 MR. CARSON: I agree with Ken and seldom do but the
2 time to get them -- the last meeting or two I made a
3 suggestion: The police, the Department of Natural Resources
4 Police say it is hard to control. It is hard to do something.

5 I made a suggestion and looked right at Dave when I
6 said it. The time to catch this and to kill it is when the
7 masses of fish, which you brought picture down here of fish
8 floating -- but the floodgates were cut loose and that all
9 changed. Circumstances changed.

10 But next year when that happens, the Department of
11 Natural Resources has got enough undercover boats and enough
12 officers that there is no doubt in my mind that if you set
13 them out there on a Saturday or a Sunday, they are going to
14 write tickets, a lot of tickets.

15 I fish down in the Virginia fishery. There is many
16 a time I have looked, and I know the officers, they are
17 sitting there with their street clothes on fishing right
18 alongside of us and everybody else. It is hurting the
19 fishery.

20 And let me tell you something. You don't want to
21 get to the press. I feel that the department and the officers
22 have to have a different approach than what have just going
23 out there and spot-checking boats, and with their boats that
24 everybody knows. You have got to go undercover.

25 MR. MANLEY: To me, the state has got to do a couple

1 things. The first one is they always promoted catch and
2 release. It is no good during the summer when that water is
3 hot. It is too many dead ones.

4 We were up at Hodges Bar fishing this summer. And
5 we go up there in the morning with a boat, yes, our charters.
6 8, 10, 12 people. In an hour's time we are leaving. If they
7 were a good hook, they went in the box.

8 We come back out in the afternoon for a second trip,
9 and the same boats that were down there in the morning are
10 still sitting there fishing wide open. And the other thing
11 too, guys. I know you have heard it. The circle hooks aren't
12 worth a damn.

13 I mean honestly, you bait it up, you don't jerk on
14 it when you feel the bite. You have got to let him suck on it
15 and run off with it and then you start cranking. That is the
16 way the circle hook is supposed to work.

17 90 percent of those suckers are swallowed down in
18 their guts. And you have got to cut them off and put them in
19 the box because they swallowed it. But it is not working. I
20 do better with the hooks that I used to use as far as being in
21 the lips. And you can get them out a lot easier.

22 But those big, heavy hooks, like I said -- maybe in
23 the ocean when you use tuna and stuff, they grab it and run
24 and it hooks them in the lip. But rockfish, when they are
25 feeding hard they are not running anywhere. And it is all the

1 way down to rear end by the time they take off. And it is
2 just so many of them gut-hooked.

3 I have seen guys, you know, we come by there.
4 18-inch fish and they are trying to get that 50 cents hook out
5 of them because they didn't want to lose it. You know the
6 fish is dead. The state has got to push this. Get your limit
7 and get off of them. And I don't know what to do, but that
8 circle hook, I went in there and got my license renewed in
9 there in Centerville, and up on there, circle hooks save
10 lives. Chucky and I just burst out laughing. That was the
11 biggest joke we had seen all day.

12 MR. CARSON: When you see legal fish drifting on the
13 water, legal fish, you know it is catch and release. It is
14 nothing else.

15 MS. DEAN: I was going to make a snarky comment
16 about the fact that there was only violation recreationally
17 for rockfish using the wrong gear type. So I guess there is
18 only one person out there that didn't use circle hooks this
19 year. But I also know that, that is hard to enforce, and I
20 don't agree with the circle hook being effective either.

21 While this might sound like a recreational issue, I
22 am deathly afraid that commercial fishermen on a hard quota
23 are going to be the ones who pay the price when this comes
24 down from ASMFC because the state of Maryland does not
25 differentiate when making the reduction.

1 So it will be the commercial sector that takes this
2 so when they get credit for the dead fish that are floating
3 and they use that as an argument in any of our fisheries to
4 make a transfer, I just want to go back to the idea that we
5 need to have something in place that protects the commercial
6 fishery because the hard quota is what is going to hurt us
7 whereas the recreational fishery, without a hard-set quota,
8 and then on top of that almost getting credit for dead
9 discards. That is dangerous ground.

10 So I don't know what the state looks at other than
11 the FMPs but I would like to see us look at those FMPs and
12 make sure that we have those in place to protect this
13 commercial fishery, all of our commercial fisheries.

14 MR. LAY: Okay, we are back to you, Ken. After this
15 discussion, was there a motion you wanted to make as a
16 recommendation to the department?

17 MR. JEFFRIES: No, I am going to go to Dave's
18 meeting but if had a crystal ball here, I am saying we are
19 going to be right here next year discussing this same topic
20 with nothing changing. That would be my opinion on what I
21 have seen during the past six or seven years of coming to
22 these meetings.

23 I hope it is a reality for everybody because the
24 reality is exactly what Rachel just said. We are going to be
25 sitting in here and we are going to be going after the

1 commercial side of it because there is no way all that
2 mortality is recreational's fault but the dead discards, like
3 Buddy said, those big fish. I mean, we have got the video,
4 the pictures, the whole nine yards to prove our case when this
5 comes up again because there is no way we are taking
6 responsibility for that again.

7 And it is like I said at the last meeting, if there
8 is ever another press release saying charter boats were in
9 favor of this or that, that was bull. As an association, we
10 weren't in favor of any of this stuff.

11 And now we are the ones everybody is pointing a
12 finger at and I don't think it is fair but motion-wise, I
13 trust Dave and I think only good things can come from having
14 that meeting and I will be there and we will see what we get
15 done?

16 MR. CARSON: Ken, what do you feel would be the
17 approach on that? Do you agree with what I said?

18 MR. JEFFRIES: Without question.

19 MR. SUTHERLAND: And I am probably the odd guy out
20 here but personally I have fought within our community a long
21 time to address what I think is a very important thing. It is
22 called accountability for recreational fishermen.

23 Not to change the subject or get on another subject,
24 that is a very important issue in my mind personally. I can't
25 speak for anybody else.

1 And it gets to a lot of other issues but all these
2 things are slippery-slope issues until you get to firm
3 accountability because of how they are utilized or
4 generalized.

5 All this information is generalized in terms of
6 coming up with what the impact recreational fishing has on the
7 population. And I don't think -- there is a different
8 dialogue going on that we are trying to perpetuate. And that
9 dialogue is really being honest about what we are doing and
10 how we are impacting the fish.

11 And all that sounds good and maybe you are rolling
12 your eyes at me and thinking that it is BS but it is not.
13 That is what we are trying to do because last year we tackled
14 that issue because we knew it was wrong. I mean, what we saw
15 out there floating, and let's not paint a picture any other
16 way. We had a lot of people who were upset with us looking at
17 it. Everyone knew it and we were turning a blind eye to it
18 and in my opinion sweeping it under the rug.

19 And the impact of that, I think, is it would have
20 been greater in the long run if we ignored it. So I am not
21 trying to pat myself or anybody else on the back. That, I
22 think, is how we need to look at this fishery and how we look
23 at our relationships between commercial and recreational and
24 not just, you know, they are going to come after us and try to
25 steal quota.

1 I haven't heard any conversations about that, and so
2 in any case, that is my piece.

3 MR. JEFFRIES: One last thing and then I will leave
4 it alone. There is the same amount of fishermen fishing in
5 September and October charter boat-wise and mostly your little
6 recreational guys on the weekends obviously and there is not
7 that problem.

8 The easiest thing is, warm-weather months, we have
9 said it a thousand times. You are not changing gear types.
10 You are not affecting anybody's business if you just got rid
11 of it June, July and August. No catch and release. I don't
12 see the difficulty in that but maybe I am wrong.

13 MR. LAY: We could also discuss this at the Rockfish
14 Workgroup. All right, yes, we will certainly have many more
15 discussions on the subject and be back in here in three months
16 and may be talking about it again. Are there any other
17 comments on rockfish right now, or Mike?

18 MR. LUISI: That was more than I planned.

19 (Laughter)

20 MR. LUISI: We could have brought up the stoplight
21 approach somewhere along the way but we will leave it at that.

22 ***Regulation to Remove TFAC from the Appeals Process***

23 MR. LAY: Before we leave tonight, I would like to
24 see this appeal situation that is continuing, that we thought
25 was taken care of two years ago, put to bed for good before we

1 TFAC for the striped bass permit, and that if there is any
2 other additional clarity or documentation you want about any
3 other reviews or appeals, that would be a different motion.

4 MR. CARSON: Well, my motion was meaning to get the
5 TFAC commission off of the appeal system, and I honestly feel
6 deep down in my heart that the department has to do something
7 to stop the appeals.

8 I mean, I think they overkill honestly with the
9 procedure they have, the amount of letters they send out, the
10 phone calls, et cetera. All attempts whatsoever to get up
11 with the party. Is it ignored? You don't renew your license
12 and the cop gets you, you have got a ticket. There is no
13 difference. It has got to be handled. I feel that it does.
14 If that is another motion, let's get rid of this first one.

15 MR. LAY: Yes, let's get rid of the wording in the
16 regulations specifically as our first motion. I have got some
17 other things to talk about on the subject but that would be a
18 good start.

19 Okay, Buddy has made a motion to remove the language
20 in the regulation that allows a rockfish permit holder to
21 appeal his license permit application to be reviewed by the
22 Tidal Fish Advisory Commission. All right, I need a second.
23 Oh, that is right. Richard seconded.

24 Is there any further discussion on the subject?

25 (No response.)

1 MR. LAY: All right. All those in favor --

2 MR. GWIN: I am sorry. So if this doesn't do it
3 here, it goes to the DNR to do it?

4 MR. LAY: Right.

5 MR. GWIN: I mean, there will still be an appeals
6 process. I think that is my question.

7 MR. CARSON: Well, that is up to the department.
8 That is another --

9 MR. BLAZER: If I can, there are two things. We set
10 in regulation that if you miss, in the licensing department,
11 if you miss the time period for a license renewal, TFAC said
12 in 2016 we give them the grace period and if they miss all
13 that extra time, sorry, no appeal, boom.

14 TFAC said stick to your time limits, and that is
15 what we are doing. That is what we have been doing since 2016
16 with licenses. This is a little bit different because it is a
17 permit.

18 If you do this and we take this language out, we
19 would just -- we will have to modify the regulation and we
20 will stick to what we put in the regulation, that if you miss
21 the time period, there is no appeal. There is no, you know.

22 So that is where I think the second part that we
23 recommended to go back to the workgroup and, say, some of
24 Robert T's suggestions before, how do we do this. Tell them
25 to get it in during the license application. You know, what

1 would be the late time period to sign up for it. So that
2 would have to be determined as we would go forward with some
3 of this.

4 So that would be a secondary reaction to this. So
5 we take the appeals process out. We define -- you have got
6 this much time to renew it. If you miss that, then you pay a
7 late fee for this much time to renew it. And if you miss
8 that, sorry. Man up, I think somebody said before.

9 MR. GWIN: That is what I wanted to hear.

10 MR. LAY: This motion is specifically to take the
11 wording out of the regulation so that this does not come
12 before tidal fish anymore. Okay, being that there is no more
13 discussion, all those in favor?

14 (Show of hands)

15 MR. BLAZER: Unanimous.

16 MR. LAY: All opposed?

17 (No response)

18 MR. LAY: All abstain?

19 (No response)

20 MR. LAY: Okay, that is a good start. Now if we
21 want to go further with this, in our guidelines, operating
22 guidelines, which we talked about first thing today, the
23 section in there that says, official positions or
24 recommendations adopted by, in our case, tidal fish, which
25 members believe warrant the attention of the Secretary of the

1 Department of Natural Resources shall be recorded in the
2 minutes and transmitted to the Secretary of DNR as an official
3 correspondence.

4 This is -- do we really feel passionate that we feel
5 something more needs to be done? It is just a discussion but
6 it is an option. If we are satisfied with our motion and
7 vote here, and that the department already has this?

8 MR. CARSON: Ask for a show of hands who wants to
9 leave it as it is.

10 MR. LAY: We can do that. We can also add wording
11 to it to license, permits, whatever else we can think of that
12 would be appropriate.

13 MR. GILMER: Steve, say that first part again.

14 MR. LAY: Official positions or recommendations
15 adopted by tidal fish, which members believe warrant the
16 attention of the Secretary of the Department of Natural
17 Resources, should be recorded in the meeting minutes and
18 transmitted to the Secretary of the Department of Natural
19 Resources as official correspondence.

20 It would just be one step further than we have
21 already gone. It is just something that Carrie told me about.

22 MR. GILMER: And what you are talking about there
23 is on this issue that we just voted on, correct?

24 MR. LAY: Right. It would be on this issue but we
25 could add license -- the motion that we just voted on was for

1 the regulation for the rockfish.

2 MR. CARSON: For the appeal, for the appeal process.

3 MR. LAY: We already voted two years ago for the
4 license part. So we should be covered. DNR's legal team said
5 that there are no more appeals in any regulations so we
6 shouldn't have to be worried about an eel permit or a yellow
7 perch permit or something else that may come up in the future.

8 I just want to make sure we are protected from any
9 more of these appeals, which it looks like we are. Don't get
10 me wrong.

11 MR. CARSON: Well, does the state want us to make a
12 motion and vote on that?

13 MR. LAY: No, the state has nothing to do with this.
14 I thought I would make the commission aware that this was part
15 of our guidelines and see how the commission wanted to or not
16 to move on it.

17 MR. CARSON: But it is not a page that we have left
18 unturned.

19 MR. LAY: No, no. It would just be one step further
20 than we have already done. If everybody is satisfied that
21 what we have already done will take care of this issue then
22 that is all fine and well.

23 MR. DEAN: Would this help this commission out in
24 that if somebody came to the department and said, well, can I
25 take this is front of the tidal fish, this would give them

1 something on paper that would say, here, this is the policy.
2 That is not something that we would add to the tidal fish
3 agenda.

4 MR. LAY: It would reinforce that. Hopefully the
5 department would be able to tell someone who came and
6 requested an appeal either for their license or a permit that
7 we had already voted not to hear those.

8 MR. GILMER: But I agree with Rachel. Putting this
9 in writing would probably not be a bad thing. Dave, do you
10 have a --

11 MR. BLAZER: Yes. So if I can, Mr. Chairman. It
12 would be very helpful to us because that 2016 discussion that
13 we had back then when we were talking about license renewals
14 and missing -- we cite that a lot.

15 (Slide)

16 So here with the permit approach, we would
17 appreciate something like that as well but we want to make
18 sure the commission is interested in that so we -- knowing
19 that this conversation was coming, we put some language
20 together here that if you all felt that this is appropriate
21 and this is what you were interested in.

22 But again the key thing here is that the advice and
23 recommendations of TFAC on licensing and permitting isn't
24 going to come back to you all. So we took some liberties and
25 started to write something.

1 MS. SINDORF: I worry about the way that is written
2 because it says we won't provide any advice or recommendations
3 regarding licensing. And if you reference just what Robert T.
4 said earlier, we would like to give advice on licensing and
5 permitting in the sense of making it streamlined or making it
6 easier.

7 MR. BLAZER: So could we put individual licensing
8 and permitting?

9 MR. LAY: We want the word appeals in there.

10 MS. KENNEDY: Or rule exemptions of licensing and
11 permitting because the rule exemptions is the part that you
12 don't want to provide advice on. For rule exemptions.

13 MR. LAY: Do we need to have the word permit appeal
14 in there because that is kind of the central theme of this,
15 that we are not interested in hearing any more appeals.

16 MR. BROWN: Just one point I want to bring up. I
17 don't have any problem with, you know -- I don't want to hear
18 any more of it but until the regulation is changed, if
19 something comes in we still have to look at it, correct?

20 MR. CARSON: This takes us out of the appeals
21 process. That is all this does.

22 MR. BROWN: Well, according to the regulation that
23 was put in, correct me if I am wrong, I understand if someone
24 is late on a license or on a permit that they have the right
25 to appeal it to us. That is in regulation.

1 MR. BLAZER: Only in regulation for the striped bass
2 permit.

3 MR. BROWN: But until that is taken off, it will
4 still come to us, correct?

5 MR. BLAZER: It is, and that is why we sent the
6 e-mail last week. The e-mail was the appeal.

7 MR. BROWN: Okay, that is fine. I just wanted to
8 get a point of clarification. But you are already doing
9 scoping on it, correct?

10 MR. BLAZER: Yes, we are starting that process.

11 MR. BROWN: I mean, Mark already knows about it,
12 right? The Secretary. I mean we can vote on it but, I mean,
13 but it sounds like it is already --

14 MR. LAY: Well, it does but sometimes -- being that
15 this came back two years later because we were unaware of the
16 wording in the regulation, it just provides a formal response
17 to the Secretary of our intention.

18 MR. BROWN: I am not against it. Just get the
19 wording in it right.

20 MR. LAY: I am just telling you why I am bringing
21 this up.

22 MR. BROWN: Gail, make sure it is right.

23 MS. SINDORF: If you put the word individual in
24 there, that would be great.

25 MR. CARSON: If you want to run that by your legal

1 team and then bring it up at the next meeting, I don't think
2 you will have a problem with getting your motion back. And I
3 think that might be the wise thing to do. Not that I don't
4 have faith in Gail, believe me.

5 MR. BLAZER: You are going to have more bites at the
6 apple in this process so you could approve or disapprove
7 something like this. That is fine because if there is a
8 problem with this through scoping and through the regulatory
9 process, you know, our legal review will be there.

10 The motion here, you are just signaling intent if
11 you will, so we should be fine with that. The legal team will
12 review the final regulation, how we edit that regulatory
13 proposal, and they will get their bite at the apple at that
14 point.

15 MS. SINDORF: I just have one quick question too. I
16 know, Robert T., once in a while you will bring this up. You
17 will know someone who is going through a process of getting a
18 license taken away, and you will say it wasn't fair. Does
19 this limit us from actually discussing an issue that one of us
20 might have that we know is unfair? Something has gone wrong.

21 MR. BROWN: If something goes wrong, they had a
22 place to appeal it to now.

23 MS. SINDORF: But will this --

24 MR. BROWN: You need some kind of grace period. And
25 you can't let it go on forever, but if something goes wrong,

1 you need a grace period where you can get through it.

2 MR. SCERBO: I have got kind of a comment. You
3 know, when you buy a cell phone or get a new program on your
4 computer and there are 10 pages of small writing. Why not,
5 when you get your license, why can't you have some writing on
6 the back of that license that says, you have until this time,
7 that time? This, that or the other thing. And you have to
8 sign it.

9 And if you screw up, all we have got to do is go
10 back to the piece of paper and say, you signed it. You don't
11 get an extra six months or three days, or appeals in the
12 family and the minister coming to us, taking up our valuable
13 time with this kind of stuff.

14 MR. LAY: Right. It is called a disclaimer.

15 MR. SCERBO: Well, it is not so much a disclaimer
16 but --

17 MR. LAY: Well, that is what they call it when
18 you --

19 MR. SCERBO: They have signed it. They should have
20 read it. They should have read their certified letters. They
21 should have read everything that we bent over backward trying
22 to do for these people.

23 MR. LAY: That is another component of this, what
24 Robert has been talking about. We might make some
25 recommendations to the department how they would handle these

1 cases in the future. What we are trying to get away from here
2 is having us hear these appeals but it doesn't say we can't
3 advise the department on what kind of appeals system they
4 could create in certain circumstances.

5 MR. GILMER: So in this, could we add in here for
6 the renewal of a permit or license, and then the other stuff
7 could come before us. These two, it is the license and the
8 permits are renewals.

9 MR. LAY: And when we can have a discussion maybe at
10 our next meeting or whatever about what the appeals process
11 might look like in the future for licenses or permits? Yes,
12 we could do that.

13 MR. GILMER: This one and the other one was people
14 who didn't renew. That has been our issue, renewal.

15 MR. CARSON: So this is the first step. And reword
16 it if it needs to be done.

17 MR. LAY: This would be reiterating what we have
18 already done two years ago by taking the license appeal away
19 and then today by taking the permitting away. This would just
20 reinforce that to the Secretary. It leaves open our
21 recommendations to the department how the appeals could go
22 forward within the department.

23 MR. GILMER: I am saying regarding individuals'
24 renewal of licenses or permits.

25 MS. DEAN: Moochie, what you are saying is you would

1 | be willing to hear somebody whose license that has been
2 | revoked or been suspended.

3 | MR. GILMER: Right. I want to leave that on the
4 | table, but you just not renewing your permit or your license,
5 | I don't think we should have to deal with that.

6 | MR. SINDORF: I have a problem with will not provide
7 | any advice, which means there is no option for us to do so.
8 | You know what I am saying?

9 | MR. CARSON: I do see that.

10 | MR. SINDORF: You are basically saying on that, the
11 | Tidal Fish Advisory Commission, the commission, will not
12 | provide any advice.

13 | MR. CARSON: Let's go back and let the lawyers, the
14 | legal team go ahead and write it up.

15 | MR. BLAZER: If I can, I get the fine -- it is not
16 | even a fine line. It is a pretty broad line. We don't want
17 | to hear the individual cases that are on the license appeals
18 | or the permitting appeals but you do want to have input in the
19 | process and the policy associated with license renewal and
20 | permit renewal.

21 | So whether this becomes a motion or not, I think we
22 | have a good discussion. We have got it transcribed. I think
23 | we have got a good handle on what is there. We are moving
24 | down the road because we have got the motion that you made
25 | already. And with the scoping and the regulatory process, we

1 will have more bites at the apple of this. So it is not
2 necessary that we absolutely have to do this.

3 We will report this back but again you will see,
4 like I said, the attorneys will look at when the regulatory
5 proposal -- we are going to scope this, we will get feedback
6 and we will try to make it clear that this is for individual,
7 the way it is described in the regulation that if Dave Blazer
8 missed his deadline, his appeal is not going to come back
9 here.

10 But if there are policy and process discussions
11 about a general renewal, then by all means this is the
12 advisory committee to discuss that in general terms for
13 regulatory and policy changes, not for a license. Does that
14 make sense to everybody?

15 MR. BROWN: The other thing I was thinking about is
16 on your license, where you put your beneficiary in there? It
17 should have on there that at some timeframe after that, they
18 have to get it straight because that is one of the things that
19 I am thinking about.

20 If somebody passes away, and about the time it is
21 renewed, by the time -- they may not even know who it has been
22 left to, and by the time they read the will and get the
23 paperwork, the timeline could be gone. I don't want to see
24 anybody get in that kind of jam.

25 More than likely it may not happen but I think we

1 need to have it covered.

2 MR. BLAZER: Well, and that is kind of -- again it
3 goes back to I think what Gail's concern is. She doesn't want
4 to lose the advice of the commission on these licensing and
5 permitting issues. You want that kind of stuff to come back
6 but not for the individual case studies but we will try to
7 address that as best we can.

8 MR. SCERBO: I don't know if the legal department
9 would answer this or we have to answer it ourselves but do we
10 have, as this body, the power to decide what work we are going
11 to take on and what work we are not going to take on just
12 because it is not comfortable?

13 I mean, if we decide we are not going to deal with
14 this and it has been done in the past, we could down the road
15 decide we don't want to deal with some other kind of fishery
16 issue too and just leave it to --

17 I know where this is going but what the lawyer is
18 seeing and what a crabber sees might be two different things.

19 MR. BLAZER: That is a great question, Bill. I
20 think our attorneys would really have a field day arguing both
21 sides of that but I don't think in this case, because we gave
22 you the authority for the appeal because we wrote that in the
23 regulations. And we can kind of write that out.

24 Your mission and the legislation that created this
25 body is very general so it is a great philosophical debate

1 that I think would be there but I think in this case you are
2 well within your right to not hear those individual license
3 cases because it is the department that has the authority to
4 issue the permits and the licenses. And we can decide how to,
5 you know, the appeals and the time and all that other kind of
6 stuff.

7 We seek advice from you. You are an advisory
8 commission.

9 MS. KENNEDY: Also to your point, I talked about
10 this a little bit with Sarah Widman, who is our legal advisor,
11 and we talked about this as an opportunity because it is a
12 policy that this body, should it change in five years and
13 change its mind and say, no, this body does think that it is
14 the appropriate work of this group to consider these appeals
15 and we do want, as a matter of policy, the department to bring
16 them to us, it would be a lot easier to change than to go
17 through guidelines or to go through regulation.

18 You guys can set this sort of as a policy via this
19 form of correspondence and it is a lot easier to change should
20 you change your mind.

21 MR. LAY: Okay, the thing we have got to decide is
22 do we want to proceed any further with a formal correspondence
23 or do we want to let it ride for a while and see where it ends
24 up and possibly bring it up for discussion later on?

25 MR. CARSON: Let's see what the legal team comes up

1 with and we will discuss it at the next meeting. That is the
2 way I feel.

3 MR. LAY: Is that the general consensus of the
4 commission? Let it ride for now and see how it turns out?

5 MS. SINDORF: Maybe you could pass that to us and we
6 could look at it and just kind of play with the wording.

7 MR. BLAZER: Sure, we bring it up next time.

8 MR. LAY: Okay, commissioners. Thank you for your
9 time.

10 MR. BROWN: I have got one thing I wanted to bring
11 up, and we can discuss it at the next meeting or we can talk
12 about it today. There is a place is Waldorf called Beltway
13 Aquarium. Very brief. And they sell fish for aquariums and
14 they specialize in South American aggressive fish, and they
15 have got piranhas in there for sale. And this is how the
16 snakeheads got into our bay and stuff.

17 I think there are three different types of piranhas
18 they have got. I could see somebody buying some, putting them
19 into a tank, and it is eating everything up so you go down and
20 throw them into the creek.

21 Well, they might eat up all the blue cats that we
22 got into the Potomac but they might eat us up too. And I
23 called Dave the other day when I had somebody show it to me.
24 I called him early in the morning. And I said, you better go
25 check this out to see what is what, and Dave, what did you

1 find out?

2 MR. BLAZER: Well, basically it is illegal to
3 introduce any exotic species into the waters of the state, and
4 there is a list. Snakeheads are on that list but I don't
5 think we have piranhas on that list, specifically that you are
6 not allowed to introduce those.

7 In talking to some of the biologists, most of the
8 piranha species aren't going to be able to acclimate to
9 our -- because most of them are tropical and they are not
10 going to be able to survive the winters that we have here. So
11 generically we have kind of the laws in place to be able to
12 prohibit the introduction of exotic, non-native species but it
13 doesn't cover kind of everything or in this particular case
14 piranhas or so forth.

15 MR. BROWN: I think it needs to be looked into a
16 little more because all they got to do is take a couple fish
17 and throw them out there. And then you say, they won't live
18 here and they do live here, and we end up with another
19 problem. We have got the snakeheads, we have got the blue
20 cats, which we are making some money out of them but they are
21 eating up everything else in the Potomac and they are in all
22 the rivers now.

23 And we don't know what could come. Maybe there
24 should be a list of stuff that we not have in Maryland. I am
25 just asking for it to be looked into.

1 MR. CARSON: Amazon will ship them anywhere.

2 MS. DEAN: Is there a chance that the department
3 could report back to Calvert and St. Mary's and maybe everyone
4 in the state on the abandoned vessel in the lower Patuxent
5 River? It is awful close to one of our working oyster bars.

6 MR. BLAZER: I am aware of it. I think we were
7 waiting on the Coast Guard.

8 MR. ANDERSON: It is in the Coast Guard's hands now
9 and we can't touch it until the Coast Guard decides a final
10 resolution but they are working on it.

11 MS. DEAN: How would we keep updated on that?

12 MR. ANDERSON: Call the Coast Guard, I guess. That
13 is what we do.

14 MS. DEAN: Okay.

15 MR. ANDERSON: They are looking into a solution to
16 get it out of there but they have federal contracting rules
17 just like we have state contracting rules and it takes a long
18 time.

19 MS. DEAN: Well, I know they failed three times.

20 MR. ANDERSON: Well, they tried to raise it -- the
21 original story was --- came through. The raised it above
22 where the hatch line was and it sunk again. That is an issue
23 below the water line.

24 MR. BLAZER: We will see what we can find out.

25 MR. BROWN: For the next meeting, just give us some

1 kind of update.

2 MR. LAY: Any other new business?

3 (No response)

4 MR. LAY: Okay, thanks again for coming. We will
5 see you in three months. If you have any agenda items, let us
6 know.

7 (Whereupon, the meeting adjourned at 5:11 p.m.)

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