



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

Meeting of the Tidal Fisheries Advisory Commission  
January 25, 2018  
Tawes State Office Building  
C-1 Conference Room  
Annapolis, MD 21401  
2-5 PM

Preliminary Agenda\*

- 2:00 - 2:30 Welcome, Announcements/Updates –Chair Billy Rice and Dave Blazer, MD DNR
- Welcome New Commissioners
  - Chairperson Election
  - Designate Liaison for Sport Fisheries Advisory Commission
- 2:30 - 2:40 NRP Activity Report and Priorities through Current Quarter - Lt. Roy Rafter, MD DNR  
NRP
- 2:40 - 3:00 Shellfish Update – Jodi Baxter, MD DNR
- 3:00 - 3:30 Policy Program – Sarah Widman, MD DNR
- Legislative Update
  - Regulatory, Penalty and Scoping Updates
- 3:30 - 3:50 Work Group and Committee Reporting
- Cow Nose Ray Work group - Nancy Butowski, MD DNR
  - Joint SFAC / TFAC Yellow Perch Work Group – Michael Luisi, MD DNR
- 3:50 - 4:50 Fisheries Management Updates, Michael Luisi and Lynn Fegley, MD DNR
- ASMFC / MAFMC Updates and Announcements
  - Yellow Perch FMP Amendment Approval
- 4:50 - 4:55 \*\*Public Comment
- 4:55 - 5:00 Closing Remarks – Chair Billy Rice and David Blazer
- 5:00 Adjourn

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\*The Preliminary agenda is subject to change

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

## **October Action Items and Motions**

### **Action Items:**

- The commission accepted the Blue Crab Committees recommendation to postpone the issue of removing crew limits for CB6 and CB9 crab pot authorizations through changes to statute through the General Assembly.
- The commission accepted the Blue Crab Committees recommendation to postpone the topic of workday hours flexibility through regulatory change.
- Commission member asked the department to bring all over allocation issues to the commission before the department takes any action.

### **Motions:**

- ✓ *Move to allow partial in-season temporary transfers of not less than 1000 pounds in the ITQ fishery.* Motion by Rachel Dean, seconded by Buddy Carson. Vote for: 9, against: 0, abstained: 5
- ✓ *Move that the Tidal Fisheries Advisory Commission support the report of the Striped Bass Industry Workgroup with the exception of the motion above regarding the poundage allowance for partial in-season transfers (1000 pounds).* Submitted by Robert T. Brown, seconded by Richard Manley. Vote for: 12, against: 0, abstained: 2
- ✓ *Motion to recommend to the department the spring 2018 bushel limits as recommended by the Blue Crab Committee.* Submitted by Mochie Gilmer, seconded by Gail Sindorf. Vote for: 14, against: 0, abstained: 0
- ✓ *Motion to not support sponge crab importation option 3B as recommended by Blue Crab Committee.* Submitted by Gail Sindorf, seconded by Russell Dize. Vote for: 13 against: 1 abstained: 0
- ✓ *Move to recommend to the department Option 2 (71 days): (Sliding Dates – 2 weeks on either side of the Status Quo of April 25 and July 5) as the preferred option regarding the importation of sponge crabs in Maryland.* Submitted by Troy Wilkins, seconded by Gail Sindorf. Vote for: 14, against: 0, abstained: 0
- ✓ *Move to remove Jacks Bay and Island Creek as Aquaculture Enterprise Zones and make them Public Shellfish Fishing Areas.* Submitted by Rachel Dean, seconded by Robert Brown. Vote for: 13, against: 0, abstained: 0
- ✓ *Move to recommend option A (status quo), regarding proposed Malloes Bay National Marine Sanctuary.* Submitted by Robert T. Brown, seconded by Rachel Dean. Vote for: 11, against: 0, abstained: 1

## **Supporting Material**

1. Commercial Striped Bass Work Group Recommendations: (All consensus with 1 exception)
  - 350-pound minimum transfer (temp and perm).
  - If < 350 pounds...all remaining quota must be transferred
  - No change to the current 3,000-pound annual purchase cap (perm) - 9/1 vote
  - Temporary partial in-season transfers from Jan 1 – Dec 15.
  - Permanent partial in-season transfers as late as possible past Sept 15 (DNR decides)
  - Transferor is responsible if the recipient of temporary quota exceeds that quota and doesn't cover the overage amount with additional temporary transfers.
  - Note: Common Pool to Common Pool / ITQ to ITQ
  - \* Motion for a 4% over-allocation of the 2018 Chesapeake Bay Quota – Unanimous

2. The spring 2018 mature female crab bushel limits as recommended by the Blue Crab Committee.

**Recommended Option (Spring 2018):**

**Redistribution of the impact to the various license types**

Month (s)	License			
	LCC	CB3	CB6	CB9
April 1 - May 31	2 (0)	6 (-2)	9 (-3)	13 (-2)
June	2 (0)	9 (-1)	13 (-1)	16 (-1)

3. Sponge Crab Importation Flexibility

- a. Option 1: Status Quo (71 Days: April 25 – July 5)
- b. Option 2: Sliding Dates (71 Days: April 1 – July 31)
- c. Option 3: Increased Days / Fixed Dates (122 Days: April 1 – July 31)
- d. Option 3B: Increased Days / Fixed Dates (122 Days: April 15 – Aug 15)
- e. Option 4: Remove Sponge Crab Importation Restrictions



**Larry Hogan**, Governor  
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## **Meeting of the Tidal Fisheries Advisory Commission**

January 25, 2018

Department of Natural Resources

Tawes Office Building

C-1 Conference Room

580 Taylor Ave

Annapolis, MD 21403

### ***Summary of Motions & Actions***

**Commissioners in Attendance:** Chairman William (Billy) Rice, Vice-Chair Robert (Moochie) Gilmer, Robert T. Brown, David M. Sutherland (SFAC liaison), Gale Sindorf, Ken Jeffries, Lee Wilson, (proxy for Buddy Carson III), William (Troy) Wilkins, Aubrey Vincent (via conference call), Chuckie White (proxy for C. Richard Manley), Steve Lay, Julianne (Gigi) St. John and J.D. Blackwell (via conference call).

**Commissioners Absent and Not Represented:** William (Bill) Scerbo

**Department of Natural Resources Staff Attending:** Dave Blazer, Michael Luisi, Paul Genovese, Sarah Widman, Jacob Holtz, Lt. Roy Rafter, Jodi Baxter, Mitchell Tarnowski, Nancy Butowski, Karl Roscher.

**Members of the Public Attending/Presenting:** Rachel Dean, Simon Dean, numerous others unnamed.

### **Action Items:**

- Commission asked the department to investigate options to address the recent haul seine issue regarding activities on weekends. The department will report back with potential ideas
- Commissioner Jeffries requested the NRP be present to answer questions during a March 6 charter boat event in Chesapeake Beach
- The Maryland Watermen's Association will ask for 2-3 members to volunteer for the cownose ray workgroup. Commissioner Brown volunteered for the cownose ray workgroup.
- Gail Sindorf and Troy Wilkins volunteered for a PSFA Review Subcommittee. Additional subcommittee members should include county shellfish committee members. Staff will write up a briefing document prior to creation of subcommittee.

### **Motions:**

- *Commissioner Steve Lay is designated as liaison to the Sport Fisheries Advisory Commission.* Motion by Gail Sindorf, seconded by Troy Wilkins. Vote in favor: 10, against: 0, abstained: 0
- *Commission names William (Billy) Rice as chair.* Submitted by Ken Jeffries, seconded by Steve Lay. Vote for: 10, against: 0, abstained: 0
- *Commission names Robert (Moochie) Gilmer as vice-chair.* Submitted by Ken Jeffries, seconded by Steve Lay. Vote for: 10, against: 0, abstained: 0
- *The commission request the department ask the Natural Resource Police for tolerance until a workgroup can address haul seining activity on weekends. In the meantime, request that haul seiners will call-in*

*ahead of any weekend activity.* Submitted by Robert T. Brown, seconded by Russell Dize. Vote for: 12, against: 0, abstained: 0.

- *The commission advises the department to classify the two AEZ's located in the Patuxent River as Public Shellfish Fishery Area classification while also not allowing new lease application submissions for the areas.* Motion by Robert T. Brown, seconded by Ken Jeffries. Vote in favor: 12, against: 0, abstained: 0.
- *Commission request the department to create a subcommittee to review declassification process of Public Shellfish Fishery Areas.* Motion by Gail Sindorf, seconded by Robert T. Brown. Vote in favor: 12, against: 0, abstained: 0.
- *Commission approves proposed Yellow Perch Fishery Management Plan Amendment language.* Motion by Ken Jeffries, seconded by Steve Lay. Vote in favor: 11, against: 1, abstained: 0.
- *Commission supports moving forward with scoping process for yellow perch workgroup ideas presented. The ideas include new Dec. 1 start date, removal of department employee required on site during sale of live yellow perch and possible commercial catch allowed on the Choptank and Nanticoke River.* Motion by Steve Lay, seconded by Moochie Gilmer. Vote in favor: 11, against: 0, abstained: 0.
- *Commission approves presenting all proposed conservation equivalency options with a Percent Change in Total Removal of zero or less to the Atlantic States Marine Fisheries Commission (ASMFC) during its Feb. 6-8 meeting, these are presented options A, B, G and H.* Motion by Ken Jeffries, seconded by Robert T. Brown. Vote in favor: 8, against: 1, abstained: 2.

**Next Meeting Date:** April 26, 2018

To be held in the Conference Room C-1 of the Tawes Building from 2 p.m. to 5 p.m.

***Maryland DNR***  
***Winter Meeting of the Tidal Fisheries***  
***Advisory Commission(TFAC)***

***Thursday,***  
***January 25, 2018***

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

***Maryland DNR  
Tidal Fisheries Advisory Commission Meeting***

Thursday, January 25, 2018

**TFAC Members Present:**

William Rice, Chair  
Robert Moochie Gilmer, Vice Chair  
  
Robert Brown  
Herman Dize  
Ken Jeffries  
Steven Lay  
Gail Sindorf  
GiGi St. John  
David Sutherland  
Aubrey Vincent, Appear by telephone  
Chucky White (***Proxy for Charles Manley***)  
William Wilkins  
Lee Wilson (***Proxy for Lee Roy Carson, III***)

**TFAC Members Absent:**

James Blackwell  
Lee Roy Carson, III  
Charles Richard Manley  
William Scerbo, Jr.

**Maryland DNR Fisheries Service**

Jody Baxter  
Nancy Butowski  
Simon Dean  
Paul Genovese  
Mike Luisi  
Lt. Roy Rafter  
Karl Roscher  
Sarah Widman

**Maryland DNR  
Tidal Fisheries Advisory Commission Meeting**

January 25, 2018

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*Maryland DNR  
Tidal Fisheries Advisory Commission Meeting*

January 25, 2018

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

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

(2:09 p.m.)

*Call to Order*

*by William Rice, Chair, TFAC*

MR. RICE: All right, everybody if we could. We are going to try to get started. I think Paul is still working on some issues with the telephone.

MR. BLAZER: Can you close the doors, Karl? Thanks.

(Asides)

MR. RICE: Okay, I would like to welcome everybody. At this time, I would call on Dave with his announcements.

MR. BLAZER: I really don't have too many announcements. Appreciate those of you who have been re-appointed. Welcome to the new member, Gigi St. John. Welcome and we are glad to have you aboard. And I understand that a couple of you have not been re-appointed or have not gotten a letter saying one way or the other. So really kind of the rules are, you are here until you get re-appointed or you get that letter. So, that is kind of where we are with some of you. So if you have any questions let me know.

MR. RICE: I can touch on that -- thank you, Dave. Actually I think everybody has got their commission or their re-appointment but Moochie and myself and we are getting ready to head into the election. So Moochie and I agreed that we would like consensus of the committee that this committee

1 feels that we are still in good standing even though our terms  
2 expired in June of 2017. That this committee fees that we  
3 are, we will continue, if not we can have a seat against the  
4 wall, whichever way you choose.

5 MS. SINDORF: Do we know why? Is it just an  
6 oversight or do you --

7 MR. RICE: I am not sure whether we are that  
8 important or that unimportant but somewhere in between the  
9 two.

10 MS. SINDORF: Should we like write a letter or maybe  
11 TFAC is ---

12 MR. RICE: I will defer that today. I am not sure  
13 what the --

14 (Whereupon, doing a phone check in background.)

15 MR. RICE: -- status is -- as you know, it has taken  
16 us several months to get the reappointments done, so I don't  
17 know if they are just -- those couple getting to that point or  
18 the people or if we have new people. We are not getting a  
19 whole lot of communication so that is kind of where we are.

20 MS. SINDORF: Would you -- I mean, a letter from us  
21 maybe saying what we -- some great choices that you made and  
22 we appreciate -- do you think that is --

23 MR. RICE: If you all feel strongly about it then  
24 and if the committee wants to --

25 MR. DIZE: David, I haven't gotten a letter but I

1 got a call from someone said they were from the Governor's  
2 office and said that I was re-appointed. And that I would get  
3 a letter in the future.

4 MR. BLAZER: Yes, well I know like when sport fish,  
5 the people that didn't get re-appointed got a letter thanking  
6 them for their service. So and again I don't know how that is  
7 played out here either.

8 MR. GILMER: We didn't get a call or letter. So --

9 MR. JEFFRIES: I got mine. Within the last week.

10 MR. : Did you get a letter?

11 MR. JEFFRIES: Yes.

12 MR. RICE: So it is quite possible that it is still  
13 a work in progress but I -- Moochie and I both agreed that we  
14 would like --- from this committee to carry on the meetings.  
15 Robert T.?

16 MR. BROWN: I would like to make a motion that you,  
17 Billie and Moochie remain as chair and vice chair. Because of  
18 the work that you have done in the past. And hopefully that  
19 will --

20 MR. WILKINS: Second.

21 (MOTION)

22 MR. RICE: All right, thank you, Robert T., Second  
23 by Troy. Do we have any discussion?

24 (No Response)

25 MR. RICE: Seeing no discussion, all of those in

1 favor signify by saying Aye.

2 (Chorus of "Ayes")

3 MR. RICE: Opposed?

4 (No Response)

5 MR. RICE: Abstentions?

6 (No Response)

7 MR. RICE: Motion is unanimous. Thank you. All  
8 right, now next on the agenda, we have to designate a person  
9 to be our liaison to the Sport Fish Advisory Group. Our past  
10 liaison which was Rachel is not on the Board at this time. So  
11 we need a new person for this position. Steve Lay went to the  
12 meeting Tuesday and told me that he would be willing to  
13 continue to serve. I think we need a motion for -- Robert T.?

14 MR. BROWN: I nominate Steve Lay.

15 MR. WILKINS: Second.

16 MR. RICE: Seconded by Troy.

17 MR. WILKINS: Thank you, Steve.

18 MR. RICE: All those in favor, say Aye.

19 (Chorus of "Ayes")

20 MR. RICE: Opposed?

21 (No Response)

22 MR. RICE: Abstentions?

23 (No Response)

24 MR. RICE: It is unanimous. Thank you very much,  
25 Steve. It is volunteers like you that make our job a lot

1 easier.

2 MR. LAY: You are welcome.

3 MR. RICE: Do you have anything at this time that  
4 you need to report from Tuesday's meeting or you will come  
5 along as the meeting flows?

6 MR. LAY: Well, as the meeting flows, but there is  
7 one comment that I would like to make. Any issues that are  
8 going to come up before sport fish that have to do with the  
9 commercial side, I need to be briefed on if I am not already  
10 aware of it. Most things I am but there was request to make  
11 the black drum a commercial fish, which currently it is not.  
12 And over at sport fish of course that went over like a lead  
13 balloon.

14 But I was not able to defend that request because I  
15 don't know anything about black drum. I don't know who made  
16 the request, I don't know whether it was going to be a direct  
17 from fishery or bycatch fishery or what someone had in mind by  
18 that request. So in the future, if you know of or if you are  
19 making a request that is going to be heard in sport fish,  
20 please let me know the background of the situation so I can  
21 defend the commercial side.

22 MR. WILKINS: Do they meet after us or before us?

23 MR. LAY: Before. Two days before. They meet on  
24 Tuesday and we meet on Thursday.

25 MR. WILKINS: So if something were to come up, you

1 wouldn't know --

2 MR. LAY: That would be too late. Just give me a  
3 call.

4 (Asides)

5 MR. RICE: Took three people to take one man's  
6 place.

7 MR. GILMER: Chucky went downhill until he got  
8 somebody.

9 MR. RICE: Chucky, if you could, this meeting is  
10 recorded. And like you to state your name and who you are  
11 sitting in for?

12 MR. WHITE: Chucky White, sitting in for Richard  
13 Manley today.

14 MR. RICE: Thank you, very much. Thank you, Steve  
15 for updating us with that information. All right, next we  
16 have the Natural Resource Police Activity Report with  
17 Lieutenant Roy Rafter.

18 ***NRP Activity Report***

19 ***Lieutenant Roy Rafter, MD DNR***

20 LT. RAFTER: Good afternoon, everyone. I am  
21 Lieutenant Roy Rafter, Natural Resources Police and coming up  
22 there shortly will be the case descriptions and the citations  
23 listings for violations and --- cases that we had in our last  
24 quarter. Troy Brimer was served and Troy Brimer who also sits  
25 with me, created this Google sheet that we are going to start

1 using every quarter. It gets sent to all of the Bay area  
2 sergeants who will input case descriptions and information on  
3 these sheets and then that way the Board will have all of this  
4 information prior to each one of the meetings.

5           The ones that were listed for this quarter that we  
6 are here for, were listed in everybody's packet. As far as any  
7 of the enforcement actions, all of the water men that I have  
8 talked to had a very good fourth quarter. The biggest  
9 complaint was a lot of small oysters. And Natural Resource  
10 Police has been working diligently with the water men and the  
11 harvest groups to keep those small oysters there.

12           The helicopter has been used quite extensively for  
13 sanctuary on closed area checks and the priorities for the  
14 next quarter is going to be the end of the gill net season,  
15 the ending of the oyster season and believe it or not, we  
16 start gearing up for recreational fishing and crab season as  
17 the next meeting that we have will be in the spring. So that  
18 will be the priorities coming up for the next quarter. Other  
19 than that, I thank you very much.

20           MR. RICE: Does anybody have any questions on the  
21 report, Robert T.?

22           MR. BROWN: I don't have no questions on the report  
23 but I would like to talk to Roy about the haul seining issues.

24           MR. RICE: Proceed.

25           MR. BROWN: Roy, it has been a problem occurred up



1 into Baltimore County where a man had made a haul on Friday  
2 afternoon or sometime Friday and caught a number -- a good  
3 number of mud shad and carp and some catfish. He couldn't get  
4 all of the fish out by midnight Friday. And he proceeded to  
5 take the fish out Saturday morning, like we always do. And an  
6 inspector came up on him and told him that he thought he was  
7 in violation of law.

8           And he called me about it and I have made some calls  
9 and I am not liking exactly what I am hearing. And the law  
10 the way that I understand it, is that you are not allowed to  
11 set a haul seine -- not allowed to set a haul seine after  
12 midnight Friday night until sun up Monday morning. I started  
13 haul seining when it was back in the early 60s and we used to  
14 catch a lot of spot and croackers and rockfish and perch down  
15 on the Potomac. And in the tributaries -- the St. Clement's  
16 Bay, Bretton's Bay.

17           And we always had to have both of the ends of the  
18 net ashore by midnight. If you were -- when you pulled the  
19 net around, if you could have both of those into shore by  
20 midnight, then you were in violation of the law. However, we  
21 were allowed and permitted if we caught a bunch of fish, we  
22 could take them out the next day. Good example of this is if  
23 the tide -- because you had to work completely with the tide  
24 in a lot of these places -- the Potomac was you had a strong  
25 tide. You had to use --- cord to tide the first part of the

1 tide.

2           And we would lay out and sometimes we would get to  
3 back to shore, 11:30 or quarter to 12, we wouldn't even -- by  
4 the time we got all the pulleys in on the net, because they  
5 have a large, 300 to 500 feet net and by the time you got the  
6 gillers out and went through the process, by the time that you  
7 got to where you would put the fish out and get them in  
8 the ---, it was like 12:30, 1:00, 1:30 -- you bunch your fish  
9 up and you put them out.

10           If you had more fish than what you could take out  
11 because of the heat during the summer or whatever, you would  
12 take a --- place maybe as big as this room or twice as big as  
13 this room and you would get them out all through the weekend.  
14 I have been doing it down in Charles County. I have been  
15 doing in St. Mary's County with mud shad and stuff, right on  
16 through Friday, Saturday, Sunday and we never had a problem  
17 with this before.

18           And now they are talking about this, I talked to  
19 Dave Blazer about it and he was telling me that they have a  
20 problem with it according to the Attorney General. Well with  
21 all due respect to the Attorney General, I doubt if he has  
22 ever seen a haul seine. I doubt if he knows how one works you  
23 know and I imagine this came through a young inspector who  
24 came up there and who was not familiar with haul seines and  
25 all and starts reading along and trying to interpret it

1 hisself.

2           But if you go back to the interpretation, I don't  
3 even know when the law on that began. Or was put into effect,  
4 but it had to do with not having a man dragging a seine around  
5 like we had 300 fat(sic) on the net, which is 1800 feet. And  
6 we were allowed one quarter rayon. While you were dragging it  
7 around into the river, while there was a lot of people back  
8 in the 50s and 60s who were out there bottom fishing and stuff  
9 and sports, you know, water skiing and stuff. So we wouldn't  
10 be interfering with their festivities that they were doing in  
11 those areas.

12           Now that is the reason why it was there. And you  
13 know, once you pull a seine around and you get both ends  
14 ashore, you are not catching anything else. You already have  
15 you know, wrapped around there -- and you got the net sitting  
16 there. And you get it all ashore and if it takes you two  
17 days, three days to get them out it makes no difference when  
18 it is that you get it out.

19           If you don't get your fish out right away, a storm  
20 could come up and knock the net down and you could lose them.  
21 You can have a heavy northwester come through and if you want  
22 a calm shore, and it doesn't knock the net down, tide leaves  
23 you and then you lose your product -- your fish and then you  
24 got a mess that you got to clean up. So I mean, the first --  
25 as far as it goes, the net has been set and it has been

1 fished, I mean, been set and it has been trapped to fish and  
2 is sitting there. And all you doing is just taking your fish  
3 out the pound that you got pent up.

4 So the reason I am bringing it up is, according to  
5 the Attorney General is that he is saying that we can't take  
6 the fish out during the weekends and stuff. So I have been  
7 told. Can you enlighten me on a bit more of this?

8 LT. RAFTER: Well, I will tell you to be honest with  
9 you in a situation like this, I would be like that young  
10 inspector. I don't have a lot of practice with or very, very  
11 little practice with haul seines in the area that I have  
12 always worked, we don't have any haul seines. So as a coming  
13 as that young inspector would have, I would have just have to  
14 defer to what the law says. What I can do is, I can forward  
15 this on up and you know, have the right people get back to  
16 you, somebody more experienced than I with the regulations and  
17 about that. But I would be glad to forward it on up and  
18 research it and have somebody get back to you about that.

19 MR. BROWN: Well, okay, I talked to Lieutenant  
20 Colonel Wetherberry and I called to call Ken Ziegler but he is  
21 on vacation and I understand that. And he was telling me that  
22 the Attorney General is saying that we can't take these fish  
23 out. Dave what have you heard on this?

24 MR. BLAZER: Yes, Robert T. you have kind of  
25 described it pretty well. We have talked to the Attorney

1 General's office, we have talked to Colonel Wetherberry.  
2 Basically the strict definition that the AG's -- the lawyers  
3 would be interpreting that is that you are still in the act of  
4 harvesting with the haul seine. So even though as Robert T.  
5 described, you are actively doing the haul seine, but then it  
6 is sitting -- you know, there is an interpretation or a  
7 definition -- you are not actively fishing any longer but you  
8 are still harvesting because you are taking things out of  
9 those nets.

10 And in the strict reading the way that an NRP  
11 officer would and also probably a judge or an attorney would  
12 like at that and say, well that is still part of the activity  
13 of haul seine. So that is the interpretation that I am  
14 hearing from our side that there is from the State side. So.

15 MR. SUTHERLAND: But Robert T. if I can? So if I  
16 understand this, you are saying that it is a weather condition  
17 or it is some tidal condition or something that is imposing a  
18 safety issue or whatever it might, right?

19 MR. BROWN: Um hum.

20 MR. SUTHERLAND: So that may not allow them to come  
21 in and pull that seine out, is that right?

22 MR. BROWN: Well, no, it is timing. Once you get  
23 that many fished pinned up in that tight of an area, you could  
24 have a number of things could happen. I have lost fish just  
25 because the wind was blowing hard -- I was on the calm shore.

1 I was up ahead of Port Tobacco Creek and I had all of my  
2 stakes, I had them all on the inside of the net and leaves got  
3 up against the net from up in the creek and blew over against  
4 it and it didn't knock my stakes over but it leaned them  
5 enough that it raised the lead line up. And of course, I lost  
6 my catch on it.

7           But I mean, the fish can die because the lack of  
8 water or the low tide. But historically, we have been able to  
9 well I guess I am calling myself a historian now I guess, but  
10 since back in the -- when I saw the -- back before I even  
11 started fishing, when I was a young kid back into the 50s, I  
12 could remember my mother and my uncle carried me into a boat  
13 out to show the fish that my father had in a net with a pinned  
14 off and he was three or four days getting them out. And it  
15 didn't make no difference as to the weekend.

16           We have always historically got the fish out the  
17 net and take care of your product. And it seems like to me  
18 that there should be some type of way with the historical  
19 value that we have of what we have been doing over the years  
20 that if we happen to have enough luck to catch these fish and  
21 most of them, what we are fishing for now are gizzard shad --  
22 mud shad, that was all trash fish. We threw that all away  
23 years ago.

24           We got the -- if you fish up in the Port Tobacco,  
25 you can catch a lot of these catfish -- these blue catfish

1 which are an evasive species and you can't get them out. But  
2 the thing is once you catch it, you need to be able to get it.  
3 It is not like a pound net where you got to -- you can go  
4 to -- be allowed to fish pound nets on it but not for rockfish  
5 but for --- on Sundays. But I mean, you always were allowed  
6 to get it out because of pound net, you know, you got plenty  
7 of room for fish to swim in there.

8           And I also think that with the -- us doing it for  
9 all these years, if we have to do some process to get it  
10 through the law that we shouldn't be penalized at this time  
11 and it shouldn't be made -- hey look, you have been doing it  
12 for so many years, we will give you time enough to get --  
13 whatever you got to do with it, it is a regulation or if it is  
14 a statute law to try to get it straightened out.

15           MR. RICE: All right. And the other thing is this  
16 Dave, I want you to --- on this, but the haul seine is  
17 uniquely regulated as in the county that you seine is has a  
18 lot to say with how you do. Now is this a State regulation or  
19 is this something that is done County by County?

20           MR. BLAZER: Yes, it is really done by statute, by  
21 legislation County by County. So we don't have regulatory  
22 authority for haul seine's in general. So it is not something  
23 that we can do via regulation. It is a legislative issue that  
24 we -- has to be addressed.

25           MR. SUTHERLAND: So to resolve that issue, you would

1 have to do what?

2 MR. BLAZER: Probably go back to the legislation and  
3 re-define or change some of the language there to address some  
4 of this. Or you know, or you take it to court and have the  
5 judge decide and then you got some sort of precedent, you  
6 know, with their announcement. But again, looking at it from  
7 the lawyer's viewpoint, from an enforcement view point,  
8 basically the way they are going to read it is kind of the  
9 letter of the law. If it says and they interpret it that way,  
10 then that is what we are getting back from most of our  
11 attorneys in the building.

12 MR. RICE: Well, I guess maybe attorneys come and  
13 attorneys go. How come it is a problem now and it wasn't in  
14 the past?

15 MR. BLAZER: I am not sure.

16 MR. RICE: Okay. Because --

17 MR. BLAZER: That is a good question.

18 MR. GILMER: And --- probably because it was a  
19 ticket wrote on it where before it probably never was.

20 MR. RICE: Just like the haul seine that we do now,  
21 in fact, they have been doing it for the past about twenty  
22 years is very much well related and don't ask me why, but it  
23 seems like fish come ashore better on Fridays then they do on  
24 Mondays. I mean, that is the truth. And it was common  
25 practice for us when we were haul seining, doing the rockfish



1 moratorium that we would actually search out and try to make a  
2 good haul on Friday so that we would have fish bundled up on  
3 to work on on weekends. So, I am not sure where we go from  
4 here but it needs to be corrected. I got Chucky and then I  
5 got Russell. Go ahead, Chucky.

6 MR. WHITE: There are --- electronic reporting  
7 stuff. What if it was something set up like that where they  
8 considered it -- they would call in and say this is now a  
9 holding pen and they can't actively fish until they call back  
10 in and say we are done -- make it like a holding pen. I mean,  
11 that is --

12 MR. RICE: I think that is a great suggestion.  
13 That might be something that the Department can look into  
14 because it would be simple enough notify -- at one time, I  
15 thought that was a procedure that you needed to notify  
16 somebody in your areas such as Natural Resource Police. Hey I  
17 am at Fourth Point and Port Tobacco Creek, I have just landed  
18 my seine at 6:00 on Friday evening. We got a load of fish, we  
19 got them bundled up and we are going to be taking them out  
20 this weekend and the reply you would get would be thank you  
21 very much for notifying us and have a nice day. So, we will  
22 say.

23 MR. SUTHERLAND: How would you do that Dave?

24 MR. BLAZER: I am not sure. We just talked about  
25 this about two hours ago. Mike, go ahead.

1           MR. LUISI: Hi Mike Luisi, with Fisheries and ---  
2 services. So what was just brought up about the Fact system  
3 and the electronic recording system with the hailing in and  
4 hailing out as something that we certainly can take under  
5 consideration as to whether or not we can make -- that that is  
6 a pilot program, we have a pilot -- we have a regulation for a  
7 pilot programs that allows us to provide-- I wouldn't say they  
8 are necessarily incentives but there are alternatives to the  
9 current regulations.

10           For instance, if you are a crabber and you are using  
11 that system, you can take a flexible day off rather than a  
12 Sunday or Monday. We have other provisions within that permit  
13 condition when you sign up for the Fact system to allow you  
14 other flexibilities in your daily operations. So it is  
15 certainly something that we can discuss. If a haul seiner  
16 was signed up to the use the Fact system, they wouldn't have  
17 to use that system for the extent of all of the fisheries that  
18 they operate under.

19           It cannot be gear specific. So if they are doing it  
20 for fin fish, they would have to do it for all fin fish that  
21 they are catching. They can crab and still use paper  
22 reporting for crabbing but if they sign up for the one gear,  
23 they have to use it for everything but. We could discuss  
24 internally how that would work regarding the announcement. So  
25 they get a permit essentially for the Fact system that gives

1 them the criteria for which they get to work under. And we  
2 could include a provision on haul seining for the use of -- if  
3 the haul -- if the system informed us that the fishing  
4 activity was on Friday but Saturday was going to be the time  
5 when they would have taken additional fish from the activity  
6 that occurred the day before, it would inform NRP and it would  
7 inform Fishery Service as to that activity and we could allow  
8 for that under the pilot if that is the -- what enforcement  
9 and our unit would decide would be appropriate. So that is a  
10 quicker fix, than any of the other options right now. In  
11 changing legislation.

12 But because it is kind of -- something that is new  
13 that -- that David just mentioned, we just got word of this  
14 here a few days ago. We would need to talk about it a little  
15 bit and figure out how we make that happen. But that is not  
16 to stay that they would solve the problem if that happened  
17 already. It could be for --- in the future. And I will leave  
18 it at that, Dave.

19 MR. BLAZER: Thanks.

20 MR. RICE: Russell, did you have something?

21 MR. DIZE: Yes, I was just wondering how many haul  
22 seiners do we have in the State of Maryland? Don't have to be  
23 exact.

24 MR. BLAZER: I would say 10 to 12.

25 MR. DIZE: Can we get a group together to work with

1 ya'll to fix this? Why do -- you know, why do we got to go  
2 into this? There is 10 -- it is not like crabbing where there  
3 is 5,000 people out there doing it. We are talking about 10,  
4 used to be 10 on Tilghman Island when I was a young man, a  
5 haul seiner. So why in the world can we just get a group --  
6 this group together and if takes electronic reporting let it,  
7 if they will do it fine, if they don't -- they become part of  
8 the problem. That just seems to me that it is so  
9 inconsequential the number of seine haulers we got now. By  
10 the way, that is what we always called in the Tilghman, seine  
11 haulers.

12 MR. RICE: And not to just -- make a whole lot of  
13 weight in regulatory stuff but seine hauling in mine and  
14 Robert T.'s lifetime in that area has gone from perch, spot,  
15 croackers and striped bass to mud shad, carp and catfish  
16 something that most people would love to see more of them come  
17 out of the water in the first place. So. Anyway and they do  
18 segregate, I think it is catfish and carp, correct me if I am  
19 wrong, Robert T. that there is a regulation that we can't  
20 sweep over one third the distance from one shore to the other,  
21 unless we are capturing just carp and catfish, we can sweep  
22 the whole creek if we want to.

23 MR. BROWN: Yes.

24 MR. RICE: All right.

25 MR. BROWN: Block the creek is the way that they

1 used to do it for carp and catfish years ago.

2 MR. RICE: So it has already been a precedent sent  
3 that those species aren't treated necessarily the same as  
4 others. Thank you, Dave.

5 MR. BLAZER: So if I can, you know, this issue has  
6 just come up and it wasn't even on the agenda. But I  
7 appreciate the discussion. We were looking for ideas from you  
8 as well and I think I have a couple of things that we can work  
9 with, is pull a work group together, look at e-reporting.  
10 Let's talk to some of the haul seiners and see if we can  
11 figure out some way of addressing this particular issue. So  
12 thank you for bringing it up Robert T. and this is why you  
13 guys are here, we bring these things to you all and provide  
14 some advice for us.

15 MR. BROWN: Because of the historical nature of the  
16 way we have fished over the years and we have done this, I  
17 would like to put a motion on the floor that the TFAC request  
18 the Department to ask the Marine Police and I am saying the  
19 word ask, because you can't tell them because they got the  
20 lord of the force, ask since we are setting up these  
21 committees and stuff, to be more tolerable with this instance  
22 or because we are coming up in the height of the season until  
23 we can get this throughout whatever committee we have because  
24 this probably could come up again this season and I hate to  
25 see somebody loose fish. Just asking for some tolerance and

1 that is a request that we have please be more tolerant with  
2 this. We understand it and we know it is a problem and it was  
3 nothing done intentionally.

4 (MOTION)

5 MR. RICE: Basically to crunch it up a little  
6 narrower, if you are requesting leniency for bail and fish out  
7 of a haul seine on weekends.

8 MR. BROWN: Yes and we would call in if we are doing  
9 it and we can put stuff like that on it immediately because it  
10 could happen to anybody in the near future. But we are just  
11 asking for leniency until we could work this out. That is my  
12 motion.

13 MR. SUTHERLAND: Can you say that again?

14 MR. RICE: Okay --

15 MR. SUTHERLAND: I am saying can you --

16 MR. RICE: You want me to convince Robert T.'s five  
17 minutes --

18 MR. SUTHERLAND: Condense it there for me, Billy.

19 MR. RICE: Tidal fish advisory board wold like to  
20 respectfully request leniency for haul seiners landing fish on  
21 Fridays, granting them permission to bail fish from their  
22 landing haul seines -- fish that have been impounded and  
23 landed haul seines on Friday in legal time due to --- over the  
24 weekend. Is that close? I am not a lawyer and only can do  
25 the best I can do.

1 MR. GILMER: You should be.

2 MR. RICE: All right, that was Robert T.'s motion  
3 but we need a second on it before we can proceed. Second by  
4 Russell? Further discussion? Moochie?

5 MR. GILMER: Should it be -- just to make it clear  
6 on both sides, that if you are going to bail fish over the  
7 weekend, that you have to call in and notify that you --

8 MR. RICE: That was mentioned in the said motion  
9 for --

10 MR. GILMER: Okay, all right.

11 MR. RICE: Yes.

12 MR. SUTHERLAND: So that is part of it?

13 MR. RICE: Yes, that would be part of the motion  
14 that Robert T. put on the floor. I think the main thing here  
15 is that nobody is trying to do anything illegal or behind  
16 anybody's back but quite simply once you land these fish and  
17 most of the time you are going to land them in water, say  
18 waist deep, maybe a little less depends on how many fish you  
19 got. You can't bail dead fish. You got to bail live fish.  
20 And those fish die, even though they still had market value  
21 such as a mud shad would, it is extremely hard work and you  
22 can't never get them all. And if you never can get them all,  
23 you are going to end up with dead fish on the shoreline which  
24 ends up in complaints from neighbors and shoreline owners and  
25 it is bad all the way around.

1                   So basically this is very beneficial for all of  
2 those involved. Yes, sir?

3                   MR. SUTHERLAND: I have a question for DNR. So  
4 would DNR find this a good approach?

5                   MR. BLAZER: Well, we have kind of struggled with  
6 how to handle it in the short term in this particular case.  
7 You know, we are going to take the advice of the committee but  
8 I think a longer term approach of working through the work  
9 group and e-reporting and some of the others, you know, we  
10 will do that and report back to you all as we go forward.

11                   MR. SUTHERLAND: So can we add that to the motion  
12 then?

13                   MR. BLAZER: Sure.

14                   MR. BROWN: Yes, yes that is fine.

15                   MR. BLAZER: Because Robert T. mentioned something  
16 about it until the work group got finished with their -- so I  
17 have captured that in here as part of that motion.

18                   MR. RICE: Well if everybody is clear on it, there  
19 is no further discussion and I will call for question. All  
20 those in favor, say aye.

21                   (Chorus of "Aye")

22                   MR. WILKINS: I have a question real quick, Bill.

23                   MR. RICE: Oh I am sorry Troy, I didn't see your  
24 card up.

25                   MR. WILKINS: I just wanted to ask --- what he



1 thought of that on your side?

2 LT. RAFTER: I don't have a whole of experience with  
3 haul seining.

4 MR. WILKINS: No, I mean, with what the motion that  
5 is coming from here, what are you thinking -- where do you  
6 think the NRP stands with that?

7 LT. RAFTER: Oh I am in favor of --

8 MR. WILKINS: A little leniency on getting the fish  
9 out over the weekend?

10 LT. RAFTER: I am in favor of everybody getting  
11 together to find a solution to any problem.

12 MR. WILKINS: I am talking about what Robert T. just  
13 said -- just asked for the --

14 MR. BLAZER: I will be honest with you. I think it  
15 will be challenging with the attorneys and enforcement because  
16 they are going to be reading the little intent of the law and  
17 their interpretation. I think this has been a good  
18 discussion. We will relay that discussion and your motion for  
19 to recommend that the Department try and address this. But it  
20 is kind of difficult. You know, a lot of times in  
21 enforcement, there is black and there is white and that in  
22 between line is very difficult a lot of times to address.

23 So I think that is one of the cases here where you  
24 are going to have some of the attorneys saying well, it is a  
25 clear violation. And the other problem that we have is you

1 know, if it is legislation, do we have the authority to grant  
2 that leniency or to allow that to happen in the interpretation  
3 of what is going on. So again, this has been a great  
4 discussion and we will relay this back through our folks and  
5 have those discussions. But I don't want to tell you yes that  
6 we are absolutely going to do it or you know, I just want to  
7 be open and honest with you that a lot of times, enforcement  
8 and attorneys want to look at things black and white and we  
9 are asking for a gray area here that might be difficult to  
10 handle. So.

11 MR. RICE: I don't think anybody here thinks that  
12 you are going to be able to tell us yes or no but --

13 MR. BLAZER: But I appreciate --

14 MR. RICE: -- we are trying to state the issue of  
15 the problem and the severity of it in moving forward. So once  
16 again I am sorry for not seeing your card up there, but I am  
17 going to call for question again. All those in favor say,  
18 aye?

19 (Chorus of "Aye")

20 MR. RICE: Opposed?

21 (No Response)

22 MR. RICE: Abstentions?

23 (No Response)

24 MR. RICE: Then it is unanimous that that is how we  
25 feel about the issue.

1 MR. : Great. Thank you.

2 MR. RICE: Robert T. was that all you had on it?

3 MR. BROWN: Yes.

4 MR. RICE: Okay.

5 MR. BROWN: Thank you.

6 MR. RICE: Okay, Steve Lay?

7 MR. LAY: Okay, NRP Activities Report, at the sport  
8 fish meeting we were notified that there is going to be 36  
9 individuals in the new class coming up. Did I understand that  
10 to be --

11 LT. RAFTER: That is what I have heard yes.

12 MR. LAY: Okay, I think that would be good for this  
13 group to hear that we do have a new class of officers and 36  
14 is a very big number.

15 LT. RAFTER: Yes, we have a new class that is going  
16 to be going into the academy next month. They are looking at  
17 36 new officers going into that academy, the backgrounds and  
18 everything are done and from what I understand also that  
19 the -- there is a small number of laterals that they are also  
20 looking at. That has not been anything that has been granted  
21 yet but it is something additional that they are looking for.

22 So with those 36 new officers, I know they are very  
23 sorely needed. And I know that they will be appreciated not  
24 only by our Department but by all of the user groups in  
25 general. Thank you for bringing that up. Thank you.

1 MR. RICE: Ken, did you have one?

2 MR. JEFFRIES: I don't know if this is a request for  
3 the Board or for Denny himself. Charter Boat Association  
4 always has an industry day before the season kicks off and we  
5 always ask the Coast Guard to come and talk about new  
6 regulations or what they are looking for. I would like to get  
7 a DNR officer with some of the changes coming within the  
8 fishery to come to the industry day that we have, March 6, if  
9 possible. I don't know if I have to request the Board to  
10 request or --

11 MR. : To have Natural Resources --

12 MR. JEFFRIES: Just have one there, not to put you  
13 in a choke hold but just to tell us what is new and what you  
14 are looking for.

15 LT. RAFTER: Sure. And you said what --

16 MR. JEFFRIES: March 6.

17 LT. RAFTER: March 6 and where would it be at?

18 MR. JEFFRIES: It is in the Third World Country of  
19 Chesapeake Beach. It is at the Rod N Reel.

20 LT. RAFTER: I can put that request out to the  
21 Lieutenant in that area down there and request that.

22 MR. JEFFRIES: Be safe on the ride.

23 LT. RAFTER: Thank you.

24 MR. RICE: All right, thank you very much. Is there  
25 any more questions or issues for NRP?

1 (No Response)

2 MR. RICE: All right. Lieutenant Roy, I thank you  
3 very much.

4 LT. RAFTER: Thank you, sir.

5 MR. RICE: So next I would like to move into the  
6 Shellfish update from Jody Baxter.

7 ***Shellfish Update***

8 ***Jody Baxter, MD DNR***

9 MS. BAXTER: So just three things. First, County  
10 Oyster Committee meetings are going to start, I think the  
11 first one is Monday. Those are our annual meetings and we  
12 will discuss books planted yesterday, the seeded shelf and the  
13 county is going to plant this coming up year. So that is  
14 going on over the next two weeks or so. Man O War shoals  
15 permit, still being reviewed by the Board of Public Works. So  
16 we will still are just kind of limbo with that. And then  
17 lastly, in your packet, there was the press release that came  
18 out in December from the Department whereas the Department  
19 recommended the fourth and fifth large scale restoration  
20 sanctuary. And the recommendation is the existing Bretton Bay  
21 Sanctuary and the existing Upper St. Mary's Sanctuary. That  
22 is really all I have.

23 MR. RICE: Is that your report, Jody?

24 MS. BAXTER: Yes.

25 MR. RICE: All right, thank you. Questions, Dave?

*Questions and Answers*

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MR. SUTHERLAND: So Man O War Shoals?

MS. BAXTER: Yes, sir?

MR. SUTHERLAND: Who is in opposition of that?

MS. BAXTER: So I think you could get a good feel for that. In February of 2016, there was two public meetings held by the Army Corps. And all of the public comments that came out of those two meetings for and against are listed there. They will probably give you -- I don't remember all of the groups and the individual names but that would definitely be ---. And that is posted online. If you just search --

MR. SUTHERLAND: So you can't tell me who is opposed to it currently?

MS. BAXTER: I don't remember off of the top of my head --

MR. BLAZER: Well, I think a lot of the upper bay recreational fishing groups, Coastal Conservation Association and I am not sure --

MS. : A Port Carroll residence or neighborhood association.

MR. BLAZER: Yes, but especially the Baltimore County area.

MR. : Is Maryland Watermen's Association close to it.

MR. BROWN: Yes, we did.

1 MR. : Okay.

2 MR. : We are opposed to it --

3 MR. JEFFRIES: It is the Charter Boat Association as  
4 well.

5 MR. WILKINS: Both of them? I will take Queen Anne  
6 County in favor --

7 MR. SUTHERLAND: Can I ask a question with everybody  
8 here? I would like to know who is in favor and who is  
9 opposed? On record.

10 MR. DIZE: Are you asking personally or --

11 MR. SUTHERLAND: Well whoever you are representing  
12 is --

13 MR. DIZE: Well, that is what I am saying -- it is  
14 totally different personally and who you represent.

15 MR. WHITE: Well, why don't you just say that is  
16 about damn near 50/50. As the Watermen's Association goes  
17 from county -- it is almost 50/50 and there might be like one  
18 to opposing it, one more than not opposing it.

19 MR. SUTHERLAND: I am asking the question because I  
20 am somewhat ignorant, I am a local guy -- I am a fisherman and  
21 I am actually straddling the fence myself. So I am asking a  
22 question because I would like to know from everybody here that  
23 why would you oppose it and why would you support it? Can we  
24 have that discussion at all?

25 MR. : No that is not on the agenda.

1 MR. SUTHERLAND: So it is not part of the agenda and  
2 I can't ask that question?

3 MR. : No.

4 MR. SUTHERLAND: Okay.

5 MR. RICE: We have a lot to get through here.

6 MS. BAXTER: I can send you the link to the public  
7 comment and I think that will answer that question for you.  
8 If you scroll through the transcribe comment and that should  
9 give you a feel for like the reasons for or against that  
10 people are putting out there, will that help?

11 MR. SUTHERLAND: Probably not.

12 MS. BAXTER: Okay.

13 MR. SUTHERLAND: Because I think there are some  
14 politics behind all of this and that is what I am trying to  
15 get to. So I am trying to understand that and be open about  
16 it and be very honest about it. And I think that is healthy  
17 in these discussions so that we don't have them sitting back  
18 and I hear rumors. I would rather hear it from people that  
19 are representing organizations to tell me what -- why they  
20 oppose it. Or why they support it. And I would like to be on  
21 record asking that question. And if everybody wants me on the  
22 record saying that they want to say that, then that is fine  
23 too. So.

24 MR. WILKENS: I will go on record saying I am in  
25 favor of it and I will stand up here in the middle of



1 everybody if you want me to, on top of the table if you want  
2 me to -- I don't care. I oyster everyday and if you oyster  
3 everyday and you are not in favor of it, you are crazy.

4 MR. SUTHERLAND: I am not trying to create an issue.  
5 I just -- I mean, I am just bringing up an issue that -- we  
6 can't hide behind -- you know, it is what it is. I would  
7 rather not hear it through the rumor mills. I like to know the  
8 facts.

9 MR. BROWN: Well, I will give it to you point blank.

10 MR. SUTHERLAND: Thank you.

11 MR. BROWN: We had -- MWA had our first vote on it.  
12 It was unanimous that we oppose it by my Board of Directors  
13 and that is what I did. I was asked to have another vote on  
14 it and we had a meeting, the fellow who asked for it, he  
15 looked around the room and didn't think he had enough votes  
16 and so he let it go. So about maybe a month or month and a  
17 half later, he sent me a letter stating that he wanted a  
18 meeting. And according to my bylaws and one of my Board of  
19 Directors insisted on a meeting, I have got to hold it within  
20 10 days.

21 I contacted him and I told him that we had a meeting  
22 scheduled for 14 days from now, is that satisfactory or do you  
23 have to have it in 10 days? He said no that would be fine.  
24 We had the vote on it again that day. My Board of Directors  
25 voted that we opposed it. And that is where we have been ever

1 since.

2 MR. SUTHERLAND: Thank you.

3 MR. RICE: All right, I think we have an opportunity  
4 to get the answer to a few of your questions.

5 MR. SUTHERLAND: Thank you, thank you.

6 MR. RICE: So we are going to move down to the work  
7 group and committee reporting. Nancy? Would you help us out  
8 on the cow nose rays please.

9 MS. BUTOWSKI: Okay, jump ahead?

10 MR. RICE: Yes, please.

11 ***Cow Nose Ray Workgroup***

12 ***Nancy Butowski, MD DNR***

13 MS. BUTOWSKI: Okay I just want to remind you that  
14 last year there was a Senate bill that was approved that added  
15 Cow Nose Rays to the list of species for the development of  
16 the fishery management plan. And that we are on track to  
17 develop one by the end of this year, so by December 2018, we  
18 need to have a fishery management plan.

19 So the first step was to pull together a work group.  
20 So we solicited for recommendations and nominations for the  
21 work group in July and collected those through September and  
22 then we met and evaluated and came up with some  
23 recommendations as to who should be on the work group. That  
24 was approved by the secretary of -- in mid December. And so  
25 the list that you see up here right now is who has been asked

1 to be on the work group itself. So you can see that there is  
2 representatives from the research and academia, from the  
3 animal rights groups, recreational and commercial fishing.  
4 And shellfish agriculture.

5 We are planning to have a -- the first work group  
6 meeting at the end of February. The date hasn't exactly been  
7 decided yet. I am still waiting for a few people to fill out  
8 the --- poll, but that is what it is looking like it is lining  
9 up to be. So we will get together and talk about the purpose  
10 and develop a time line and talk about the FMP outline and  
11 what we -- what are the issues at hand.

12 We will be putting together a web page just to keep  
13 people apprised of what is going on with that work group and  
14 to put everything up there and post it. If you are interested  
15 in being on the interest list and want to participate  
16 directly, please send me an e-mail and I will add you to the  
17 interest list. That way you will get direct e-mail telling  
18 you about meeting dates and what is going on with the work  
19 group deliberations. If not, you can just go to one page.

20 MR. DIZE: I am looking at your list and it is a  
21 good list. I don't see any active watermen on that list. Not  
22 one. I see agriculture, Bobby Lair is a good man. I see all  
23 the other from the research places but I don't see one  
24 watermen. Now it looks like to me, we are impacted probably  
25 as much as any group in the Bay by these cow nose rays.

1 Should be a couple of watermen sitting on that.

2 MS. BUTOWSKI: We had a -- well we solicited for  
3 some additional commercial watermen and we did get 23 people  
4 who are interested. And that was -- it was recommended that  
5 Rachel be on the list for commercial aspect.

6 MR. BLAZER: We are looking for more volunteers if  
7 there are any commercial watermen that would like to be on  
8 this group.

9 MR. : You just had 23, she said.

10 MR. BLAZER: No, none of them were watermen. We  
11 called and tried to get some folks and fortunately we got  
12 Rachel but --

13 MR. DIZE: But on there, Rachel is representing the  
14 Tidal Fish Advisory Commission.

15 MS. BUTOWSKI: Well that is when we put it together  
16 that was her --

17 MR. : She is not on there --

18 MS. BUTOWSKI: -- correct at the time.

19 MR. : What is the purpose of the group?

20 MS. BUTOWSKI: To present the issues from their  
21 perspective and to advise on the development of the management  
22 strategies.

23 MR. : You don't want to know what I  
24 think of them.

25 MS. BUTOWSKI: Well, the idea is to have a diverse

1 group to bring forth all the issues and put them on the table  
2 and have a discussion as to you know what we can do to address  
3 those issues.

4 MR. BROWN: As you look at that, you got Save the  
5 Rays, the Ocean Foundation. I mean, Morgan State, I mean this  
6 reminds me of something of the old OAC we used to have.  
7 Oyster Advisory Commission. But we did have two and three  
8 watermen on that out of 21. It was two --

9 MR. DIZE: It was 2 when I was on it.

10 MR. BROWN: Yes, 2 out of 21. And as destructive as  
11 the cow nose rays are, to the Bay and the plants, the grasses,  
12 soft crabs, it is a list that goes on forever and ever.

13 MR. DIZE: How about there is some good people, like  
14 Morgan State, I know him personally. He is a really good guy,  
15 good professor. But could you give us some time -- like our  
16 group, the Maryland Watermens Association, some time from our  
17 next meeting so that we can find a couple people? Would you  
18 accept them on there?

19 MS. BUTOWSKI: I am not the person that makes the  
20 ultimate decision.

21 MR. BLAZER: Give us some folks to consider.

22 MR. DIZE: Okay.

23 MR. BLAZER: You know we --

24 MS. BUTOWSKI: And if we did reach out --

25 MR. BLAZER: -- we have been trying to recruit for a

1 long time. So if MWA meets sometime soon or --

2 MR. DIZE: We do. When is it Roy?

3 MR. : Thursday night.

4 MS. BUTOWSKI: That would be great. Because we  
5 would like to -- we need to get moving in order to you know  
6 meet the deadline of December. So, we would like to have the  
7 meeting set for the end of February at the latest, for the  
8 first meeting.

9 MR. BROWN: If my memory serves me right, I believe  
10 when we discussed this at the last tidal fish meeting, I was  
11 about to beat everything over the top of the head about these  
12 cow nose rays and how destructive they were and I thought at  
13 that time I had offered my services to -- but I guess I made  
14 my position so strong at that time that I was not desirable to  
15 be on that committee.

16 MR. BLAZER: Are you volunteering?

17 MR. BROWN: I don't mind but we got to have somebody  
18 else too.

19 MR. GILMER: He is recruiting right now.

20 MR. BROWN: We need more than one. Because you  
21 know --

22 MR. BLAZER: We got two now --

23 MR. SUTHERLAND: Can I ask a stupid question? I  
24 mean, how do you determine who you want on it?

25 MS. BUTOWSKI: Well, we got together and said what

1 would be an appropriate representation. So we said just have  
2 two from recreational and two from animal rights and two from  
3 the research association, two for aquaculture, two from --

4 MR. SUTHERLAND: So that is the outline. You got  
5 two for each category?

6 MS. BUTOWSKI: That is what we originally -- yes.

7 MR. SUTHERLAND: So what are the categories?

8 MS. BUTOWSKI: It was research and academia, two  
9 representatives from recreational -- two representatives  
10 from --- and two from animal rights because they were very  
11 interested in the whole process and two from aquaculture.

12 MR. BLAZER: The whole idea is to get a balance from  
13 all of the different perspectives.

14 MR. SUTHERLAND: So how does this -- I mean, does  
15 that meet the --

16 MR. BLAZER: Well, we could use another commercial  
17 fishermen on here but I mean, we kind of look at the first  
18 three as academics, as kind of neutral and dependant, I am not  
19 sure where their positions are going to be. It is pretty  
20 clear, Save the Rays and the Ocean Foundation are going to be  
21 leaning one way. The aquaculture folks are going to lean the  
22 other way and the recreational anglers that we got -- were  
23 just interested in being part of it, they are kind of not sure  
24 where they are going to be on what side.

25 I think the one guy is a --

1 MR. SUTHERLAND: So what are the categories again?

2 MR. BLAZER: -- a bow hunter.

3 MR. SUTHERLAND: So Dave what are the categories  
4 again?

5 MR. BLAZER: Recreational fishermen. Commercial  
6 fisherman. Aquaculture. Animal Rights, academics. We also  
7 look at -- advise for like environmental.

8 MR. SUTHERLAND: Two for each one of those?

9 MR. BLAZER: Well, basically just so we have a  
10 balanced group. So it could have been 3, 3, 3 and 3. But we  
11 had 23 applications and actually out of the 23 applications, I  
12 would say 10 or 12 of them were academics. So we kind of  
13 thinned that out pretty quickly to just the local folks that  
14 are here on the Bay. We did not get a whole lot of other  
15 folks interested in being on the work group.

16 MR. SUTHERLAND: Okay.

17 MS. BUTOWSKI: So will you come up with another --  
18 Robert T. will you come up with another person?

19 MR. BROWN: We will have somebody for you after  
20 Thursday night.

21 MS. BUTOWSKI: Great. Just send me an e-mail. And  
22 again I invite anybody who wants to keep abreast and have a  
23 special interest to send me an e-mail and put you on the  
24 interest list and then you will get direct e-mails from me.  
25 Otherwise, just check the webpage once it gets up.



1 MR. BROWN: I will need your e-mail address.

2 MS. BUTOWSKI: Okay. I will give it to you.

3 MR. DIZE: And is it possible that this body here

4 could get an update on what you are doing --

5 MS. BUTOWSKI: Yes.

6 MR. RICE: Did you have a question, Gail?

7 MS. SINDORF: It is actually another subject when we

8 are done with this one.

9 MR. RICE: Okay so I say we are done, so ask away.

10 MS. SINDORF: So typically Nancy, in January, we get

11 a list of FMP --- role and I am not seeing it, so I am just

12 curious as to what ---

13 MS. BUTOWSKI: Well, I will let Dave answer.

14 MR. BLAZER: It is still being reviewed and edited,

15 so it is not ready for release just yet.

16 MS. SINDORF: Next meeting?

17 MR. BLAZER: We hope.

18 MS. SINDORF: Okay.

19 MS. BUTOWSKI: It has --

20 MR. BLAZER: Keep pinging us.

21 MS. BUTOWSKI: There is a new process in review too

22 and it is holding things up.

23 MS. SINDORF: Okay, maybe I will call you.

24 MS. BUTOWSKI: Okay.

25 MS. SINDORF: Okay, thanks.

1 MR. RICE: There you are, you are up.

2 MS. WIDMAN: Okay.

3 ***Policy Program***

4 ***Sarah Widman, MD DNR***

5 MS. WIDMAN: Hello people on the phone. Sarah  
6 Widman with Fishing and Boating. So, we have -- you guys  
7 should have gotten two handouts. And I will just go over the  
8 legislative stuff because we don't have much yet. Hopefully  
9 you have both of them. One is just a run down of notices that  
10 have been issued since last meeting. I am happy to try to  
11 answer any questions that you have on that and then the regs  
12 that we scoped with you all in October, most of those have  
13 made it into the official process. So a lot of those are  
14 currently out for comment or will be out for comment shortly.

15 So if there is any questions on those, I would be  
16 happy to answer them. And again that is the stuff that we  
17 discussed at the last meeting. Any questions on any of the  
18 existing previous actions?

19 (No Response)

20 MS. WIDMAN: Okay, on the legislative end, there  
21 were -- there was a bill hearing last Tuesday. Not this past  
22 one before it on two of our Departmental bills, Senate bills,  
23 112 in particular was the one that was going to address the  
24 beneficiary transfers that you guys had asked us to consider  
25 allowing outside of the renewal time period. So it would fix

1 that and allow beneficiary transfers any time during the  
2 course of the year and would also add cancer crabs which is  
3 the Jonah crab out in the coast, right now we have a permit  
4 for it but in order to make that permit work, we are requiring  
5 blue crab authorization and potentially a lobster --- lobster  
6 authorization to make it function properly under requirements.  
7 And so this would make it clear, because it is a by catch and  
8 lobster pots. So it would keep those individuals from having  
9 to potentially have two authorizations if they didn't want to.

10 And then the other bill that was heard was Senate  
11 bill 113 which was a recreational license incentive bill. We  
12 had some recreational and license incentives trying to bring  
13 in more recreational users and hopefully retain them in the  
14 long term. And those expired -- the ability for us to do that  
15 expired this past year, so we were just trying to re-up that  
16 to keep the program going.

17 And then there will be coming up a bill hearing on  
18 Senate bill 153 which is just extending the lifetime of the  
19 oysters shell recycling tax incentive program. So that is  
20 legislation and then I think the stuff everybody cares about  
21 is the scoping stuff. So I don't know which order --

22 MR. DIZE: Before you move on, can I ask a question?

23 MS. WIDMAN: Sure.

24 MR. DIZE: Do you know how many aquaculture  
25 enterprise zones are in each county? Or do you have any idea?

1 MS. WIDMAN: There is just two.

2 MR. DIZE: In each county?

3 MS. WIDMAN: No there is just two period.

4 MR. DIZE: Just two?

5 MS. WIDMAN: Yes.

6 MR. DIZE: Well one of them is in the Choptank?

7 MS. WIDMAN: Yes, they are both in the Patuxent.

8 They are both near each other.

9 MR. DIZE: Well, one of them is right off Horn  
10 Point. If it came -- the only way that guy could get that, he  
11 couldn't get the land leased. But he got it under an  
12 enterprise zone and I just want to -- keep everybody to pay  
13 attention to enterprise zones in your county. Enterprise  
14 zone, I tried to get a permit to put a lease in where they  
15 have it to have water --- leases and they were having  
16 problems. Dorchester fought it and so when the enterprise  
17 zone came in, he was allowed to get in under the enterprise  
18 zone.

19 Even though it had been hardly contested. So I am  
20 just wondering how many of these enterprise zones throughout  
21 the state and in the counties do we have and when you see  
22 enterprise zones, pay attention.

23 MS. WIDMAN: There are only two. There is Jacks Bay  
24 Aquaculture Enterprise Zone and Island Creek Aquaculture  
25 Enterprise Zone and they both appear to be in the Patuxent.

1 MR. DIZE: Both of those in Choptank?

2 MS. WIDMAN: No those are Patuxent. There is none,  
3 that is all that is listed under regulation. There is no  
4 other existing ones.

5 MR. DIZE: But the one next to Horn Point is -- was  
6 put in there under an enterprise zone.

7 MS. WIDMAN: I can tell you that it is not legally  
8 an aquaculture enterprise zone. I don't know what it is  
9 there, I could try to find out.

10 MR. BLAZER: We will have to look into that and  
11 figure out what it is but it could be something else. Carl?

12 MR. : Is that Mr. Dize back there? I  
13 can't see his name plate. Are you talking about the facility  
14 right at Horn Point?

15 MR. DIZE: Not Horn Point, no.

16 MR. : Okay.

17 MR. DIZE: It is next to Horn Point, it is a water  
18 column, aquaculture lease.

19 MR. : Because Horn Point has a title ---  
20 license for the --

21 MR. DIZE: Right, it is inside. It is inside there  
22 on --- Bay inside from it.

23 MR. BLAZER: We will look into it and see what we  
24 can find out.

25 MR. DIZE: Okay.

1 MS. WIDMAN: All right, any other questions on  
2 legislation?

3 (No Response)

4 MS. WIDMAN: Okay. So next hand out is the scoping  
5 handout.

6 MR. BROWN: I tell you, I had to step out for a  
7 second and I am sorry about that. But this aquaculture  
8 enterprise zone --

9 MR. BLAZER: We are just about to talk about it.

10 MR. BROWN: Okay, all right. Okay.

11 MS. WIDMAN: Billy, how do you want -- do you want  
12 me to do the other stuff first and then do that last or do  
13 this one first and then the other stuff?

14 MR. RICE: We can go one of two ways. We can do  
15 this first and we can talk about it and then take what action  
16 we want to take and then do the rest. Or you can do the rest  
17 and then come back to this, whichever you would rather do.

18 MS. WIDMAN: Whatever the commission would like me  
19 to do.

20 MR. RICE: I always like to get the hard stuff out  
21 of the way first. So let's go with the aquaculture enterprise  
22 zone and then we will deal with Black drum and Blue tile fish.

23 MS. WIDMAN: Very good. All right, so I will go one  
24 by one. So the first one up is the aquaculture -- so these  
25 are -- background for any member, so we do scoping before we

1 do a formal regulatory process in order for us to get input  
2 and have more discussions in depth and we take that feedback  
3 and then decide we want to make changes to any ideas, do we  
4 not want to move forward with an idea, do we -- we want to do  
5 it exactly how we scoped it. And then we move with a formal  
6 regulatory process.

7           So the ones that we have essentially regulatory  
8 ideas that we have ideas for you guys today are the  
9 aquaculture enterprise zones, so this is looking at those two  
10 aquaculture enterprise zones that I just mentioned during the  
11 regulation, Jacks Bay and Island Creek. And the -- we talked  
12 a little bit about it in the October meeting, so we are back  
13 with kind of another concept afloat and this would be looking  
14 at the -- removing the aquaculture enterprise zones to take  
15 them out of the reg, they are no longer aquaculture enterprise  
16 zones.

17           Which kind of puts them in no man's land. So they  
18 are open for wild harvest, they are open for people to put in  
19 for a lease, they are open for kind of everything. And we  
20 would essentially have a time period to just leave them open  
21 to everything and then we would come back in at some point  
22 later on this year and potentially look to move those over as  
23 public shellfish fishery areas. So did I get that right?  
24 Dave is there anything you want to add on that?

25           MR. BLAZER: Yes, I just want to add a couple of

1 things. One, the aquaculture coordinating council at their  
2 recent meeting had wanted to keep leasing as an available  
3 option for this area. If you go back to what the aquaculture  
4 enterprise zones were, they were originally established to  
5 allow leasing in those areas kind of an expedited way for lack  
6 of a better term but there never really fully developed  
7 through that process.

8           So but we still have these two AEZs. We are looking  
9 to try to backtrack those but the aquaculture coordinating  
10 county council wanted to be able to maintain them since that  
11 was the original intent of these -- this acreage to be leases.  
12 So they had made a motion at the time to offer this you know,  
13 underdesignate the AEZs, give it a year, see if anybody was  
14 interested in leasing part of those locations and then turn it  
15 back over to the PSFA. Now there has been a lot of discussion  
16 and talk throughout there which is what the scoping process is  
17 designed to do.

18           But we kind of had some conflicting you know groups  
19 kind of targeting looking over these different areas. So that  
20 is what I think the interest is here today to talk about. One  
21 of the -- couple of the other things that have come to light  
22 is that these areas, especially the Island Creek site, it is a  
23 126 acre site, is pretty actively being used right now as an  
24 oyster fishery. There is -- it is a pretty productive bottom  
25 from what we are hearing from a lot of folks.



1           The other site, Jacks Bay is 50 acres. I don't think  
2 one is being used quite as much as the other one, but I may be  
3 wrong. I am sure we will hear about that today. So again  
4 this is kind of a situation where you know there is kind of  
5 competing interest in what would want to go on and what would  
6 want to happen here and this is the whole purpose of scoping.  
7 Why we want to kind of air a lot of this out.

8           And I think that is why you got a lot of people here  
9 today to talk a little bit about some of this issue. So I  
10 just wanted to give a little bit of background in what is  
11 going on. This committee made a motion and recommended to us  
12 to do away with AEZ and make it a public shellfish fishing  
13 area. The aquaculture coordinating council originally wanted  
14 it and said no just don't make it a PSFA, make it a room for  
15 leasing. And then at the last meeting, they kind of came back  
16 and said well if nobody comes in there in a year, then we will  
17 turn it back to a PSFA again.

18           But now we are learning a lot more information about  
19 the site. That it is actually being used and been pretty  
20 productive bottom. So, I just wanted to provide a little bit  
21 of that backdrop for you as we go through. So, Mr. Chairman.

22           MR. RICE: Thank you, Dave. So before I turn it  
23 over to the committee, I would like for this committee to  
24 receive as much information as possible so that you can make a  
25 reasonable decision. Is there anybody here to represent the

1 watermen's group that works down there? All right, where is  
2 the --

3 MR. BLAZER: I am sorry just one other thing, again,  
4 part of the initiation of this was because the Calvert County  
5 Oyster Committee wanted to plant oysters and shell on that  
6 site. So that is what kind of prompted this entire action.  
7 They were looking to be able to use that area. So if --

8 MR. RICE: So if you are representing that group,  
9 Simon, you can use a mic right there.

10 MR. DEAN: Touching base on -- by the way my name is  
11 Simon Dean. Calvert County Oyster Committee co-chair.  
12 Calvert County Watermen as well. Oyster diver and everything.  
13 In April 2017, we chose to with --- seed, Island Creek Oyster  
14 Bar. Two days before the seed was to show up, we were told  
15 you cannot put your seed where you want it, that is in the AEZ  
16 zone. The AEZs were established in 2009. And my recollection  
17 and they have sat dormant, wrapped up in red tape, essentially  
18 leaving the AEZ zones where had been for generations in the  
19 public fishery or yates bars. The historical bars.

20 With that being said, the first page here is our  
21 proposal. We talked to the Department, as our seed was denied  
22 to be planted on Island Creek, this was a proposal with 12 of  
23 the 13 oyster committee members signatures. Asking that it  
24 return to the public fishery. I can't stress enough when I  
25 say return to the public fishery, that needs to happen as it

1 is declassified. If it is declassified(sic), AEZ and goes  
2 just open bottom, it is up for grabs for anybody to come in  
3 and make a grab for aquaculture. And it is a very productive  
4 bottom.

5           And this holder here, on my 2016-2017 harvest  
6 records, I own two boats and I have four guys crew in this of  
7 my harvest records of 599 bushel in three months off of Jacks  
8 Bay and Island Creek combined. There is a --- on the activity  
9 that has been taken place there. This has happened before it  
10 was ever classified AEZ. People around this room have been  
11 diving longer than me and I would imagine have history.

12           When you look at the mats here, the first mat just  
13 gives you a perspective -- the two peach shaded dots are the  
14 AEZs. Jacks Bay and Island Creek. As you can see there is a  
15 donut whole in the public fishery. They were cut directly out  
16 of. Some of the feedback we have gotten since we have put our  
17 proposal in is that this public fish -- they were never in the  
18 public fishery because the public fishery wasn't established  
19 until 2010.

20           But you still have what is known as a Yate's bar and  
21 a historical oyster bottom. So flipping the page to the next  
22 one.

23           MR. GILMER: I have a question since I don't work in  
24 this area but I am a little bit familiar with down there. As  
25 far as from Patuxent River bridge to Broomes Island, were are

1 these in --

2 MR. DEAN: Basically this is from just south of  
3 Broomes Island to St. Leonard's Creek up to Jacks Bay which is  
4 the sanctuary line. The dot -- the old dotted line is now the  
5 sanctuary line.

6 MR. GILMER: So that is more upriver from Broomes  
7 Island right?

8 MR. DEAN: Yes. The Island Creek one is just on the  
9 south side of Broomes Island. So up river about a --- north.  
10 And basically when you look at the Patuxent River, the  
11 pattone(sic) line stops around St. Leonard, so you have  
12 basically five oyster bars up that river for the divers to  
13 work. If these are open to leasing, these divers are going to  
14 lose two of their five bottoms.

15 MR. GILMER: I was just --

16 MR. DEAN: Yes, thank you. Looking at this next  
17 map, you will see where the AEZ has been unhighlighted. And  
18 if you look at the chart to the left, you will see a circle  
19 where the peach or the pink color says "manmade oyster reef"  
20 or oyster rubble. That is past shell plantings from  
21 generations before me, is my understanding but that right  
22 there will tell you that our past generations of watermen,  
23 found interest and found this bottom to be productive. That  
24 is why they chose to put their oyster money there. Their seed  
25 money.

1           That is last year what we were trying to do when we  
2 were shut down because of the status of the AEZ. That is the  
3 Island Creek one that we are looking at on that page. You can  
4 also see the gray area, that is natural oyster bottom or  
5 oyster rubble as well. Oyster reef. That is pretty much it  
6 on that one. Turn the page again and you are back to Jacks  
7 Bay. Jacks Bay is not as large as Island Creek. But it is a  
8 very productive bottom. And this one is saying it is  
9 unclassified.

10           The divers sitting around this room right now didn't  
11 tell you what that bottom is. And it can be classified very  
12 quickly. It is oyster bottom. It is yates bar and it is  
13 historical bar. Flipping the page again. When you look at  
14 this page, it is giving you the regulation as to why we want  
15 this bottom to go to PSFA. And that is because there is  
16 guidelines -- if somebody wants to come in and lease this  
17 bottom, Jacks Bay, Island Creek, they have to jump through  
18 these hoops of one oyster per square meter, one inch or  
19 greater.

20           That kind of scrutiny is tough to meet. Unless it  
21 is oyster bottom -- on oyster bottom, you are not going to  
22 meet that qualification. We don't mind if you know, if you go  
23 back to Island Creek and see that there is a sand edge and you  
24 know if somebody wants to try to lease that. But leave us our  
25 oyster bars. We have lost a lot of good bottoms with the

1 sanctuaries and there is plenty of bottom in the sanctuaries  
2 for leasing. So that is pretty much why this room is -- these  
3 guys are here for stand up for the public fishery. That is  
4 about all that I have got. You all got any questions?

5 MR. RICE: Okay, Troy?

6 MR. WILKINS: Well, I agree with you 100 percent. I  
7 oyster every day too and I think none of this should be going  
8 to the aquaculture and I do have one question. If this went  
9 to a AEZ in 2009, and no one has leased it by now, what are we  
10 waiting another year for?

11 MR. BLAZER: Well one of the issues there was that  
12 because it wasn't a whole lot of interests, there weren't  
13 regulations formed to design the process for the AEZs. So  
14 there wasn't a process for anybody to kind of jump into it.  
15 Does that -- so, with everything else that was going on, this  
16 was one of the lower priorities so again, there was no way to  
17 apply for it.

18 MR. WILKINS: So you made a zone for aquaculture and  
19 there was no way to apply for?

20 MR. BLAZER: We got the authority to set these areas  
21 up and we set them up but then because of all of the other  
22 changes in the aquaculture code, those were focused on first  
23 and this was never established.

24 MR. RICE: Chuck, you got a question?

25 MR. WHITE: My question is, I can give you when I

1 worked there and I been sitting on the oyster committee for 20  
2 some years, 30 some years. And it -- from what I understood  
3 that if a place was shown that you can work a place and you  
4 can correct me if I am wrong, within a three year period, then  
5 it couldn't be leased. And that is my understanding from when  
6 with Chris Judy and everybody else that we would work through  
7 it for years. And that when -- I can hardly even say his  
8 name, Naylor agreed to this too, that it would be a -- as long  
9 as there was harvest off of these areas within a three year  
10 period, that they couldn't be -- my question is that if there  
11 is going to be a lot of proof and I am sure it is going to be  
12 overwhelming proof that these areas are feasible to the public  
13 fishery, why would we waste everybody's time by putting it  
14 back to this where it could be leased when the evidence is  
15 overwhelming that it is not going to happen?

16           So to me it is just wasting -- it is a waste of time  
17 and I know -- I talked to Tim Mullins and he says when he  
18 second the motion I think from John Armstrong, it was under  
19 the understanding that they thought that this was going to be  
20 for the public fisheries. So it was some kind of  
21 misunderstanding there why they requested it that -- and what  
22 you got here lately, that it was a misunderstanding for them  
23 to ask for that?

24           MR. BLAZER: Yes there was a lot of information that  
25 is coming to light now that we didn't have before. We didn't

1 know the amount of harvest that was coming off of here.  
2 Because they were AEZs and again because there wasn't a whole  
3 lot of activity associated with it, we didn't know what  
4 harvest was coming off. The original request was to put seed  
5 and shell down so again we looked at it as okay these must be  
6 unproductive areas but we are getting more information.

7           John Van Alstine called me yesterday and basically  
8 said we didn't know that information either. We were unaware  
9 that this is an active fishery and people were actually  
10 harvesting there. So that is kind of the new information that  
11 has kind of come in since we started this scoping process or  
12 since we wrote this two weeks ago to send to you all. So that  
13 is -- I am kind of touting the scoping system process because  
14 this is all new information that is coming to light that may  
15 change this.

16           So that is why this process -- we didn't know what  
17 was coming off it. It is great to hear Simon say that there  
18 was 599 bushels coming off of there. We didn't have that  
19 data. If you have more, that is great.

20           MR. WHITE: I got 15 days in there and this was 2016  
21 and what falls in the criteria and it is just my boat, caught  
22 348 bushels off of these areas in 15 days. And I probably  
23 didn't write all this -- I mean, to me, Peterson and Island  
24 Creek runs together. You know what I mean, I don't know when  
25 I am down there. I am working all of these areas and it is



1 all -- but I suggested -- I talked to Chris yesterday and I  
2 suggested that the Department has their catch reports, so it  
3 is easy enough for the Department to come up and see what  
4 activity has been going on there.

5 MR. BLAZER: Yes, we do have catch reports but we  
6 don't have specific catch reports to what is on the AEZ versus  
7 what is on the PSFA around it. We don't go to that fine tune  
8 of a scale. So again, you know that was information that we  
9 don't know or don't have in our records so that is why this  
10 process of hearing from folks and having this discussion is so  
11 important. This is valuable.

12 MR. DEAN: To say you don't have catch records --

13 MR. BLAZER: We do have catch records but just not  
14 to the --

15 MR. DEAN: To the scale?

16 MR. BLAZER: Right.

17 MR. DEAN: I can promise you that on Island Creek,  
18 it says Island Creek there within that box. Because that is  
19 the bar. Jacks Bay, that is the bar. It is a strip through  
20 there and that is what --

21 MR. BLAZER: That is where they are coming from.

22 MR. DEAN: That is where they are coming from.

23 MR. RICE: Robert T. your card has been up for a  
24 whole.

25 MR. BROWN: Yes. I am glad to see the oyster

1 committee of Calvert County to take this initiative and be  
2 willing to plant bed, use some of their monies to plant this  
3 area and to bring it back into the public shell fishery. I  
4 think it is a step in the right direction. I am just glad to  
5 see that they are doing something with it because you know, we  
6 are fortunate enough that in that part of the Patuxent River  
7 we are getting some natural spat set. And if it hasn't been  
8 you know, we set up in 2009 and nobody showed any interest  
9 into it now and now you got the public fishery who is  
10 interested into and is willing to spend their money into it to  
11 help improve it even further, it is nothing but go as far as I  
12 am concerned.

13 MR. RICE: Thank you. Russell?

14 MR. DIZE: Well if it has been six or seven years  
15 and it has just been sitting there, no one is leased it, what  
16 bothers me about it is, we have Mr. Dean here representing  
17 Calvert County shellfish -- shell group and what is going to  
18 stop somebody now before this gets concluded, I believe these  
19 guys. I believe what they say is what is there.

20 What is going to stop somebody from trying to get a  
21 lease on it now and stop them from doing what they want to do?  
22 See that is what you get tied up into something like this  
23 where someone is trying to do good for the county -- for the  
24 oyster business and someone could come in now -- what is the  
25 starting time of the year that the State wants to wait? From

1 what to what?

2 MR. BLAZER: Well, we haven't established that. I  
3 mean --

4 MR. DIZE: So but it is going to be after today,  
5 right?

6 MR. BLAZER: Well and again this is why we scope  
7 things to get ideas. If there is opposition to it? If there  
8 is support? You know, if people were supporting this, we  
9 would ask for a recommendation, would it be 8 months, would it  
10 be 12 months, would it be 16 months -- those are the types of  
11 things that we look for in the scoping.

12 MR. DIZE: I understand that, Dave but you  
13 understand what I am talking about now and if say February 16,  
14 from that day a year, what is going to stop somebody from  
15 going in where these guys are working and trying to lease that  
16 between then and then the -- through up your hand, well we  
17 can't do anything about it because somebody is trying to lease  
18 it.

19 It falls into that trap. These guys are trying to  
20 do something good and it looks like to me that the aquaculture  
21 people are trying to limit them from doing something good.  
22 Because they are not doing anything for this body of water.  
23 Not there. These guys are and I think this committee should  
24 vote to support the Calvert County group and getting this back  
25 to where they can work it and where it is public bottom.

1 MR. RICE: Absolutely. You have something to help  
2 with Russell's --

3 MR. : Yes, sure, just to comment on it.  
4 So there is not a leasing program for these areas. So nobody  
5 can obtain a lease and no one or there hasn't been a leasing  
6 program implemented for the AEZ since they were established.

7 MR. DIZE: I understand that.

8 MR. : So they can't --- these.

9 MR. DIZE: Well, what is going to happen if -- why  
10 did they ask for a year? Why not just say go ahead, you guys  
11 go ahead and do it? They asked for a year because there may  
12 be a group that wants to lease it.

13 MR. : Prior to -- prior to receiving the  
14 other information --

15 MR. DIZE: You might say that now. But what I am  
16 saying is once it becomes a deadline of one year, what is  
17 going to stop somebody from coming in or a group trying to  
18 lease that bottom and these guys are making their living off?  
19 Nothing.

20 MR. : If we follow that path. But I  
21 think the discussion right now is we have additional  
22 information that would not allow us to follow this path, that  
23 is why we are reaching out for comments.

24 MR. DIZE: Well that is why I would like to make a  
25 motion that this group here back these guys.

1 MR. RICE: I will tell you, Russell, hold your  
2 motion for one second. Dave, you got a comment?

3 MR. BLAZER: Yes. And I didn't finish my thought  
4 about what John Van Alstine's call to me yesterday was. One  
5 of the things that he talked about with me was he didn't know  
6 that this was productive bottom. And he -- he doesn't want  
7 this area to be leased if it is productive bottom because  
8 again the aquaculture folks and the leasing folks recognize  
9 you know, they don't want that advantage of going in and  
10 putting the lease around where there is natural oysters  
11 growing.

12 That is not right for the public fishery and that is  
13 not right for aquaculture and that is not right for somebody  
14 coming in there to lease that. So John was telling me, he  
15 said look, I made the motion and we didn't know it was very  
16 productive bottom and we didn't know what was on the bottom.  
17 We didn't know either. We haven't surveyed it. So now we are  
18 getting information that says yes it is productive and then  
19 John called and said, look we wouldn't want that area to be  
20 leased because that is already being used and that is already  
21 being accessible.

22 So you know, I think the aquaculture coordinating  
23 counsel, the members that we have talked to in the last 48  
24 hours are recognizing that. So again when we mailed this out  
25 or e-mailed it out a week ago or so, this was kind of a

1 discussion but you know, the Calvert County crew who I think  
2 there is a lot of them here today have brought more additional  
3 information to us that we didn't have a week ago. So, this is  
4 why the process -- I am excited that the process works.

5 MR. RICE: Okay, David I am going to go to you and  
6 then Russell I am coming back to you.

7 MR. SUTHERLAND: So my only comment is, and thanks  
8 for that Dave because I mean, that is kind of what I was  
9 thinking. This is a tail wagging the dog. I mean, think  
10 about it. And you know people have been working there and now  
11 you are going to ask them after the fact, after you draw a  
12 line around it. I mean, I have been in the land conservation  
13 business my entire life and I have learned a lot of lessons in  
14 that process about people and how you impact industries and  
15 respect people that work in the land and the water. But this  
16 is a tail wagging in the dog.

17 And I would -- I think you have to go forward and  
18 make a motion -- Russell and I mean, and move this down the  
19 road. This is not the right thing to do. You got to support  
20 what you are doing and support what local watermen have been  
21 doing. They document it and I am embarrassed that we have  
22 actually asked them to come in here and support themselves and  
23 have to prove themselves for something that they have been  
24 doing for a long time. That is my personal opinion.

25 MR. RICE: Does somebody on the phone line have a

1 comment?

2 MS. : Aubrey did you still have a comment?

3 MS. VINCENT: (On telephone) Yes, I did. I have a  
4 comment. If I am --- if I am not, please let me know. But it  
5 reads as if these zones exists but there -- the rules as far  
6 as leasing them haven't been developed at all is that correct?

7 MR. BLAZER: Correct.

8 MS. VINCENT: Okay. So if we are concerned about  
9 someone else leasing them, would it make sense to not  
10 eliminate them but to make sure that they are only leased  
11 through county oyster committees so therefore it wouldn't be  
12 an issue of them being leased somewhere else or someone then  
13 trying to put a lease -- if there is any issues of putting in  
14 a public fishery area, wouldn't it just make sense to just  
15 only lease them to the county for the type of work that they  
16 want to do since it is -- I mean, it fits the original purpose  
17 of why these zones were created it seems like to me.

18 MR. DEAN: Well right now the bottom is state bottom  
19 but we want to seed with MDOT and state funds. That we --

20 MS. VINCENT: You can't do that if it is your lease?

21 MR. DEAN: Why do we want to lease it now when we  
22 can work it as a public fishery? We don't need to make a grab  
23 as a small group. And no -- I don't think we can put state  
24 funds on a private lease.

25 MR. WHITE: And it causes another controversy

1 because it is other counties that work these areas. That  
2 would just limit it to one county.

3 MR. RICE: All right, Moochie did you have something  
4 you wanted to say before --

5 (Whereupon, the parties are speaking simultaneously)

6 MS. VINCENT: You are thinking it is going to create  
7 a conflict between the --

8 MR. GILMER: I think it is about time for a motion.

9 MS. VINCENT: -- counties and you want to just be  
10 able to just put it in the public fishery, you don't want it  
11 to have any type of encumberments at all?

12 MR. DEAN: Correct. We need it to be returned to  
13 the public fishery so that it can't be leased and then --

14 MS. VINCENT: Right so there is no encumberment. So  
15 if I am from Dorchester and I want to come harvest there, I  
16 can come harvest there if I need to?

17 MR. DEAN: Correct.

18 MS. VINCENT: Okay.

19 MR. GILMER: My question is, has this scoping  
20 actually been -- it is out for public scoping now or is this  
21 just being written now?

22 MR. : It is coming to you all first.

23 MS. WIDMAN: Yes, we come here first.

24 MR. GILMER: Okay so what Russell is saying I hope  
25 that we change how this is written. I just didn't know whether



1 this was already out or not. That was my question.

2 MR. RICE: Okay, thank you, Moochie, that was a good  
3 point to make. Russell?

4 MR. DIZE: Do you want the motion?

5 MR. RICE: Yes, sir.

6 (MOTION)

7 MR. DIZE: I make a motion that this committee backs  
8 the Calvert County Shell Association -- shell group and have  
9 this turned back to public bottom so that they can keep on  
10 harvesting as they are harvesting now.

11 MS. : Can we add to that that we put in no  
12 leasing options until that happens? Should we put that in  
13 there to make sure -- okay.

14 MS. WIDMAN: Can I just point of clarification. We  
15 can -- if the advice and Department move forward with putting  
16 this into moving them -- getting rid of the AEZ and making  
17 them public shellfish fishery areas, we would do that as one  
18 regulatory package. So it all happens simultaneously and they  
19 would delete this reg and show up along PSFA reg.

20 MR. : And the one year thing would be  
21 gone.

22 MS. : Okay.

23 MR. WHITE: Because you are wasting everybody's time  
24 if it is overwhelming evidence. I mean, it is a waste of time.

25 MR. RICE: All right, does that complete your

1 motion, Russell?

2 MR. DIZE: Fine.

3 MR. RICE: Okay, I need a second on the motion.

4 MR. JEFFRIES: I second.

5 MR. RICE: Second by Ken.

6 MR. WILKINS: Was that with the one year --

7 MR. RICE: Yes.

8 MR. WILKINS: It will be automatically --

9 MR. SUTHERLAND: Can you restate it then so that we  
10 all know what it is?

11 MR. RICE: You want me to?

12 MR. SUTHERLAND: You have done such a great job.

13 MR. RICE: You want me to? I can try? You got it.  
14 Go ahead, Dave, you take this one.

15 MR. BLAZER: So I will try it. TFAC advises the  
16 Department to back or support the Calvert County request to  
17 turn the AEZ areas back to public bottom to the PSFAs.

18 MR. RICE: Do you need to name the two areas or --

19 MR. BLAZER: There is only the two that we have.

20 So.

21 MR. RICE: All right, I just want to make sure that  
22 we don't miss nothing.

23 MR. GILMER: So with that Dave, you are saying the  
24 one year thing is out?

25 MR. BLAZER: The one year thing comes out. So

1 basically it would be -- we reclassify the AEZs to a PSFA,  
2 that is the motion in a nutshell.

3 MR. RICE: Okay is that good with a second? All  
4 right, thank you.

5 MR. : And second.

6 MR. RICE: Yes. All right, with no further  
7 discussion heard, all those in favor, signify with saying  
8 "Aye".

9 (Chorus of "Aye")

10 MR. RICE: All those opposed?

11 (No Response)

12 MR. RICE: All those who abstained?

13 (No Response)

14 MR. RICE: Motion is also unanimous.

15 MR. BLAZER: Got it.

16 MR. RICE: All right, thank you. Thank you all very  
17 much. Okay, Sarah you can continue on.

18 MS. WIDMAN: All right, so the next item for -- so  
19 again these are coming to you guys first and we took them to  
20 sport fish on Tuesday and we are taking your comments back and  
21 then based on that, we would try to move forward with some  
22 sort of public scoping on our website and whatnot after that  
23 point. So none of these have gone out anywhere on our website  
24 yet. Except as this hand out.

25 All right, Black Drum. So this was through ASMFC.

1 We have gone and spoken with them previously. There has been  
2 a recent stock assessment showing Black Drum stock as healthy  
3 and so based on that, we were asking if which Dave had a  
4 really good explanation of this so I will try not to bungle it  
5 but essentially we went to see if they would be okay with us  
6 trying to do some sort of limited -- because it sounds more  
7 like a bycatch fishery.

8 MR. RICE: Excuse me, can I interrupt you for a  
9 minute?

10 MS. WIDMAN: Sure.

11 MR. RICE: I see a lot of people moving and I think  
12 it is something that is very important and I would like to say  
13 it. Rachel before you leave, I would like to personally thank  
14 you for your un -- your fantastic service on this committee.  
15 You are an extremely valuable participant and there is not  
16 enough that I can say to let you know how much you are going  
17 to be missed.

18 MS. DEAN: Thank you.

19 MR. RICE: And I appreciate you.

20 MS. DEAN: Thank you.

21 (Applause)

22 MS. DEAN: I am going to Disney World. Thank you  
23 guys. Keep up the good work.

24 MR. RICE: You will have a lot more spare time.

25 MS. DEAN: Yes, thank you guys.

1                   MR.                   : We are going to worry you to death  
2 when we want to know something. Don't think you are off the  
3 hook.

4                   MR. RICE: Oh don't worry, she is going to worry  
5 somebody to death. Thank everybody. And I apologize, I  
6 didn't want to let her get away without --

7                   MS. WIDMAN: Understand. All right, so we will  
8 start back over. So we went and talked with ASMFC based on  
9 the fact that Black Drum stock assessment showing a healthier  
10 population. If there would be acceptance from that level for  
11 us to re-open the Chesapeake Bay Commercial Fishery, a 28 inch  
12 minimum size, 10 fish per vessel per day with a vessel limit  
13 of approximately 500 pounds per vessel per day.

14                   So we got acceptance of that. So we are bringing it  
15 out for scoping at the state level now to do that. Does that  
16 make sense? Did everyone follow that -- my bungled  
17 explanation of that? We don't have a commercial fishery open  
18 for it right now and this would provide us with a small  
19 limited fishery.

20                   MR. BLAZER: And just a real quick clarification,  
21 ASMFC we have proposed that to ASMFC, the technical committee  
22 supports it but it hasn't been officially approved which we  
23 hope will happen at ASMFC in two weeks. Ken?

24                   MR. JEFFRIES: A couple of questions. I guess once  
25 it gets approved is there any restrictions on how they are

1 caught? Is it open to pound net, gill net, hook and line? Or  
2 is that something discussed at a later date?

3 MR. BLAZER: We will take a recommendation now but  
4 it was primary --

5 MR. JEFFRIES: My -- it was 10 of them a day when  
6 the fish are anywhere from 20 to 50 years old, doesn't take  
7 long to deplete that stock and that would be my only question  
8 of the whole thing.

9 MR. RICE: Steve?

10 MR. JEFFRIES: 10 a day per boat, that could get out  
11 of hand quick.

12 MR. LAY: The sport fish group that I attended their  
13 meeting on Tuesday did also have some questions about this.  
14 They did not want to create a targeted fishery. They said a  
15 small bycatch from an existing fishery like the pound net may  
16 be acceptable. With like Ken just said, the big fish being  
17 the spawners and they live quite a bit, you may look at  
18 management backwards on this issue by saying that you can only  
19 take fish under a certain size. So that you wouldn't be  
20 targeting all these big females that are many years old.

21 Sport fish did move to -- move this along to scoping  
22 and public comment. But they did have a lot of reservations  
23 about creating a targeted fishery like if we were going to  
24 allow hook and line fishing or gill net fishing or something  
25 for it they were not interested in that. But maybe a bycatch

1 out of a pound net for a small number of fish may be  
2 acceptable to them. So we got to make sure that we don't ask  
3 for too much if we really want this to get through.

4 MR. RICE: Robert T.?

5 MR. BROWN: I believe at one of the pound net  
6 meetings this was brought up that possibly they could have a  
7 bycatch -- the pound netting industry could have a bycatch of  
8 these. You know, maybe 10 fish. And it isn't like you catch  
9 them every day. You know you think just because you allow  
10 them to catch every day, it is mostly in the lower part of the  
11 Bay that you catch a few and some days you may have some and  
12 some days you won't have any.

13 It is very seasonal. So I mean, I don't see  
14 anything no matter with having it for a bycatch and then just  
15 look at it. You know after a year or so see how it is going  
16 and what is being caught and since it is the fishes and you  
17 know the Atlantic States Marine Fisheries Commission is saying  
18 that it can be re-opened to commercial fishing. You got to  
19 realize, it is very seldom that you hear the Atlantic States  
20 Marine Fisheries Commission opening up anything for us, most  
21 of the time they always take it.

22 MR. RICE: Moochie?

23 MR. GILMER: If this goes to the Atlantic States  
24 Marine Fisheries, will we have a number of fish we can catch  
25 or a number of pounds we will catch? I mean, what do you --

1 how do you think it would come out of there, Dave?

2 MR. BLAZER: What we have proposed to them is these  
3 would be kind of be our maximum limits. We would have a 28  
4 inch minimum size, 10 fish per person per day or a limit of  
5 500 pounds. So you know some of the other states already have  
6 those types of limits in place ask kind of a bycatch. There  
7 is not much of a targeted fishery for Black Drum. So we were  
8 just trying to mirror and find out if ASFMC would approve  
9 something like this, so we could you know -- the idea is once  
10 we get ASMFC approval and we at the same time go through  
11 scoping, get some comments, get some feed back, do we need to  
12 tweak or is that acceptable to folks?

13 We just looked what other states had and thought  
14 well we might be able -- because again we were looking for a  
15 bycatch operation. Will they approve it? And they we tweak  
16 it as we go through. So if you got any recommendations, it is  
17 the --

18 MR. GILMER: It is not my fishery and that is the  
19 reason why I was just curious of what was still on the table.

20 MR. RICE: Steve did you have something?

21 MR. LAY: Yes, one comment that the sport fish group  
22 had that I failed to mention was that these fish are part of  
23 the charter boat fishery. They may supplement their rockfish  
24 trips either as a result of maybe not catching many stripers  
25 and want to go after these fish or after they have caught



1 their limit. A rockfish adding something else to their trip  
2 for their customers. And they didn't want to let this  
3 commercial side get out of hand because it is an important  
4 part of the charter boat fishing industry.

5 MR. RICE: Somebody else have anything to add?

6 MR. WILSON: I believe it if is opened up for a  
7 bycatch, it should be to all --- because the gill net fishery,  
8 we have caught some with the smaller nets -- not very many,  
9 you don't catch very many but if you do, and it is a bycatch  
10 for commercial, it should be for all fisheries. Virginia does  
11 have a gill net fishery on it but it is by permit only and  
12 very limited. Very limited. But they do have a bycatch of  
13 one fish per boat per day per trip. Or per boat per day, not  
14 per trip. Per boat per day before anybody can catch it -- if  
15 you have to be in the gill net fishery or hook and lining for  
16 other species commercially.

17 So, I don't think -- I mean, I don't want to open up  
18 a can of worms but I don't see with them being the type of  
19 fish they are that we would ever be targeted any time in the  
20 near future by the commercial -- but I think we ought to be  
21 able to if we do open it up for a small line(sic) catch, that  
22 it ought to be for all fisheries.

23 MR. RICE: Well, Dave, won't this flow if ASMFC  
24 approves it, then isn't it more or less going to be kicked  
25 back to us to fine tune like we just kind of discussing right

1 here?

2 MR. BLAZER: Right.

3 MR. RICE: So kind of putting the cart before the  
4 horse in a way.

5 MR. BLAZER: Yes. And again --

6 MR. RICE: I know we are getting good discussion  
7 but.

8 MR. BLAZER: -- right and again this is just scoping  
9 for us to kind of get some ideas as they go through. And I  
10 was corrected, this probably won't be approved by ASMFC until  
11 May because we have to do an addendum to the Black Drum  
12 management plan and that will be initiated in two weeks. So  
13 sorry I was a little quick on the process.

14 MR. RICE: So it is a year away anyway at the best  
15 of it probably by the time you go through all of the bells and  
16 whistles and --

17 MR. BLAZER: Yes.

18 MR. : Late fall at the earliest.

19 MR. BLAZER: Well and I don't think it would happen  
20 for this --

21 MR. RICE: Fishing season.

22 MR. BLAZER: -- when Black Drum show up in May or  
23 June, I don't think it will be in -- it will be later than  
24 that.

25 MR. : When it comes back, it will be like

1 stripe bass, then we can talk about maybe some flexibility  
2 within that.

3 MR. BLAZER: Right.

4 MR. : From a regulatory perspective.

5 MR. BLAZER: But those are the maxes.

6 MR. JEFFRIES: Flexibility -- My only concern is the  
7 flexibility --that is my only concern. That seems like more  
8 than bycatch.

9 MR. WHITE: What is the limit -- I guess you can  
10 answer that, Ken, as far as recreational or charter boats for  
11 that?

12 MR. JEFFRIES: One per person.

13 MR. WHITE: One per person.

14 MR. JEFFRIES: But I have never seen a boat come in  
15 with more than four or five of them. We don't fish for them  
16 but the guys like that at Chesapeake Beach, that is a big  
17 fishery late May or early June.

18 MR. RICE: David?

19 MR. SUTHERLAND: Yes, I was just going to comment,  
20 first of all I think we should focus on the benefit for the  
21 charter boat industry because it is a -- I mean, I think it is  
22 important as an add on to rockfishing, as you stated before.  
23 And I was just going to comment, Dave, not to contradict you  
24 but you had said 10 fish per person and it is 10 fish per  
25 vessel.

1 MR. BLAZER: Oh I am sorry.

2 MR. SUTHERLAND: Just clarifying that. So that is  
3 all.

4 MR. BLAZER: Yes, I am sorry.

5 MR. JEFFRIES: I don't have a problem with it  
6 because the state said it is healthy, the only thing I was  
7 questioning is how and maybe the number 10.

8 MR. BLAZER: Right.

9 MR. SUTHERLAND: How do you move forward on the  
10 regulatory side? Let's assume that Atlantic State says move  
11 forward, what is the process for us moving forward on how to  
12 comment or have input and focus on it? I mean, not to just  
13 kick the can down the road or --

14 MR. BLAZER: So a couple of ideas. One is -- this  
15 is the purpose of scoping. Is we have some ideas, you know  
16 maybe not excited about the 10 per vessel. Maybe 5 per vessel  
17 is more appropriate. Or you know, so we are getting some of  
18 those comments now and then we will bring those back and maybe  
19 we will come back and talk to you all before we go out with a  
20 regulatory proposal and say, hey this is what we heard at  
21 scoping, this is what we think we will propose via regulation,  
22 what do you guys think? And before we publish that, obviously  
23 you all would have a say in that.

24 So what -- the way I see the process of scoping is  
25 you guys get to see this first. Before we put it out on the

1 web and Facebook and all that other stuff and get public  
2 comment back on scoping, we will hear a lot of that. We will  
3 take a lot of that information. We hope that you all will  
4 talk to folks and say well is this good, bad -- if you tweak  
5 it, how would you do that.

6           And then at the next meeting, we would develop the  
7 regulatory plan where we would come up with something and  
8 propose it to you and you would recommend tweaks and then we  
9 would go through the regulatory process. One of the reasons I  
10 thought at the last meeting or in the meeting the other day  
11 with sport fish, we talked a little bit about scoping. And  
12 scoping is a very valuable process because when I was here 25  
13 years ago, we used to develop regulations and then we would  
14 propose the regs.

15           If you had to go back and change the regulation, you  
16 are basically starting over. And after you have already  
17 invested 60 to 90 days, you want to go through it again for  
18 another 60 to 90 says. So the scoping process is so that we  
19 discuss a lot of these issues prior to so that we can kind of  
20 fine tune the regulatory proposal so that we don't have to re-  
21 propose if there is significant changes.

22           MR. SUTHERLAND: So it is approved in May and then  
23 the regulatory side -- when is it actually proposed? I  
24 mean --

25           MR. JEFFRIES: It would be through the summer and by

1 then, they are gone.

2 MR. BLAZER: Right. So again I think as Billy  
3 mentioned, it will be probably be before next fishing season.

4 MR. JEFFRIES: If there is not something in place by  
5 July 1st, those suckers are gone by then.

6 MR. BLAZER: Right, right.

7 MR. SUTHERLAND: So we have to do something quick.

8 MR. JEFFRIES: If anything, we got plenty of time  
9 because it wouldn't be until next year.

10 MR. BLAZER: Right, right.

11 MR. RICE: That being -- Russell?

12 MR. DIZE: I was just going to ask Dave or Mike,  
13 have you had any communication with the technical committee  
14 from ASMFC?

15 MR. BLAZER: Yes, they are supportive of this.

16 MR. DIZE: They are supportive?

17 MR. BLAZER: Yes. And the timing thing, we would  
18 like to scope this though so that we can get it out and get  
19 feedback and that will help. And then when we come back to  
20 this committee in April, then we will have a better idea based  
21 on what we have heard. So I don't want to table this or pick  
22 a --

23 MR. RICE: That being said, that is beneficial to us  
24 because we are going to know what other people are thinking  
25 when we get to discuss it.

1 MR. BLAZER: Right, right.

2 MR. RICE: So I recommend moving forward with that  
3 if we could. Is everybody in agreement?

4 (Chorus of "Yes")

5 MR. RICE: Okay, thank you. All right, well Sarah  
6 move into your next one.

7 MS. WIDMAN: All right, next one is blue line tile  
8 fish. So this is really managed under the South Atlantic  
9 Council. We have had tile fish and snapper and grouper and  
10 our regs here are now to align with them. So they are asking  
11 through that whole process for some changes to line the coast.  
12 So specific to commercial, this will be a new limit for  
13 tilefish of 300 pounds of gutted weight of blue line tile fish  
14 per trip. And then requiring a specific permit related to  
15 that.

16 And then also for dealers, there is apparently a  
17 tile fish dealer permit that would be required. Questions on  
18 that one. It is a lot out there but it is mostly pared down  
19 hopefully to what I just told you.

20 (No Response)

21 MS. WIDMAN: Okay. Kind of flying from our earlier  
22 discussion. So we actually have public shellfish, fishery  
23 area that has gone through that declassification process that  
24 Simon talked about on the AEZ. So this was from a ---  
25 request. It has been a couple of years in the process now, it

1 was back in 2016. So we are getting to the point now where we  
2 are scoping the declassification of it based on it meeting the  
3 criteria that was in that reg in that handout you guys have  
4 just received. So we would move ahead with declassifying that  
5 portion as requested. Questions, comments on that.

6 MS. SINDORF: You are on B, is that were you are?

7 MS. WIDMAN: Yes, public shellfish fishery area.

8 MR. WILKINS: Yes, I got questions on -- really on  
9 the one on Queen Anne's. This is I guess the same thing.  
10 Our shell community -- guest number 2, PSFA 80. Just Lee ---  
11 was very good to work and moved his lease around to  
12 accommodate us which we really appreciate but our Queen Anne  
13 County Shell Committee is not in favor of declassifying any of  
14 the public bar anywhere. And one of our concerns is if we  
15 declassify this right here, how about the pier right next door  
16 if he was to declassify in that area too. Where we going to  
17 stop at?

18 Where I worked at today, if someone come out there  
19 and decide they want to lease and there is no oyster there in  
20 that one square meter where that square meter was at, then you  
21 are opening that up too. So where do we stop it at?

22 MS. WIDMAN: That -- so these have met that criteria  
23 that is in the regs. So there is a reg that has the criteria,  
24 the one oyster per square meter. So that is what we go on  
25 now. So there was -- you know, you can always change that but



1 that is the process we have laid out currently. So that is  
2 how these two came to each day. They met the criteria in the  
3 current regulation that we have.

4 MR. WILKINS: Yes, I talked to Rebecca about it and  
5 I still -- like when I got this one right here, there was  
6 right from the get go, if it had come to us with just  
7 declassification in it, we would have opposed it right then.  
8 And I didn't -- where there is no -- not that I can remember  
9 if there was anything to do with that.

10 Now that we have done went through all of this and  
11 approved it and all, now we are coming to something that is  
12 all new to us is the declassification.

13 MS. WIDMAN: Now there is a second part, let me --  
14 okay. So we would -- so it is kind of two part with the  
15 leases. So these folks had interest in certain areas, they  
16 came to us and asked us to survey based on that criteria that  
17 you talked about. We found yes, meets the criteria and so we  
18 are at the point where we would declassify them which would  
19 open them to the lease. But then a second part would start  
20 and these individuals that want a lease have to go through the  
21 whole leasing process of are there any -- they have to put it  
22 in newspapers and does anyone protest the lease and then there  
23 is that whole process that would have to occur before a lease  
24 would be issued in these areas.

25 MR. WILKINS: So what you are saying is this is just

1 the beginning of the declassification part?

2 MS. WIDMAN: Declassification would be step one.

3 But then in order for it to be leased, it would have to go  
4 through the whole leasing process where people could protest  
5 it or you know have concerns on it and go through the formal  
6 lease process that way.

7 MR. WILKINS: Already went through the --- process  
8 and now this is another one.

9 MS. WIDMAN: Karl is telling me that part has been  
10 done for these yes?

11 MR. WILKINS: The first part has already been done.

12 MR. ROSCHER: So the first part has been done. The  
13 declassification part that Sarah was talking about. We are  
14 done with -- we looked at harvest records and went out and did  
15 the biological survey and determine these areas were barren  
16 bottom. Now the scoping is to complete the declassification  
17 process and that is why we are bringing it to your attention  
18 now.

19 In this case, it is a half acre area in front of the  
20 individual's house and each one of these processes are  
21 separate and distinct. So I know there is some concerns over  
22 setting a precedent but that is not the case. Each one has to  
23 go through the same process and same public scoping and same  
24 request for information, same declassification process. That  
25 this went through -- so there is -- this doesn't open the door

1 for anything to happen automatically. Everything would be  
2 reviewed in the future.

3 MR. WILKINS: Yes, but every one of these piers that  
4 you are looking out on this map, they went through the same  
5 thing And now they are just gone like this.

6 MR. ROSCHER: Well we would have to go out and do a  
7 survey on each of those -- there is oysters found and there  
8 is --

9 MR. WILKINS: I understand that.

10 MR. ROSCHER: -- and there is cults(sic) found on  
11 the surface and that wouldn't meet the criteria.

12 MR. WILKINS: I understand that. But what is --  
13 what is -- if you open this can where it is going to stop at?  
14 That is -- I understand that you are going to go out there and  
15 look. But your look and my look might be two different looks.  
16 You understand what I am saying? You might look here and not  
17 see an oyster and I might be able to go over there and find  
18 one. So your look and my look could be two different things.  
19 And then if we just open this up, where is it going to stop?  
20 And when is it going to stop?

21 MR. ROSCHER: This is a process that is already in  
22 place in regulation.

23 MR. WILKINS: The process for us is -- in my opinion  
24 as the chair of the shell committee, I am at the bottom of the  
25 totem pole on the list with the lease bottoms. When I get

1 them, you all have done everything -- everything that you are  
2 going to do and it is okay. But when it comes to me, the only  
3 thing I got to say is I have a phone call to make and hey  
4 somebody crabs there but well, you don't take that into  
5 consideration. You know, somebody does this there and  
6 somebody does that there. And I have told this to Rebecca  
7 several times. You all don't take that into consideration.  
8 By the time the chairs get it, it is well down the road.

9 MR. ROSCHER: Actually we do take it into  
10 consideration. It is not required under the current legal  
11 requirements --

12 MR. WILKINS: I understand that.

13 MR. ROSCHER: -- but we do take those comments into  
14 consideration.

15 MR. WILKINS: I understand that.

16 MR. ROSCHER: We do.

17 MS. SINDORF: Is it typical to take public fishery  
18 and request it this way?

19 MR. ROSCHER: No there is a process outline that  
20 allows for declassification of a portion of a public shellfish  
21 fishery area and the requirements are very strict that the  
22 Department has to check harvest records and then go out and do  
23 a density -- oyster density survey in the area. To make sure  
24 that the density is not above one oyster per square meter  
25 which was an agreed upon number through watermen/shellfish

1 aquaculture folks, the Department and others that if the  
2 threshold or the density of oysters is above that then it  
3 can't be leased because it is considered to be an area where  
4 folks can make a living. So those surveys have been completed  
5 on these two. We are putting it out for scoping now to get  
6 comments back on if there are any additional concerns that may  
7 have not been taken into consideration.

8 MS. SINDORF: So where does trout line sites as well  
9 as pot placement -- crab pot placement play into that  
10 evaluation?

11 MR. ROSCHER: Yes, so that would come in earlier in  
12 the process. So we wouldn't be to this point if we felt like  
13 there was an issue associated with this lease related to one  
14 of those other activities.

15 MR. SUTHERLAND: That has been evaluated is what you  
16 are saying?

17 MR. ROSCHER: Correct.

18 MR. BROWN: Karl, has it been -- I heard you say a  
19 minute ago that you are taking into consideration about it  
20 being a piece of ground that the crabbers worked on and  
21 whatever. Has it been either a piece of bottom that was  
22 denied or leased because crabbers?

23 MR. ROSCHER: Modified yes.

24 MR. BROWN: It has been modified?

25 MR. ROSCHER: Yes. There has some in the Choptank

1 that have been modified.

2 MR. BROWN: Another question, did this bottom right  
3 now that is under the H bars, it is more less like an area  
4 that the watermen have -- like the crabbers have or the crab  
5 potters or the trot liners or whatever, that they know that it  
6 is pretty much safe for them to keep into their industry and  
7 not be picked on. And just like Troy said, right at -- if  
8 they got all of these piers and this man gets five acres here  
9 and then the next man that says I want to get five at mine,  
10 well just like he said, where is this going to stop at? I  
11 mean, when it starts to interfere with the crabbing, when is  
12 it going to be that existed industry like the crabbers and the  
13 clambers have an input on it?

14 I mean, you are talking about millions of dollars of  
15 income to the state economy, when is that going to say hey  
16 look this is going to really interfere with the crab --- oh  
17 you can't have that. Or the clambers, especially the  
18 clambers, they have no rights at all it seems like to me.

19 MR. ROSCHER: So it stops in the review process when  
20 we go out for public notice and we get those comments back or  
21 something is discovered. Whether there is a fishery impact to  
22 striped bass or crabbing early in our process. If it looks  
23 like the issuance of a lease would prevent individuals from  
24 continuing to make a living in an area where they had in the  
25 past, you certainly can take that into consideration and deny

1 those applications because of the comprehensive impact  
2 associated with additional leases in one area.

3 In this case, trotlining -- if there is trotlining  
4 in the area around where Mr. B has applied, and there is --  
5 there continues to be additional applications filed, we would  
6 take that into consideration and at the point where it looks  
7 like there could be an impact to prevent those individuals or  
8 the crabbers from making a living and then we would make a  
9 decision based on that information that we had.

10 So it is -- this -- to keep it in perspective, I  
11 understand what Mr. Wilkins is saying but it is a half acre  
12 area in a public shellfish fishery area that is barren bottom  
13 that we found. So the impact of this particular application  
14 which is what this scoping -- well two, but what this number  
15 two is about is that specific application not what is -- I  
16 understand the concerns but as I have said that is a bigger  
17 issue that we take into consideration and will address.

18 But as far as this goes, it is a half acre area with  
19 a PSFA with a barren bottom.

20 MR. BROWN: One more question and I believe we  
21 discussed this sometime before. But is there some way just as  
22 soon as a piece of bottom that is put in for that crabbers and  
23 clammers and oystermen be notified of it on the -- before it  
24 gets so far down the process? So that they will know exactly  
25 what is going on?

1           MR. ROSCHER: Yes, so as far as clammers go, the  
2 Department has been working with commercial clamming  
3 representatives and we have established the process that we  
4 are going to implement February 1st to notify the clamming  
5 representatives one from each county earlier in the process,  
6 so they have the opportunity to work with the applicants to  
7 see if the lease areas could be modified to address their  
8 concerns.

9           So we are hoping that that will help offset some of  
10 these issues that we have seen or conflicts that we have seen  
11 later in the process. And it makes it easier to make  
12 adjustments to the proposed site earlier in the process. So  
13 that is under way.

14           MR. BROWN: Okay, if you have criteria to say  
15 whether it is dense(sic) bottom, when they go take a -- or  
16 need to sample so many oysters you know, it is less than so  
17 many oysters per square meter, do you have something the same  
18 way going to be set up for the clammers if you come in and  
19 test the bottom to be done. It is going to be maybe if they  
20 catch -- I don't know, a third of a bushel or a quarter of a  
21 bushel? I mean, what would be the criteria? When do you  
22 determine that it is clam bottom?

23           MR. ROSCHER: There hasn't been a criteria  
24 established yet but that is being discussed.

25           MR. BROWN: Okay. I think it is needed.



1 MR. ROSCHER: Thank you, sir.

2 MR. RICE: Russell?

3 MR. DIZE: Well another point. We just finished a  
4 case in Talbot County and cost us \$15,000 to fight a case for  
5 the clammers in Hunting Creek and Miles River. We had the  
6 case thrown out of court in Circuit Court. And it was over a  
7 piece of ground that this person tried to lease and the  
8 clammers have been working for the last I don't know when, 10  
9 or 15 years. So our lawyers got in touch with the State of  
10 Maryland and the State of Maryland said well, even we would  
11 have to bring another case against DNR and DNR said that clams  
12 were not a public shellfish.

13 And this case only oysters were. Now how in the  
14 world can we tell the clam industry that it is not a public  
15 shellfish -- it is not a shellfish, clams aren't a shellfish.  
16 That is what we were told. You know what our lawyer told us?  
17 Costs us -- if we went on with it, costs us another \$30,000 to  
18 fight it, so we are looking at \$45,000 in one case to say that  
19 it is clam bottom. But you said there is no clam bottom.  
20 None. That is what we were told in the case.

21 That there is no clam bottom. No designated clam  
22 bottom period. And that they would be looking at it. We  
23 always figured that if it wasn't oyster bottom, it would be  
24 clam bottom. Now, there is no clam bottom. So this is pretty  
25 discouraging. I mean, these guys fought this case in good

1 conscience to try to preserve this for public clam bottom.  
2 And they lose it not to the Court, the Court sided with us.  
3 But because the Department said there is no such thing as --  
4 or that done, a soft shell clam isn't a shellfish so we had no  
5 criteria to fight it on.

6 MR. RICE: Dave?

7 MR. BLAZER: So if I can just respond to that.  
8 Russell just -- so you understand in the statutes, there is no  
9 designated clam areas like you have Yates bars or public  
10 shellfish fishing areas. And one of the exercises that we  
11 went through with a lot of the clammers was well let's get a  
12 map and let's figure out where there are clam areas. And well  
13 we got the maps back and a lot of them -- the whole river was  
14 covered in.

15 We were like well you know, so the default mechanism  
16 is, basically anywhere there is not an oyster bar is clam  
17 bottom. So --

18 MR. : Unless it is too close to shore.

19 MR. BLAZER: Unless it is too close to shore, there  
20 is a buffer along the shore. So you know that was some of the  
21 discussion we went through and again the statute really  
22 doesn't address claim issues. So I think that is what the  
23 issue is and we have talked to a lot of the clammers and you  
24 know, it is something that we have got to think pretty deeply  
25 about is do you want to designate clam bottoms? Do you want

1 to have that in the statute? Do you want to go back to the  
2 legislature to go through some of these debates? And you know  
3 those are some of the discussions that we have had with the  
4 clam group -- the ad hoc group that we have been meeting with.  
5 So I kind of understand the frustration but you know, nobody  
6 has really come up with a real quick silver bullet. We are  
7 trying to get crabbers, clammers, oystermen, gill netters,  
8 everybody to use a portion of the bay but when there is  
9 overlap, how do you manage that? In a fair and equitable  
10 manner. I mean that is --

11 MR. DIZE: The problem is --

12 MR. BLAZER: So I mean, I understand where you guys  
13 are coming from and the frustration that you guys must feel  
14 but it -- I am not sure what the solution is.

15 MR. DIZE: -- the problem is, Dave, 10 years ago if  
16 you had gone down the whole Kent Shore and kept on down Talbot  
17 County, Dorchester, you could have took it all for anything  
18 you wanted because we didn't have any clams.

19 MR. BLAZER: Right.

20 MR. DIZE: But now those same areas are back. Same  
21 way in the Choptank. And we also got a new industry which is  
22 the razor clam and it keeps the crab industry going. So it  
23 looks like to me that when -- to be told that soft shell clams  
24 aren't a shellfish as far as the State is concerned, that is  
25 pretty tough. Especially when you invested \$15,000 in this

1 case. So we don't a clam -- we don't have any clam bottom.

2 MR. BLAZER: Not designated.

3 MR. DIZE: Right. There you are, Moochie.

4 MR. GILMER: Well we have been working with them on  
5 this and it is -- what I would say is, we met, Mike -- and a  
6 bunch of us all came, Mark Connolly come. And we all -- but  
7 we want to be very careful and we got our charts in and all  
8 this stuff. But we weren't sure we wanted to take the clam  
9 industry before legislature. And that is -- we are trying to  
10 come up with something else in between here to get where we  
11 are protected under you know -- under the umbrella that we are  
12 working now. But we just haven't gotten there yet and I don't  
13 know exactly how we do it.

14 MR. DIZE: The problem is, you are going to lose  
15 ground.

16 MR. BROWN: We know that.

17 MR. DIZE: Because we lost Hunting Creek -- the left  
18 side of Hunting Creek going into Miles River. You are going  
19 to lose areas.

20 MR. BROWN: Absolutely. Absolutely. And we have  
21 been trying to figure out a way to fight it but ---

22 MR. : Sounds like the Native American  
23 issue all over again.

24 MR. BROWN: It is a --

25 MR. RICE: Okay, Ken and then --

1           MR. JEFFRIES: I am trying to educate myself real  
2 quick. It seems like we have been dealing with more and more  
3 of these each meeting. So any place that is public land if  
4 you can find a one square meter of clean bottom, you can lease  
5 how many acres or -- obviously you are not going to lease one  
6 square meter. To me the way it is set up, seems a little  
7 sneaky to me. And the example I will use real quick is if you  
8 go to Man O War Shoal and those younger guys that take the  
9 State up there to do the diving, always take them to the  
10 middle. Well there is no oysters in the middle.

11           Anybody that fishes up there knows that if you go to  
12 the edges at Man O War Shoals, there is oysters everywhere,  
13 you can feed a whole army. So is the problem in this all the  
14 one meter laws or is it just the lease laws are too flimsy I  
15 guess. To me, it seems kind of crazy if I see Troy catching  
16 oysters, I can go in there and say oh he cleaned it out today,  
17 that meter has got to be clean, I am going to apply for a  
18 lease.

19           Every meeting we are dealing with the same stuff.  
20 It seems sneaky. All I have to do is sit on the shoreline and  
21 watch them and say oops I am going to go over there and get  
22 that.

23           MR. BROWN: And that is so true. What this guy is  
24 trying to do isn't that but we don't want it to be the  
25 precedent.

1 MR. JEFFRIES: The premise is there to do that  
2 though.

3 MR. BROWN: Yes, oh absolutely. That is what we are  
4 scared of you know in other things.

5 MR. RICE: Karl, you got something else?

6 MR. ROSCHER: Thank you, Mr. Chairman. Just so I  
7 don't want you to leave tonight feeling like the clamming  
8 issues aren't being addressed, so just real quick it is  
9 unfortunate that that -- the case that Mr. Dize highlighted  
10 had to go into a court system. We like to try and resolve  
11 issues without having to do that. So there has been a number  
12 of other issues that we -- clamming related issues with  
13 respect to leasing that we worked on. And I just want to  
14 touch on. You guys might be familiar with.

15 So just to let you know that we do take this into  
16 consideration even though there is no -- even though there is  
17 no statutory requirements for us to do that. We do look at  
18 these issues when they are raised to us. Falls Creek, there  
19 is an application up in there. I don't have the size of the  
20 area but we work with Mark Connolly on that to modify that  
21 lease application to address the clamming concerns that they  
22 had.

23 Choptank River, there were two sites in the Choptank  
24 River. Work with Brian Pritchard and Mark Natali to adjust  
25 those areas so they were away from the clamming concerns and

1 the leases went on and we didn't have to go into a hearing  
2 over those. And then Cotts(sic) Creek and Shipping Creek we  
3 worked with Moochie on some of the applications in that area  
4 and then finally down in the Patuxent River, there were some  
5 concerns from Tucker Brown that were raised over an area that  
6 was applied for that we actually denied that lease after a  
7 survey was done.

8 So, we are looking at some of those issues  
9 unfortunately. There are a few that we can't resolve and they  
10 end up going through a hearing at the Office of Administration  
11 Hearings and possibly in the court systems. But I just wanted  
12 to look you know that we do look into those issues and try to  
13 resolve them or modify leases where possible.

14 MR. DIZE: We didn't take them to court, they sued  
15 us. The perspective leasees sued us -- the Talbot County  
16 Watermen Association because we protested it.

17 MR. ROSCHER: I am speaking about the protest  
18 process before the Office of Administrative Hearings that was  
19 held.

20 MR. RICE: Dave, did you --

21 MR. WILKINS: We have taken them to administrative  
22 hearings and -- I am sorry, Chucky.

23 MR. WHITE: Go ahead.

24 MR. WILKINS: We have taken it to administrative  
25 hearings and Moochie, you can attest to this, it was pretty

1 much --- just -- I don't know how you felt but I felt like I  
2 was talking to a wall. None of our considerations were even  
3 taken in. And that person -- we went through all of this and  
4 that person leased this area and in five years he had never  
5 touched it, so it reverted back to what it was previously. So  
6 we went through all of this and just imagine if we would  
7 sought legal counsel and spent money on that, and this went  
8 all through that and then the man never done anything with it.  
9 So that is where this goes at.

10 MR. RICE: Chucky?

11 MR. WHITE: I don't know if it would relieve any  
12 pressure but I just want to get some kind of feel from this  
13 group about if it fell into that one meter thing, if you -- up  
14 in those sanctuaries, you have an ungodly number of  
15 sanctuaries that nobody is doing anything with. They are just  
16 sitting there. What if they started the lease -- those Yates  
17 bars if it was -- if it was the criteria that there is no  
18 oysters on it, would that relieve some pressure from this  
19 public bottom? Do you know what I mean? Because you can't  
20 clam on a Yates oyster bar anyway. You know what I am saying?

21 Just have it -- but --

22 MR. ROSCHER: So you can't -- currently you can't  
23 legally obtain a lease on a Yates bar within a sanctuary.  
24 That would have to be changed.

25 MR. WHITE: Right is that an option that -- I just



1 want this group to say if -- would that be something to look  
2 at it? Or you think we better just leave it alone? If it  
3 fell under the category where there is no oysters there?

4 MR. BLAZER: It would have to be changed  
5 legislatively so that would be a discussion to have with the  
6 legislature.

7 MR. WHITE: It just seems like everybody is going  
8 after the public bottom and if that -- if there was something  
9 like that there, it would --

10 MR. BLAZER: Just suggestion, yes, it is thought.

11 MR. RICE: All right, we have an issue here before  
12 us and I think right, wrong or indifferent, we need to make a  
13 decision of what way we are going to go. Troy?

14 MR. WILKINS: I just want to be on the record as of  
15 speaking on the behalf of the Queen Anne County Shell  
16 Committee, we are not opposed to where Mr. McBee's lease is  
17 at. We have worked with him and we have no issue with that.  
18 But we do have an issue of this declassification and that is  
19 where we stand on it. You know, if there is something else  
20 that we can do, you know, we are open to suggestions.

21 MR. RICE: Gail?

22 MS. SINDORF: I think has some dangerous --- when  
23 you start declassifying public fisheries and fishing areas. I  
24 would recommend that we would consider getting a committee  
25 together to work this out and have some discussions on it. I

1 recommend --

2 MR. : I didn't hear you, Gail.

3 MR. RICE: Okay.

4 MR. : That should be a motion, I think.

5 MR. RICE: Yes, that sounded like a motion to me.

6 Did you hear the motion, Moochie?

7 MR. GILMER: Not really, Russell couldn't hear it.

8 MS. SINDORF: So I can repeat it.

9 MR. RICE: Please repeat your motion, Gail.

10 (MOTION)

11 MS. SINDORF: I think that we should create a  
12 committee of members you know that have an interest in this to  
13 discuss these declassifications of public fishing areas so  
14 that we can maybe -- I think it is a different animal when you  
15 start declassifying public fishing areas. And I think we  
16 might need to have some different rules and at least have some  
17 discussion on it so -- I recommend that a committee be formed.

18 MR. RICE: All right, well David.

19 MR. SUTHERLAND: I mean, I have a simple -- probably  
20 an asinine question so I am going to be embarrassed but --

21 MR. : You need a second.

22 MR. RICE: Need a second on the motion first. Then  
23 we have discussion. We have to have a second on the motion  
24 and then we will have discussion.

25 MR. BROWN: I will second.

1 MR. RICE: Now we can have discussion, go ahead.

2 MR. SUTHERLAND: So what was the motion?

3 MS. SINDORF: We form a committee for these  
4 particular instance when a public fishery is being  
5 declassified.

6 MR. SUTHERLAND: So how do define public -- so my  
7 comment is, how do you define public fishery? Which is going  
8 to lead into my next question.

9 MR. BLAZER: We have public shellfish fishing areas  
10 designated by regulation.

11 MR. SUTHERLAND: Shellfish, not the fisheries.

12 MR. BLAZER: Shellfish yes.

13 MR. SUTHERLAND: You are talking about shell  
14 fishing. So we are specific about that. My question to  
15 follow up on that and I have been trying to ask this question  
16 for five minutes, so why is it that public use or public  
17 bottom is not secondary to leasing for private use. I mean,  
18 where in COMAR, where in legislative acts, just educate me,  
19 how did that happen? How is it now that somebody has been  
20 working the bottom, using our waterways, how it is also now  
21 the primary purpose for DNR for the State to lease public --  
22 what I consider to be public resources to private use?

23 MR. BLAZER: Right and I think that is a conflict  
24 that we are getting into, David, at this point. We have had  
25 lease laws on the books for a long, long time. And in 2010,

1 there was a revision to a lot of the leasing laws to try and  
2 create a better opportunity for leasing in aquaculture in the  
3 state. Because oyster fishery had kind of fallen off. There  
4 was a move to try and offer more aquaculture leasing  
5 opportunities similar to what Virginia was trying to -- has  
6 been doing.

7           So the conflict there is, there is a lot of support  
8 to do leasing but how do you do leasing but still not impact  
9 the public fishery? So we have you know a lot of the leases,  
10 a lot of the early ones on like in the Nanticoke and so forth,  
11 they are on non-Yates bars and they are non-PSFAs and we also  
12 declared PSFAs. So the PSFAs were really designed after  
13 survey work and looking at them to say, all right, these are  
14 productive oyster bottoms. We are not going to -- we are  
15 going to keep those there.

16           But knowing how surveys work, we are not 100 percent  
17 sure all the time. So some protection was given to these  
18 PSFAs to say you can't lease in the PSFA. Trying to protect  
19 the public fishery. So -- but there were provisions in there  
20 to say, okay well we have got so many acres of PSFA, if it is  
21 not productive oyster bottom, you should be able to declassify  
22 it. You know, if it is just hard bottom and there is no  
23 oysters on it, the it is out front of somebody's home and they  
24 want to create a lease, so they set up a system for this  
25 declassification.

1           And you know, that is kind of the issue here. Here  
2 now we have got half an acre being proposed as a PSFA  
3 declassification. How many acres of PSFAs do we have, do you  
4 guys know? How much?

5           MS.                 : I think it is over 174.

6           MR. BLAZER: A 174.

7           MS.                 : A 179,000 acres?

8           MR. BLAZER: Yes. So -- so you got a lot of PSFA  
9 and public bottom, a 180,000 acres but you know that are  
10 designated and exactly what you were saying, to try and  
11 protect the public fishery. Okay, so you know but we also set  
12 up a process. And said out of those 180,000 acres, we may not  
13 get it right in our survey work.

14                 So now we are -- have this declassification process  
15 and some people are looking at it and say, well we have got  
16 this area out front on this river where I live where I got my  
17 aquaculture business, you know there is good bottom here but  
18 there is no oysters. Shouldn't I be able to lease that? So  
19 that was kind of what some of the significant law change was  
20 in 2010.

21                 So that is -- that was put in I guess back in 2010.  
22 So I guess now with the motion that we have before us, it is  
23 this group wants to form a community, let's look at that  
24 process again. Let's look at the numbers and let's look at  
25 the issues associated with that and see, is it as significant

1 or is there the -- are they going to take all 180,000 takers  
2 of public bottom to take that over. So that is -- or how do  
3 we protect against that? How do we manage that as we go  
4 through. So I think you have a -- Karl?

5 MR. SUTHERLAND: And by the way thank you, it was a  
6 good explanation.

7 MR. ROSCHER: Just to dovetail into that, just so  
8 you have an idea of how frequently this occurs. So as Dave  
9 indicated, the lease laws were changed in 2009. New  
10 regulatory proposal was introduced and adopted in 2010. So  
11 the new leasing program was implemented in September of 2010.  
12 So since that time, we have issued 240 new leases. And there  
13 has been 7 requests for shellfish or PSFA declassifications.  
14 So it is not widespread it could increase in the future  
15 because we do have applications in process. Not very many of  
16 those, I think there is 130 in process now and there may be  
17 one or two of those that are on a public shellfish fishery  
18 area that may request a declassification in the future.

19 So something to keep on our radar but it is not -- I  
20 just don't want you to think that it is 50 percent of the  
21 applications are looking to be on public bottom. Because that  
22 is not the case.

23 MR. SUTHERLAND: Thank you.

24 MR. RICE: All right.

25 MR. DIZE: Just one more thing on that. I am

1 interested in what Chucky White said a while ago. He said  
2 well why don't you look at the areas in the sanctuaries. And  
3 I think Dave said that at this time, they can't be leased.  
4 Was that correct? Did I hear that?

5 MR. BLAZER: The Yates bars in the sanctuaries can't  
6 be leased.

7 MR. DIZE: Okay, I got you.

8 MR. BLAZER: But that would have to be changed  
9 legislatively.

10 MR. DIZE: But the clam bars in that area could be  
11 leased in the sanctuaries?

12 MR. BLAZER: Well -- and they can only lease bottom,  
13 up to 10 percent of the area in the sanctuaries for oysters --

14 MR. DIZE: So they can lease in sanctuaries as long  
15 as it is not Yates?

16 MR. GILMER: Correct.

17 MR. DIZE: Okay.

18 MR. GILMER: If that was the case --- that was in  
19 the sanctuary.

20 MR. RICE: All right, well I think we should dispose  
21 of a motion to have -- to form this committee. So everybody  
22 in the favor of the motion say aye.

23 (Chorus of "Aye")

24 MR. RICE: Opposed?

25 (No Response)

1 MR. RICE: Abstentions?

2 (No Response)

3 MR. RICE: It is unanimous. So we need to form a  
4 Committee of suggestion from you Dave of how many  
5 participants?

6 MR. BLAZER: Three or four would be good, I think.

7 MR. RICE: From this group?

8 MR. BLAZER: Well, I would appreciate a couple of  
9 folks from this group but then if there is outside people.

10 MR. GILMER: I think a couple from this group and  
11 then contact the shell committees from around the state and  
12 find out.

13 MR. RICE: Okay that sounds good.

14 MR. BLAZER: Other people who would be interested,  
15 would be helpful.

16 MS. SINDORF: So we would --

17 MR. GILMER: Might be, might be.

18 MR. BLAZER: That is fine.

19 MR. RICE: Okay do we need to handle that now?

20 MR. BLAZER: Can you ask a real quick -- show of  
21 hands who is volunteering?

22 MR. RICE: Gail? Gail and Troy from this group,  
23 that is great.

24 MR. WHITE: Dave, are you going to have something to  
25 do with this?



1 MR. BLAZER: If you want --

2 MR. WHITE: Because I will make sure Wayne Wilson is  
3 there if you are going to be there?

4 MR. BLAZER: Wayne is on, I am on.

5 MR. GILMER: We get one from each county -- one from  
6 each shell committee to be on it.

7 MR. DIZE: The only problem is, I think Dave has a  
8 great idea when you get too many, you got nothing. Smaller  
9 group.

10 MR. GILMER: Or we can do it by regions. Three from  
11 each side of the Bay.

12 MR. DIZE: Right.

13 MR. BLAZER: So if you have any suggestions, give  
14 Paul or myself a call. And I think if we get five or six, I  
15 think that would be good. But remember whatever this  
16 committee, this is a sub committee of TFAC and so they are  
17 going to come back to you all with whatever they develop. So.

18 MR. RICE: Sarah, I have almost forgotten where you  
19 were at.

20 MS. WIDMAN: The next one that I think that there  
21 will probably be no comment, the seafood marketing, the  
22 legislature moved that program from DNR over the Department of  
23 Agriculture and so we had some regulations like the True Blue  
24 crab marketing program that we are in regulation that no  
25 longer makes sense to have it in ours. Because they are the

1 managers in that program. So we are literally deleting it from  
2 ours and they are going to put stuff over in theirs. Comment  
3 on that.

4 MR. DIZE: Sarah, are they already doing this?

5 MS. WIDMAN: Yes, it has been moved over.

6 MR. DIZE: Well what happened when we had to -- the  
7 oyster scare down in Fenwick Island and it wasn't really  
8 oysters and we had no publicity to back it up that it wasn't  
9 the oysters. Just before -- Dave?

10 MR. BLAZER: We brought that up to them and they are  
11 very aware of the issue and I think they are more aware and  
12 will do something in the future.

13 MR. DIZE: But it is too late now for that. For  
14 that special one --

15 MR. BLAZER: For that one, yes, but I don't think  
16 they realized and again I think that is -- so.

17 MR. DIZE: Okay.

18 MR. BLAZER: But it was brought up to them so.

19 MS. SINDORF: I have one more question. I know when  
20 this was turned over to the Department of Agriculture that  
21 there was an issue that came up about labeling seafood again.  
22 Like having you have to state where your crabs are coming  
23 from, having that issue come up again. And I know that now  
24 that is not being handled by you guys. Will we hear about it  
25 before things get passed? I mean, when we will hear about the

1 decision --

2 MS. WIDMAN: I am assuming that if we know stuff, we  
3 will come back and let you know what we know.

4 MR. BLAZER: I am technically on that committee, so  
5 as I hear things I will you know, as they -- in fact I have a  
6 meeting next week. Unfortunately it is during ASMFC so I  
7 won't be there, I am trying to find somebody on staff to go.  
8 You are in ASMFC, so.

9 MR. RICE: Sarah, is that a wrap up --

10 MS. WIDMAN: That is -- no there is two more, sorry  
11 I will try to be quick. Okay, next one, in shell fish  
12 aquaculture world, right now, there is a requirement to obtain  
13 a permit if you are going to be importing or possession shell  
14 fish from outside of Maryland to be planted in Maryland  
15 waters. And that is to protect our wild stock. We don't want  
16 any diseases coming in, so everything has to be permitted and  
17 for some reason, we didn't have that -- we have certain  
18 violations that you can lose your permit related to your  
19 aquaculture or get a suspension and we want to add that to  
20 that list because we think it is pretty significant and we  
21 don't want any impacts to wild fishery stocks. Comment on  
22 that?

23 MR. WHITE: Comment on what as far as --

24 MS. WIDMAN: We would add, if you didn't get your  
25 proper permits to bring in oysters from another state and

1 plant them here, and they could have come in with disease or  
2 something, we don't want that. So we want to be able to say  
3 that is something that we would penalize you, aquaculture  
4 permitted for doing that.

5 MR. GILMER: Then --- go through the same thing we  
6 do to get our sea diver in Virginia. Wild sea diver --

7 MR. WHITE: What is the penalty if you buy a small  
8 wild oysters from harvesters and then you put them on our  
9 lease, is there a penalty for that?

10 MS. WIDMAN: So we don't have -- if you are buying  
11 in state?

12 MR. WHITE: If you buy undersized oysters and if I  
13 am the one harvesting oyster and I buy an undersized oysters,  
14 I catch undersize oysters and I sell them because we tried to  
15 prevent this from happening by saying you couldn't use it --  
16 how to sell a two and a half inch oyster during oyster season  
17 but that went out the window. So that opened the door for  
18 people to buy undersized oysters from harvesters, is there a  
19 penalty?

20 MS. WIDMAN: So there is penalties. So if you are a  
21 wild harvester are going to sell undersized oysters that you  
22 illegally bought?

23 MR. WHITE: The guy that is doing the aquaculture is  
24 there a penalty for him to lose his permits or anything like  
25 that?

1 MS. WIDMAN: It would depend on how the ticketing  
2 was issued but if there was a violation of the wild fishery  
3 involved in the transaction that you were penalized for, then  
4 you could get a suspension of your permit for your  
5 aquaculture.

6 MR. WHITE: Okay, because I mean, you are talking  
7 about suspending them for something -- that should be put in  
8 there too.

9 MS. WIDMAN: I can take that back to make sure.  
10 That is -- but I believe it is the case that it just depends  
11 on how the tickets are written.

12 MR. WHITE: Well, it doesn't appear that that has  
13 happened before. But -- that should be in there.

14 MS. WIDMAN: Okay.

15 MR. DIZE: I think it happened last year down in  
16 Dorchester.

17 MS. WIDMAN: Any other comment on that?

18 MR. WILKINS: So what was the penalty -- I didn't  
19 hear you what was the penalty if you import wild seed without  
20 permit?

21 MS. WIDMAN: So the case -- I don't think -- I think  
22 there is a maximum, I have to look it up hold on, give me one  
23 second.

24 MR. WILKINS: I thought you said it. You don't have  
25 to look it up, I was just curious.

1 MR. BLAZER: Yes, she didn't say a number.

2 MS. WIDMAN: It doesn't list it in our explanation.  
3 But I think there is a max in the -- Jacob, you don't happen  
4 to know it off the top of your head, do you?

5 MR. WILKINS: No I thought you might have said it, I  
6 didn't hear you. I don't know --

7 MS. WIDMAN: No, no I didn't say it, I was just  
8 going to look it up.

9 MR. WILKINS: I heard you say you couldn't import  
10 without a permit and I was just wondering what the penalty  
11 was. We are good.

12 MR. RICE: We will get back to that.

13 MS. WIDMAN: Okay, I will follow back up with you in  
14 a minute. The last one is tautog. Again this is coming from  
15 ASMFC, there is an amendment to the management plan for  
16 tautog. And so based on that, we are basically being told to  
17 change some of our management measures. So for commercial  
18 fishery, seasons -- let's see -- there is going to be tagging  
19 program that has to be implemented by January 1, 2019. So a  
20 year from now, which would require all commercially caught  
21 tautog to be tagged by the harvester at the time of harvest or  
22 prior to off loading. So that is something that we are  
23 scoping out and being in compliance with that for next year.  
24 Questions on that?

25 MR. RICE: Okay, thank you.

1 MR. BLAZER: If I can while there is a break, there  
2 is snacks and drinks in the back room. We put those in the  
3 back room this meeting. So if you are thirsty or need some  
4 crackers or something. It is back there.

5 ***Fisheries Management Update***

6 ***Mike Luisi, MD DNR***

7 MR. LUISI: Good afternoon everyone. Again Mike  
8 Luisi and before I start, I was going to say Mr. Chairman,  
9 you and I and the rest of this commission have worked on a lot  
10 of things together often very complicated. But when I wake up  
11 in the morning, I thank my lucky stars everyday that I don't  
12 have to deal with oysters. Because let me put it out there --

13 MR. BLAZER: And Jody is leaving.

14 MR. LUISI: I like things that move around and they  
15 don't sit on the ground, they don't stay stationary.

16 MR. RICE: I would think the ones that can't move  
17 would be the easy ones.

18 MR. BLAZER: Right.

19 (SLIDE)

20 MR. LUISI: You think things that you can look at  
21 and count would be a lot easier but that is obviously not the  
22 case. Okay so I have a number of items on the agenda but I  
23 will see if I can -- I know you are a stickler for time as  
24 well. So I will do my best to navigate through the decision  
25 points that we need here today. I am going to start out with

1 the yellow perch working group. And a summary of that working  
2 group meeting. And recommendations that came from the working  
3 group. The good thing about having you guys come in after  
4 sport fish, you kind of learn from how things can be a little  
5 more efficient after the discussion we had with sport fish.

6           So I have divided this discussion based on the red  
7 line there on -- we are going to take up two different  
8 actions. One of them, and we will start with the draft  
9 amendment lining which action. So if you remember back I  
10 guess it was in 2016, the commercial fishery overharvested its  
11 quota by close to 15,000 pounds. When you have a quota of  
12 40,000 pounds and there is a requirement for a one to one  
13 pound to pound payback that can be an awful lot of cutting  
14 into next year's quota setting.

15           So we debated that at this commission along with the  
16 sport fish commission and as you know there is a joint body,  
17 there is a working group that has been put together, to deal  
18 with yellow perch issues. Billy Rice and Steve Lay are the  
19 commission members on that working group. And a couple years  
20 ago, it was determined that we would take action not to pay  
21 back the full pound for pound, for all 15,000 pounds but to  
22 cut that in half so that -- because the stock was healthy and  
23 we didn't feel it necessary to take that whole 15,000 pounds  
24 into account, there was no fault of the fishermen.

25           There was a management issue and it was just timing



1 on our part when we closed the fishery and I think you all  
2 remember that, we don't need to go into the details. But  
3 language that was drafted -- language that was adopted not so  
4 much adopted -- language that was proposed because of that  
5 issue went into the draft yellow perch amendment that is  
6 currently opened. And this is an issue that we could not --  
7 this commission and the sport fish commission could not find  
8 common ground on.

9           So how we handle that situation in that one year was  
10 something that the tidal fish commission, the sport fish  
11 commission didn't see eye to eye on how we proposed stepping  
12 out into future years based on the language in the amendment.  
13 So this -- there was a recommendation to convene the working  
14 group again. Again it was Steve and Billy on the sport fish  
15 commission and it was Dave Sikorski and June Grace. We got  
16 together on November 20, here at Tawes. And one of the issues  
17 that we discussed was this draft amendment language.

18           We talked about it for quite a while. Went round  
19 and round about different ways that we could add this language  
20 to the amendment and for our future management direction. And  
21 the result of that discussion and what I bring before you  
22 today is draft language that we are asking you to review and  
23 approve if you do approve that draft language today, it will  
24 go forward into the amendment as the final language for that  
25 amendment and we would consider that amendment finalized.

1           This is the last issue that has been hanging us  
2 for -- we belong -- hanging us up for close to a year. But we  
3 do have language for you to review and I believe you may have  
4 a -- you have a copy of this in front of you. It is the top  
5 of the page, listed as step strategy 3. So basically what  
6 this says is that years when the commercial fishery  
7 overharvest its quota, if the overage of the quota is less  
8 than 10 percent, the adjusted tack will be subtracted pound  
9 for pound.

10           So you have a 50,000 pound quota and you go over  
11 less than 5,000 pounds. That overage will be deducted pound  
12 for pound. In years when the quota is exceeded by more than  
13 10 percent, you go over 7,000 pounds over a 50,000 pound  
14 quota, it will trigger an action by the Department to convene  
15 this joint commission working group, to sit down and take a  
16 look at the science and take a look at the stock health with  
17 staff of the Department to come up with a recommendation on  
18 how to handle that overage.

19           And essentially what that means is, if the -- we  
20 would take a look to see what the health of the stock is, if  
21 the stock was healthy, it was concluded to be healthy, then  
22 that 7,000 pounds could be handled in a different way than it  
23 could be under a very poorly conditioned stock. And that  
24 would be the discussion that the working group would have with  
25 the agency -- with us in moving forward on how to manage that

1 quota for the future.

2           So that was the recommendation of the yellow perch  
3 joint working group. And I put that before you right now  
4 before I move into the other recommendations -- if you have  
5 any questions you can certainly answer those, but what we are  
6 looking for is your approval of this language which would  
7 finalize the amendment process. I will take questions on that  
8 now.

9           MR. RICE: Steve, did you have anything to add?

10           MR. LAY: This is being looked at by our side as a  
11 business decision. Less than 10 percent would not be a big  
12 business wise economic wise, hardship to the watermen for any  
13 particular year but when you are talking about taking away 25  
14 or 30 or 40 percent of next year's catch, that represents an  
15 economic impact. And that is why it was decided that we could  
16 come and talk about whether we needed to subtract that whole  
17 overage of not, was a business decision and we did a great job  
18 of entertaining certain options and coming to a conclusion  
19 with the sport fish group that this is the way that would be  
20 the fairest to the stock and the watermen.

21           And the sport fish group passed this at their  
22 meeting two days ago.

23           MR. RICE: I might also add that we have already  
24 dealt with it one time and I felt that we came up with some  
25 reasonable solution and I feel rather comfortable with the

1 recommendation.

2 MR. SUTHERLAND: Can I make a motion to approve  
3 this?

4 MR. BLAZER: Just a real quick clarification,  
5 because you are the SFAC liaison, you can't make motions or  
6 seconds or --

7 MR. RICE: We appreciate your willingness to  
8 participate. Troy?

9 MR. WILKINS: Steve, so you are good with this?

10 MR. LAY: Yes.

11 (MOTION)

12 MR. JEFFRIES: I will make a motion then. To approve  
13 the adjustment that they made to sport fish. The motion that  
14 is up there --

15 MR. RICE: Simply to support the language as  
16 presented.

17 MR. LAY: I will second it.

18 MR. RICE: Any further discussion on the motion?

19 (No Response)

20 MR. RICE: Seeing none, all those in favor, say aye.

21 (Chorus of "Aye")

22 MR. RICE: Opposed?

23 (No Response)

24 MR. RICE: Abstentions?

25 (No Response)

1           MR. RICE:   Once again we are unanimous, we are  
2 doing a really good job.

3           MR. LUISI:   Okay back to the agenda.  That was the  
4 main reason why we got together but we also had a couple of  
5 other requests that have come to us.  Not directly through the  
6 working group but questions that have come to us from outside  
7 entities, people interested in us and considering maybe  
8 modifying the way we do business under the yellow perch  
9 commercial fishery plan.  And so one of the requests that we  
10 received that we brought before the commission or the  
11 committee was the -- whether or not the Department would  
12 consider opening the Choptank and Nanticoke Rivers for  
13 commercial harvest.

14           They are currently closed at this time and we were  
15 looking for feedback from this group from the workgroup as to  
16 how they would want us to pursue that or if they wanted us to  
17 pursue that.  The feedback was that after discussion was that  
18 they would be comfortable with us starting the process.  Going  
19 through the scoping process to generate comment and feedback  
20 from the public as to whether or not this expansion of the  
21 commercial fishery would be acceptable.

22           One of the things that they did mention was that if  
23 we did this, because we have a lack of information, about  
24 stock in these areas just because we don't sample there as  
25 often as we -- our survey work is focused in the northern bay.

1 North of the Bay Bridge. So the Patuxent River has a small --  
2 small quota that is hardly harvested in any given year. Their  
3 concept was maybe we would establish very limited quotas for  
4 the Choptank and Nanticoke and set up some form of a catch  
5 limit in those river systems to keep this more of a bycatch  
6 tolerance to -- or not tolerance, bycatch allowance to the  
7 current yellow -- white perch fisheries that are occurring  
8 rather than open it up to a larger quota that could create a  
9 directed fishery.

10           There was a discussion that it was unlikely the  
11 highest probability, very unlikely that there would be any  
12 directed fishery growing into those areas. So one other point  
13 to this was that you know, if we were to go forward with a  
14 small quota to start, that if we were to expand it and make it  
15 larger, we would have to be based on some science. Something  
16 that we would have to do some sampling. We would have to get  
17 a better handle on stock size in those river systems.

18           We also talked about the live market issue with DNR  
19 staff present. Currently we require that during a live market  
20 transaction, between a fisherman and a buyer that our -- we  
21 need to be contacted prior to that transaction and a DNR staff  
22 person needs to be there for that transaction to witness it  
23 and to collect information as the fish are moving from the  
24 harvester to the truck.

25           And the concept was if these fisherman are using the

1 FACT system and the accountability system with the hailing  
2 component, that there is still -- they would be informing us  
3 of this transaction and we may or may not be there during the  
4 time of it but we would not be required to be there for that  
5 transaction to happen. And this would help make more  
6 efficient and streamline the process to allow for less hiccups  
7 by not having all three people at the same place at the same  
8 time.

9           That was the reason behind it. And it is connected  
10 with the hailing system. So that hailing system still informs  
11 us that this transaction is happening. NRP knows it is  
12 happening. Fishery service knows it is happening. Therefore,  
13 if we want to be there we can. If NRP wants to show up and be  
14 a witness, they can. But we don't have to.

15           MR. JEFFRIES: Why does DNR got to be there?

16           MR. LUISI: We are there currently now to witness  
17 the transaction and collect the information on the fish as  
18 they move through.

19           MR. RICE: Because it is live fish and they are not  
20 tagged.

21           MR. LUISI: Right.

22           MR. JEFFRIES: Oh, alive, okay I got you.

23           MR. LUISI: I mean, I don't think that we need to  
24 get into the details -- there is other details about the  
25 accountability.

1           MR. JEFFRIES: I didn't hear the live part. I got  
2 you.

3           MR. LUISI: Basically a fisherman when he harvests  
4 those fish, they go into a live well. They have already been  
5 accounted for, so moving them to a truck -- they have already  
6 been counted against a quota but we -- that is just something  
7 that we would go through a process to go -- to deal with that.  
8 And lastly, was the request that we consider a December 1  
9 start date for the commercial season rather than a January 1  
10 start date. To start the fishery a little earlier in the  
11 year, we would still manage a season quota. We would develop  
12 our quotas in the middle -- October or November for the next  
13 year and we would just initiate that earlier in the year.

14           This would just be something that we would take  
15 under consideration and manage it the same way. And close the  
16 season when the quota was caught. So with those three  
17 requests, the working group wanted us to bring this back to  
18 you and look to whether or not you would support us continuing  
19 down the road of scoping these ideas in the spring for  
20 possible consideration for regulatory action which would put  
21 us into the fall of next year. We could have these  
22 implemented by January 1 or if December 1 stands up through  
23 that process it would be a December 1 start for next year. So  
24 I will turn it back to you guys.

25           MR. RICE: Well, basically you are asking for our



1 support to go for public comment?

2 MR. LUISI: Yes.

3 MR. RICE: Okay.

4 MR. : Scoping.

5 MR. RICE: Well on the Potomac River Fisheries  
6 Commission, we don't scope, we go to the public comments. So  
7 anyway that is -- sorry about that.

8 MR. LUISI: Or if anybody has any questions, I will  
9 take those.

10 MR. RICE: Well, I don't see any questions. Can we  
11 have a consensus or vote? Do we need a motion?

12 MR. : Yes, we need a motion.

13 MR. RICE: Okay, if we need a motion then I will  
14 have to hear one.

15 MR. LAY: I will make a motion that we approve  
16 moving forward to scoping and public hearing on the three  
17 yellow perch issues which were just discussed. One being  
18 expanding the commercial fishery to the Choptank and Nanticoke  
19 Rivers. Two, not making it a requirement for DNR to have a  
20 representative on site at a live market transaction and three,  
21 starting the commercial season on December 1 instead of  
22 January 1.

23 MR. GILMER: Second it.

24 MR. RICE: Second by Moochie. Any further  
25 discussion on the motion?

1 (No Response)

2 MR. RICE: Seeing none, all in favor, signify by  
3 saying "aye".

4 (Chorus of "Aye")

5 MR. RICE: Oppose?

6 (No Response)

7 MR. RICE: Abstentions?

8 (No Response)

9 MR. RICE: Once again we are unanimous. So, all  
10 right, thank you very much. Mike, go ahead.

11 MR. LUISI: Okay, so we are going to move on to our  
12 last agenda item which are ASMFC and MidAtlantic Management  
13 Fishery Council updates. I just wanted to put it on your  
14 radar regarding the MidAtlantic Council. We take up a  
15 tremendous number of issues, many for which do not necessarily  
16 impact Maryland Fisherman. Out of Ocean City we just don't  
17 operate in some of the fisheries that the council manages.  
18 However one of them that we do is our summer flounder fishery.  
19 It is a very important fishery in Ocean City. And we can see  
20 here -- so we are dealing with right now a consideration of an  
21 allocation change on the commercial side to adjust for the  
22 redistribution of summer flounder as it relates to climate  
23 change, water quality conditions in the ocean.

24 Okay so the two are linked. See over here, this is  
25 a graph of all of the states that are part of the both the

1 MidAtlantic and New England Councils and it indicates what the  
2 allocation percentages are. We get to -- a little over 2  
3 percent of the total quota however we only distribute those 2  
4 percent to 7 people in Ocean City who get a -- you know it is  
5 a really big part of their income.

6 Virginia, North Carolina combined get about 50  
7 percent of that total quota. That is determined each year.  
8 As you move up into the northern states, the quotas are  
9 relatively small with the exception of New Jersey and Rhode  
10 Island. Now this graph indicates -- you think of it like  
11 this, where the blue is, is where fish were based on  
12 historical outlook. Go back 20 or 30 years and that is the --  
13 summer flounder were found where the blue is.

14 So it is -- they do extend up here but they are  
15 mostly focused on Chesapeake Bay. Okay over the last 15 or 10  
16 years, what we have seen is a shift in that distribution.  
17 There are a tremendous number of flounder now. More focused  
18 off of New York, New Jersey and Rhode Island, Connecticut and  
19 Massachusetts. And so the interest is, okay you got this shift  
20 in the population yet Virginia, North Carolina who are at the  
21 bottom southern most portion of that shift, have 50 percent of  
22 the quota. So there is a consideration for shifting those  
23 quotas between the states.

24 And there are some like any allocation discussion,  
25 some of the options in the plan are good for Maryland.

1 Because we are small player. And basically the interest is  
2 focused on these two states and pulling something away for  
3 everyone else. There are options in the plan that aren't good  
4 for us because we are basically -- we are the southern area.  
5 So if they pull from the big guys and redistribute it to  
6 everyone, we come out on top.

7           If the counsel decides that we are considered the  
8 southern group and the fish just aren't there anymore and they  
9 shift all of our interest in the southern area north, then we  
10 lose out. And so it is big conversation that we are having at  
11 the counsel. Something to put on your radar. I will be  
12 coming back to you, we are not at any point in time where this  
13 is going to be final in any way. We have our next meeting  
14 February 13 down in Raleigh, North Carolina. It won't be  
15 discussed there. I just wanted you to know when the next  
16 meeting is. But throughout this year, this issue will be  
17 taken and it will be something that I want to make sure to  
18 keep you guys aware of and I am going to do my best to make  
19 sure that we secure what we can for our few permit holders in  
20 our state. But if nothing is guaranteed, no allocations are  
21 on the table, allocations on the table and things can go  
22 either way. So stay tuned for more updates on that. Any  
23 questions? Any questions?

24           MR. WILKINS: Did the two southern states, did they  
25 fill their quota?

1 MR. LUISI: Do they catch it?

2 MR. WILKINS: Yes, what is it 20 some percent or  
3 something like that?

4 MR. LUISI: Yes, they --

5 MR. WILKINS: Did they get that?

6 MR. LUISI: Most summer flounder quota gets caught  
7 almost every year. It is an open season for the whole year.  
8 It is managed as -- we managed it under an ITQ, so our guys  
9 are -- they get their quota and they can fish for it whenever  
10 they want, whenever the market is good. You have some of the  
11 other states operate under a derby style fishery. They have  
12 limited catch limits but at the end of the year, the quotas  
13 are caught and so what their concern is that they catch their  
14 quota so quickly because they don't have -- a state like New  
15 York or you know, let's say Connecticut has two percent.  
16 There are so many fish out there now that they catch the fish  
17 so fast, that they have to shut their waters down but there is  
18 continued bycatch all year because they have -- they are  
19 fishing for other things and they are just killing all of  
20 these flounders throwing back because they can't keep them.  
21 They want some of the quota from down here to go up north.

22 Now, I will say one last thing. The North Carolina  
23 fisheries are the biggest we have. And those boats have been  
24 willing to travel all the way up to Long Island to fish. The  
25 would steam 400 miles each way, 500 miles each way and they

1 are willing to do that. So the question -- the concern that  
2 they have down south is hey listen, we are catching our quota  
3 and we are willing to steam, leave us alone, let us be. Why  
4 are you taking it from us. So it is a big issue and it is  
5 probably going to be one of the bigger issues that this  
6 council takes on over the next year.

7 MR. DIZE: Do we have a fisherman on the Midatlantic  
8 Council?

9 MR. LUISI: Yes, we do. Sonny Gwen is our -- he  
10 just was appointed from Ocean City. He is lobstermen and  
11 fishes Black Sea bass and I am your representative and I am  
12 the current chair of the council as well. So I stay in touch  
13 with things on a daily basis.

14 MS. SINDORF: I just want to say that you are  
15 suggesting that there is a possibility that we can do worse  
16 than 2 percent?

17 MR. LUISI: Yes.

18 MS. SINDORF: Okay.

19 MR. LUISI: So stay tuned. Okay, getting to ASMFC  
20 updates.

21 (Slide)

22 MR. LUISI: We have a few -- I will just skim  
23 through them and then if you have any questions there is  
24 nothing earth shattering up here. At the ASMFC meeting in  
25 October, it was the annual meeting. We dealt with a number of

1 different commercial quota settings and rule settings. Mostly  
2 for coastal species, fighting dogfish, horseshoe crabs and  
3 coastal sharks. Nothing out of the ordinary, kind of straight  
4 forward. So all of those fisheries are set up for next year  
5 for 2018. And we are moving forward with that.

6           There was an Eel board meeting which there was an  
7 assessment update review -- review update. However you would  
8 put that. We determined that the stock is depleted still.  
9 And there is -- you guys you know we have been talking about  
10 eels for a while, I mean, eels has been an important matter  
11 for Maryland. We have an eel working group and I know Troy  
12 and Steve and maybe a few couple of others that you know were  
13 on and we are at a point in time with eel management where  
14 last year's harvest, not 2017 but the 2016 harvest clicked the  
15 first trigger on the gun.

16           And we are waiting for the 2017 landings to come --  
17 to be finalized which will be a few months still before they  
18 are final. And if those landings are a certain amount, it is  
19 going to click the second trigger on the gun and that means  
20 that we all go to state by state allocations. State by state  
21 allocations for Maryland is not a good thing. It reduces our  
22 norm -- our recent catch by a pretty high proportion. So our  
23 guys -- our eelers this year took it upon themselves to kind  
24 of enforce their own fishery to try to limit that harvest so  
25 we wouldn't click that second trigger on the gun.

1           And we don't know the results of that yet. We are -  
2 - that is coming.

3           MR. GILMER: But we didn't have total control over  
4 that because it is a coast wide fishery.

5           MR. LUISI: It is a coast wide fishery. We -- but  
6 we are the biggest player. We are the big one. We are  
7 catching over 50 percent of each year's coastal quota. So it  
8 depends on how other states did. None of those -- I will just  
9 tell you this, none of the other states want to go to coast --  
10 state by state allocations as a management tool because it  
11 requires as you know with other things that we do, when we  
12 manage quotas, it requires real time reporting and permits and  
13 there is a lot to it and it is very administrative -- it is an  
14 administrative burden that we would rather not handle.

15           So at the last meeting we initiated an amendment to  
16 consider alternative allocations, management triggers and  
17 coast wide caps relative to the current program for both the  
18 yellow and glass eels commercial fisheries for the 2019 --- so  
19 taking it upon, we initiated that amendment. And we -- that  
20 was approved. So there has been work between October and now  
21 to formulate a new amendment, a new addendum -- a new addendum  
22 that will override the previous addendum in the event we  
23 trigger that second trigger. It will be effective for 2019  
24 and the hope is that we were able to find a way to not go to  
25 state by state allocations to the degree where every state



1 would be accountable for a particular number that we would  
2 have to manage. So there is a working group that is working  
3 on that right now. Lynn is our representative on that working  
4 group. Trying to come up with the alternatives to get us away  
5 from that scary situation and in state by state allocations.  
6 So stay tuned for information on that.

7           Striped bass related. We are working -- so I know  
8 you all have been very interested in the ASMFC's interest in  
9 reference points. We have talked a million times about the  
10 different reference points that are set up that we are  
11 currently managing and the concerns that we have had about  
12 them being too conservative and they are creating a situation  
13 where we have to take reductions like we did in 2014 that  
14 might not have been necessary as it relates to that reference  
15 point discussion.

16           So they are establishing a working group to talk  
17 about reference points and how we might go forward in the  
18 future. Not only would they be for whether they would be more  
19 liberal or conservative but how we would incorporate the  
20 male/female sex ratio as a part -- and a Chesapeake Bay  
21 reference point as part of the whole plan. While that is  
22 happening, there is a bench mark stock assessment being done  
23 right now that will have information to use for management  
24 next December.

25           That will be something that will trickle into the

1 2019 season and it will help us to inform how the commercial  
2 quotas will be handled in the future as well as the  
3 recreational fishery. I am sitting on that work, that  
4 reference point working group and so I am staying on top of it  
5 the best I can with making sure that this commission goes  
6 forward with something we can live with.

7           We don't want to get to a point in time where we  
8 have something that we can't live with and we are fighting for  
9 survival. Regarding the recreational fishery, I think it is  
10 important because it includes a charter boat captains that we  
11 are working feverishly over the past few months to deal with  
12 the problem of discard mortality in the recreational fishery.  
13 Discard mortality in our data that we see, coming from the  
14 Emerrick's survey as well as anecdotal information that is  
15 coming from all of you stakeholders, the recreational joe  
16 fisherman, charter boat captains. Recreation -- discard  
17 mortality is a major problem that we are going to try and fix  
18 and solve through the ASMFC process.

19           And we have taken it upon ourselves in working with  
20 a number of groups including a Charter Boat Association, the  
21 Maryland Sportsman Foundation and Commercial Fishermens of  
22 Maryland, Watermen's Association and others, to kind of come  
23 up with a model or a plan on how we may go forward in 2019 to  
24 help offset and reduce the discard mortality that we are  
25 seeing each year.

1           And the way we are proposing to do that and I am  
2 sorry, this is a little small on the screen.

3           (Slide)

4           MR. LUISI: We are looking at a conservation  
5 equivalency program. What conservation equivalency means and  
6 you heard me say it before, is that the program that we would  
7 establish for our recreational anglers would be such that dead  
8 mortality in the two forms. You have fish that die when they  
9 get caught and they get thrown back. They die. Some of them.  
10 Others die because they go into the cooler. So both  
11 mortalities combined is called total removal or total  
12 mortality.

13           So we have -- we are trying to develop a program  
14 where the ones that dies and get thrown back, we are going to  
15 try to reduce the amount of dead ones by implementing a circle  
16 hook so that they don't get gut hooked as often. And if we  
17 reduce the number of fish that die when they get thrown back,  
18 we can increase the number of fish that die if put into  
19 coolers and it offsets to equal the same total as you were  
20 like this. So by moving the bars around, we can predict what  
21 total removals will be and our plan is to put forth to the  
22 commission which we already have a plan that is equivalent.  
23 So under the two fish and 19 inch rule that we have right now,  
24 with the May 16th start date and the December 15 or December  
25 20 end date, we have determined based on our analysis that if

1 we were to implement a circle hook, that circle hook would  
2 offset those dead discards enough to allow for a 19 inch fish  
3 for the whole year for the recreational angler. So it gives  
4 them that small size limit which provides for more access and  
5 opportunity for harvest, kills less fish and waste less fish  
6 basically that is what it is. It is wasting less fish.

7           And our analysis indicates that the total removal  
8 change is zero. So there is no change in what the total  
9 removals would be if we kept a 22 inch -- 20 fish -- 20 inch  
10 fish at two fish for next year. We would just be wasting a  
11 ton more and harvesting less under the current status quo. So  
12 we are planning to make this chart here and you guys will have  
13 access to look at this while I am talking it will be posted.  
14 But what this does -- all these different options here talk  
15 about the different ways that we could modify the season.

16           I will just give you an example, one here is we  
17 could go to 19 inch fish from May until August, switch over to  
18 20 inch fish from September 1 to December 15. However if we  
19 did that, without the circle hook, you would have a 6 percent  
20 increase in total amount of mortality. So instead of being  
21 equal, you have raised it up to 6 percent. And that is likely  
22 not going to be something that the commission is going to be  
23 interested in hearing about. ASMFC is going to want us to  
24 come forward with a proposal that is equal to zero and you  
25 know the one option we have here is the circle hook.

1           Now we do have another option that gets us to zero  
2 however under a different scenario of mortality, there is a  
3 December closure as part of that. So the recreational fishery  
4 would not be able to operate the charter boat fleet and  
5 private anglers would not be able to harvest fish in December.  
6 And that has been something that we have brought forward to  
7 those groups we discussed -- I talked about and the  
8 recommendation and feedback coming back from them was that it  
9 is too much -- it is too impactful to a certain -- to a small  
10 group of fishermen who are heavily active during that time  
11 period.

12           And that socio economic impact is something that we  
13 should not be truthfully thinking about or seriously thinking  
14 about implementing for 2018. So if we can't modify the season  
15 and we are told that we have to keep two fish, we are kind of  
16 limited to what we can do. So dropping the fish to 19 inches  
17 and implementing a mandatory circle hook is the thing that we  
18 are actively considering.

19           Now it is not a commercial issue. Commercial hook  
20 and liners would not be subjected to those regulations, this  
21 would be for the recreational fisherman only. And as well as  
22 charter boat captains. We plan -- this proposal will be  
23 presented to ASMFC in a couple of weeks in February --  
24 February 7 and we are going to be seeking support for the  
25 proposal. It was recommended by the Sport Fish Commission the

1 other night that we only consider option B when we put this  
2 forth to ASMFC that all of the other options here due to the  
3 fact that they are either increasing total removals or they  
4 have a no December as part of the condition. That they are  
5 not -- they shouldn't be considered and we should ask ASMFC  
6 for support of only the B option with the circle hook  
7 requirement.

8           And I will leave -- why don't I leave it at that for  
9 now, Mr. Chairman, answer questions to that point and then I  
10 have one or two more quick updates and then Dave has a couple  
11 of things on menhaden and we should be out of here in 5 or 10  
12 minutes.

13           MR. RICE: Okay, any questions for Mike? Troy?

14           MR. JEFFRIES: Ken. I don't know if I would say we  
15 should not even put the other options up there. I mean,  
16 anything with zero or minus -- I think I would put -- see what  
17 all three would do. In my own personal opinion. I mean, you  
18 know how we voted on -- some guys want the circle hooks but to  
19 limit yourself to one option, I don't know if that is the best  
20 approach. If you already got the numbers and the math figured  
21 out, I don't see why we wouldn't put whatever ones fit the  
22 criteria. We know that are not going to choose two of them.  
23 So, I mean --

24           MR.                   : So why put them up.

25           MR. JEFFRIES: Because they are there and it is a

1 what if scenario. I would rather have a what if in one  
2 percent then a slim chance at the other one. I mean, that is  
3 my opinion. I would like to see every option that fits the  
4 criteria up there. But that again that is personal.

5 MR. RICE: All right, Troy did you still have  
6 something?

7 MR. WILKINS: Yes, I just want to know does the  
8 circle hook going to make that much difference?

9 MR. : Makes no difference.

10 MR. WILKINS: I mean, we talked about this, I am  
11 pretty sure you remember, I sit right next to you and we  
12 talked about it like in August. And the amount of dead fish  
13 is ridiculous. I mean, I am not --- fisherman, I am just  
14 curious is that circle hook going to make that much  
15 difference?

16 MR. LUISI: The circle hook has been determined  
17 based on studies that we did here in the Chesapeake Bay that  
18 the use of a circle hook reduces mortality by over 50 percent  
19 on a fish caught with live bait. Not with just live bait but  
20 any form of non-artificial bait. So 50 percent of the time  
21 you are saving the fish that was caught because it was not gut  
22 hooked when it would have been gut hooked as a result.

23 MR. WILKINS: What happened last year in the bay  
24 when fish -- it was a disgrace.

25 MR. : It is a disgrace.

1           MR. JEFFRIES: The problem is July and August when  
2 it is hot, it doesn't matter what you use. As soon as the  
3 fish gets taken out of the water, there is a percentage that  
4 dies. And when you got people that sit out there for 16 or 18  
5 hours that just keep on catching, catching, catching, hugging  
6 their tree while they are catching, there is a percentage that  
7 dies.

8           MR. RICE: Well, Troy, I will tell you what I know  
9 about circle hooks. We use circle hooks when we set trotlines  
10 for catfish. And we literally caught thousands of fish. And  
11 I can't recall ever gut hooking a fish. They all get hooked  
12 pretty much right here (indicating). But in the case of  
13 recreational people using them, if they are going to bring the  
14 fish on board and take -- and handle it and let it flop around  
15 in the bottom of the boat, you are not accomplishing nothing.  
16 They are going to have to lean over the side of the boat and  
17 dehook that fish just like we dehook the catfish.

18                   That is all it takes and it is gone. You don't even  
19 need to touch the fish. And if a person knows how to handle  
20 the fish, knows how to dehook then they are all going to  
21 basically live. But if you don't -- if you mishandle a fish,  
22 none of them will live just like before.

23           MR.                   : What happened last summer, that was  
24 almost a disgrace.

25           MR. RICE: David?



1 MR. SUTHERLAND: Yes, I agree. Personally I watched  
2 for two summers and it is disgraceful. And it is a waste.  
3 And I think there are two issues and one is it that you got  
4 people sitting next to, --- me from a recreational standpoint  
5 speaking. You are sitting next a guy catching -- commercially  
6 catching an 18 inch fish and we are just discarding like 18 or  
7 18 inch fish. I mean, one over the other, one over the other  
8 and they are all floating. And it is a waste. It is a waste.  
9 And I am not exaggerating this, it is disgraceful.

10 So you sit back and you watch these fish float and  
11 you just watch them go back and forth in the tide and they are  
12 going what are we doing here? And what are we doing? We came  
13 to DNR and raised this one -- what 8 or 9 months ago, just  
14 saying it is a big concern. It is a one all. Didn't just  
15 happen last summer. It happened the summer before and it will  
16 probably happen the summer before that and so if you look at  
17 it, i has to be addressed.

18 I mean, you are using a 9 percent mortality rate  
19 right? For compliance. So really if you think about it, we  
20 are not in compliance. So -- and I think that is a major,  
21 major issue that impacts everybody. What is good for the fish  
22 is good for all of us. So circle hooks, I use them off shore  
23 fishing. I mean, going to your point, I mean, if you treat  
24 the fish right, and a lot of this is common sense and just  
25 what you do normally. Not everybody does that, so there is

1 going to be a requirement for some education.

2           And I think that that education component needs to  
3 be related into enforcement. So you don't just go in there  
4 bust somebody because they are -- right out of the gate  
5 because they are not using their circle hook. You use that  
6 opportunity to you know, enforcement to educate. You don't  
7 give them a ticket, I mean, again I am just talking common  
8 sense here and saying you know, I don't know how you do that.  
9 I think it is a DNR policy or an NRP policy perspective.

10           So from my standpoint, circle hooks work and we all  
11 know they work, the proof is there and the proof is in the  
12 pudding. Education, it is just like the market gunners, they  
13 didn't want to change. Just keep killing ducks and putting  
14 them on the market, stop using lead shot over water. We fight  
15 this stuff, it is just who we are right? I mean, we got to  
16 change and this is the right thing to do. It is the right  
17 thing to do.

18           Is it permanent? I mean, I think that is a function  
19 of what happens you know in terms of the next bench mark  
20 studies and what the future of the fish. And I think that DNR  
21 can make that decision as they move forward from a regular  
22 standpoint -- I don't think that is an Atlantic States Marine  
23 Fisheries Council decision, it is a DNR -- it is a Maryland --  
24 State of Maryland, that is my perspective.

25           MR. RICE: Robert T. did you have a comment on this?

1           MR. BROWN: Yes. I agree with Ken down there that  
2 all three should be put up there. Because even with or  
3 without the circle hooks, you may have -- say you know we are  
4 not going to give you a 19 inch fish, we are going to give it  
5 to you maybe part of the year. That is one reason that I  
6 think that should be there. Circle hooks, I have never used  
7 them.

8           They say that they are good and I am just assuming  
9 that they probably do work like you say that they do. But you  
10 know when we have our next assessment, once we start these  
11 circle hooks now, are they going to stay with us forever?

12           MR. LUISI: That is impossible to -- impossible to  
13 know. But the regulation is put in place and it stays in  
14 place until it is changed or modified but this is the same  
15 thing with the other stuff we have talked about tonight. We  
16 are asking for permission to go forward and do something.  
17 That permission could come in the form of a motion that we  
18 would make to deal with the interest of Ken, where the motion  
19 might mean we want this commission to support the methodology  
20 that was used to develop the estimated change in removals and  
21 we would like support for any of those options that we can  
22 develop that would equal or be below the zero.

23           So something like that could give or provide some  
24 flexibility now. We come back home after we get approval and  
25 we have to go through a regulatory process to determine, to

1 put that in place. That is where we can have the discussion  
2 about how long it would be in place for. Whether or not we  
3 sunsetted or we talk about a review of -- in some way. That  
4 is all for future discussion after we get the approval.

5 And I don't want to talk about all that stuff before  
6 we get the approval. Let's get the approval and then it comes  
7 into our house and then we can deal with it here.

8 MR. SUTHERLAND: Thank you.

9 MR. : Are we done discussing?

10 MR. SUTHERLAND: I just if you don't mind, my only  
11 concern with having more than one option is you are going to  
12 have the risk of telling some charter boat captains that they  
13 are going to lose how many days?

14 MR. : 15.

15 MR. SUTHERLAND: So I mean, you are part of the  
16 Charter Boat Association and --

17 MR. : They don't lose -- the lose the  
18 ability to fish in the Chesapeake, they still go to the  
19 Potomac.

20 MR. SUTHERLAND: I understand with your association.  
21 So from my standpoint, I am looking realistically at everybody  
22 is involved in this fishery. That you know, circle hooks is  
23 assuming it is not something that is going to have -- it is  
24 pre-determined that it is going to be there forever. I  
25 personally think it is a good option, it is a better option.

1           If you throw out the other option, you are going to  
2 be have -- you have the risk of them saying you are going to  
3 have to come back and break the bad news, well you know they  
4 want to cut the season by 15 days or whatever. So that is my  
5 only --

6           MR. JEFFRIES: I will set there with Mike and I know  
7 how hard he worked on all of this and he has been working on  
8 it for years. Some states will look at 19 inches and see all  
9 year and they are going to say no way. That is why I am not  
10 ever in favor -- if it fits the criteria, I think we should  
11 put all the options up there. But again and if I get the  
12 opportunity to make a motion --

13           MR. RICE: You have that opportunity right now.

14           MR. JEFFRIES: I would like to make a motion that we  
15 approve the three options that fit the criteria of either zero  
16 or negative number in the mortality rate.

17           (MOTION)

18           MR. RICE: Motion has been made, do I have a second?

19           MR. BROWN: Second.

20           MR. RICE: Second by Robert T. further discussion?

21           (No Response)

22           MR. RICE: Seeing none, all those in favor to the  
23 motion signify by saying "aye".

24           (Chorus of "Ayes")

25           MR. LAY: I would like that distinguished?

1 MR. RICE: What is this?

2 MR. LAY: I would like that explained further. That  
3 would be option G, option A and option B. I would like to be  
4 specifically --

5 MR. BLAZER: What options are those again?

6 MR. : There is H, there is four of them.  
7 A, B, G, and H.

8 MR. JEFFRIES: So you are saying all 12 of them.

9 MR. LAY: All three that fit the criteria --

10 MR. : There is four.

11 MR. LAY: A, B and G is the ones that I was looking  
12 at. I didn't even see an H.

13 MR. SUTHERLAND: Well that is why I said you need to  
14 be specific on it.

15 MR. : So which ones are they then?

16 MR. : Here let me get the glasses out.

17 MR. LUISI: So A and G are the same. The only thing  
18 is different is the methodology that went into the developing  
19 the -- B, does not have a corresponding value. And C and H  
20 have the same season except we used a 27 percent mortality to  
21 get to zero, 9 percent gave us a 1 percent. So the seasons  
22 are basically -- there is really -- there is either a May  
23 through July 19 inch fish option. 20 goes August through the  
24 rest of the year and we close December. That is one way. We  
25 do the same thing under H, we just go further with the 19 inch

1 through an extra month we close -- 20 goes September to  
2 November, we close December. And then there is the circle  
3 hook requirement for 19 all year.

4 MR. RICE: So Steve, for benefit of all of those --  
5 I mean, Ken, it is getting late. Clarify your motion please.

6 MR. JEFFRIES: I will reiterate it. I would like to  
7 see the motions that fit the criteria 0 percent or a negative  
8 number in the stock in the mortality to be approved which are  
9 options A and B and G and H.

10 MR. RICE: Thank you. Robert T. does your second  
11 remain?

12 MR. BROWN: Yes.

13 MR. RICE: All right, any further discussion?

14 (No Response)

15 MR. RICE: Seeing none, all those in favor say aye?

16 (Chorus of "Aye")

17 MR. RICE: All those opposed?

18 MR. SUTHERLAND: Me.

19 MR. RICE: One. All those who abstain? One, two.

20 MR. : Dave doesn't -- he doesn't get a  
21 vote.

22 MR. RICE: I thought he could vote.

23 MR. SUTHERLAND: I was told at Sports Fish and I  
24 didn't vote.

25 MR. RICE: Well if that is what you were told, all

1 before I thought I remember voting -- I know Bill Goldsborough  
2 voted all the time.

3 MR. SUTHERLAND: So next time I won't show up, how  
4 about that.

5 MR. : I will have to get permission to  
6 vote when I come over to see you guys.

7 MR. RICE: All right, I am only going by --

8 (Whereupon, parties are speaking simultaneously)

9 MR. RICE: All right, so that being said -- so we  
10 will check the guidelines.

11 MR. LUISI: All right, just so that you are clear,  
12 we got feedback from the Sport Fish Commission that differed  
13 slightly from the feedback from the Tidal Fish Commission,  
14 there is -- this is not the first time that it has happened.  
15 So, we need to sit down still internally with our other  
16 commissioners and develop a plan moving forward. There is  
17 probably a way to hybridize that up so that it gives us some  
18 flexibility and we are not handcuffed in the end. So anyway  
19 we will leave it at that and know that both -- we got  
20 conflicting opinions or recommendations.

21 But I have one more thing that I want to get into  
22 and --

23 MR. RICE: Wait, I want to make sure that we are  
24 clear on how to vote because --

25 MR. : We got it.



1 MR. RICE: You got it?

2 MR. : Yes.

3 MR. RICE: Okay, I just want to be sure that we are  
4 good.

5 MR. LUISI: So we got clarity on --

6 MR. SUTHERLAND: I was told that I was liaison and  
7 that I wasn't a member of the commission per se. Just sitting  
8 in and representing this association.

9 MR. LUISI: I think people's opinions are very  
10 important.

11 MR. : Outside of technicalities and I  
12 mean I think that is how you develop relationships and you  
13 make good decisions. If I am insulting anybody, I apologize.

14 MR. RICE: Back to you Mike.

15 MR. LUISI: Okay. Last thing, we have already  
16 talked eels and Black Drum. At the upcoming meeting we have  
17 already discussed all of that. I do want to mention the  
18 lastly on my part that cobia regulations are changing. And so  
19 commercially the fishery will remain -- will maintain the  
20 current management measures as implemented through the South  
21 Atlantic Plan. There is going to be a 33 inch fork length  
22 minimum size limit. And a two fish limit per person on the  
23 commercial vessel.

24 If there are more than one person the vessel, each  
25 person up to three people can keep two fish. So you can have

1 a six person maximum limit.

2 MR. WHITE: It has to be 33 inches?

3 MR. LUISI: 33 inches. Fork length. So down to the  
4 here -- not pinching the tail. So 33 inches to the fork,  
5 right there. To the V. So 33 inches to the V, you can keep  
6 two per person up to six per vessel. There is a 50,000 pound  
7 coast wide quota and that is going to be monitored in states  
8 south of Maryland. Because that is the majority of the  
9 harvest happens. And in the event that the 50,000 pounds is  
10 caught, the fishery will be closed and it will be closed to  
11 all states from Georgia to New York.

12 So just you will have to stay in tune for  
13 information about closures. It doesn't close often but last  
14 year it closed like at the end of September. As a result of  
15 the catch.

16 MR. : What was the length?

17 MR. LUISI: 33 inch fork length. That is all I have  
18 and Dave is going to wrap up with menhaden.

19 MR. BLAZER: Yes, just when you thought it was safe  
20 to go back into the water, menhaden reappeared. We thought we  
21 had disposed of all of the menhaden issues back in November.  
22 We had a -- the ASMFC boards had approved Amendment 3 that  
23 talked about ecological reference points, allocation, and the  
24 total allowable catch for the year and a couple of other  
25 special provisions.

1           The bottom line of what was passed then was kind of  
2 the status quo as far as ecological reference points. They  
3 said let's keep the reference points that we have now and we  
4 are not going to change those until the ecological reference  
5 point committee comes back in two years with better  
6 recommendations than what we have dealt with at this  
7 amendment.

8           We also approved a total allowable catch coast wide  
9 to go up to about 8 to 8 and a half percent. And that was  
10 approved as part of that process as well. The big change was  
11 the allocation. Mike described the Florida allocation or the  
12 flounder allocation and how it was kind of shifting. Well in  
13 menhaden, they wanted to shift some of that because there are  
14 states that didn't have any allocation or had very small  
15 allocations that we are having growing fisheries. So there  
16 was some effort to try and create some poundage for those  
17 states.

18           Basically what was decided in the morning of the  
19 ASMFC meeting was that each state would get one percent and  
20 then all the remainder would be distributed historically based  
21 on historical landings. Over lunch, there was a move to  
22 reconsider. So we reconsidered in the afternoon and said, we  
23 are going to deal with -- everybody will get a half a percent  
24 and then whatever is left over, will be based on historical  
25 landings.

1           So we thought everybody was okay with that and we  
2 thought that you know, it benefitted Maryland. We came out  
3 pretty well with that and we kept our bycatch allowance and  
4 they also kept episodic events for some of the states up  
5 north. So there weren't a whole lot of significant changes  
6 other than some of the smaller states got to keep -- got a  
7 half a percent of the overall.

8           And also the bay cap reduction. You know the bay  
9 has its own quota, written before it was 87,000 metric tons  
10 and Amendment 3 reduced it to 51,000 metric tons and that was  
11 approved. Well about 10 days ago, Virginia appealed that  
12 decision. They did not like the decision. They challenged  
13 Amendment 3 on several different fronts.

14           First, the allocations -- they didn't feel that  
15 there was a fair allocation. That they were influenced or  
16 impacted too greatly, so they challenged that half a percent  
17 that was given to the other states. They said it should have  
18 been based on historical landings and again that -- they would  
19 have gotten more out of that. They also challenged some of  
20 the other methodologies of getting those allocations.

21           There is another thing that they challenged too. I  
22 will talk about that in a second. The appeal went to the  
23 ASMFC board or the ASMFC leadership, the chair, the vice  
24 chair, and the past chair. They review the appeals as far as  
25 a process. They did not accept that allocation appeal. And

1 they said no, we think it is fair and we went through a  
2 process and everybody knew what was going on and the  
3 objectives we were trying to achieve and we have used fixed  
4 minimums like a half a percent to states and that has been  
5 done before. We are comfortable with that decision, so the  
6 appeal is denied on that case.

7           So the second part that they -- that Virginia  
8 appealed on, was the bay reduction cap. That is the 87,000 to  
9 the 51,000 metric tons. They basically said there was no  
10 scientific evidence to say that that should be reduced.  
11 Because you got the stock assessment and the total allowable  
12 catch for the coast. You shouldn't have toyed with that. Or  
13 reduced that.

14           The leadership said okay maybe you have a case,  
15 let's hear that case. So at the next ASMFC meeting, at the  
16 policy board, Virginia will be allowed to present their case  
17 and ASMFC staff will talk about Amendment 3 and some of the  
18 information that went into the decision making process. The  
19 policy board will determine yes there is more to go on, more  
20 that we need to know. What the leadership has recommended is  
21 a fact finding committee be established to look independently  
22 at the appeal and come back to the policy board and the  
23 menhaden board if they agree or if they come up and say here  
24 is the science that we know. If Virginia's argument is, there  
25 wasn't enough science or enough data to you know for that

1 reduction, we need to know that.

2           So they are going to -- this fact finding committee  
3 will go back and look at all of the data and look at all the  
4 information and come back to the ASMFC boards in May to talk  
5 about that. So there is a lot of ways that this can maneuver.  
6 That is the recommendation of the ASMFC board is they have  
7 kind of said we are okay with the appeal for the bay reduction  
8 cap. Our solution is to perform a fact finding committee and  
9 let them come back to us with more information and then we  
10 will determine what the appropriate cap should be for the bay  
11 reduction fishery at that point.

12           So that will occur -- they inserted this in the  
13 agenda in the policy board and they also inserted a menhaden  
14 management board meeting on Thursday, the last day. So those  
15 will be topics of discussion at the meeting in two weeks.

16           MR. RICE: Anybody have any questions for Dave?

17           (No Response)

18           MR. RICE: Okay, good job.

19           MR. BLAZER: I would be interested if -- in people's  
20 thoughts about the bay reduction cap. Because we in the last  
21 meeting, we voted to have it reduced based on what we heard  
22 from a lot of our stakeholders. Some of the pound netters  
23 that I met with said yes, the less fish that Virginia catches  
24 in the bay give us a better opportunity, so that was kind of  
25 their advice to us, they like the lower number. So I throw

1 that out to you all because that is what I heard last time.  
2 If you guys can talk to folks and have any opinions or  
3 thoughts or ideas I would like to hear that before we go into  
4 the ASMFC meeting in two weeks.

5 MR. DIZE: On procedure, if it goes to the policy  
6 board and the policy board says no, we go back to what was  
7 already approved, a half percent for states that didn't have  
8 any quota?

9 MR. BLAZER: Yes. Well, yes the appeal has  
10 basically -- that has kind of been disposed. All they need  
11 from the policy board is an agreement to that.

12 MR. DIZE: Reduction.

13 MR. BLAZER: Yes, and I don't think anybody is going  
14 to object to that. The reduction -- the policy board can turn  
15 around and say to the leadership, no we disagree we think that  
16 was fair and equitable and we are okay with those numbers. We  
17 don't agree with your assessment of the appeal. Which would  
18 be a pretty interesting debate. So the policy committee could  
19 turn around and say, that appeal denied, we are going to stop  
20 that.

21 MR. DIZE: So suppose they would get -- the policy  
22 board would say okay, what is the time line in effecting the  
23 change? Is there any?

24 MR. BLAZER: What that would do is if we go with the  
25 ASMFC leadership recommendation on the appeal, the quota --

1 the bay reduction cap would remain at 87,000 metric tons until  
2 this issue is resolved. And then once the fact finding  
3 committee you know if that is the route we go, comes back in  
4 May and says here is all of the information that you need to  
5 know to be able to make a decision, then the menhaden board  
6 could say all right, we like the 87 or no we like the 51 or  
7 maybe they would come up with another number -- I am not sure  
8 what happens after that point. Whether we have to do an  
9 addendum or we can just do it at the meeting. Send it back to  
10 a policy board and they check it off and then Virginia would  
11 go with that new number. Then they can appeal that again.

12           The other problem is Virginia is -- you know,  
13 menhaden is managed by the legislature in Virginia. They  
14 don't have regulatory authority over this. So they have to go  
15 back to their general assembly to get these changes. So I  
16 don't know if they are in session in May. I think they are  
17 out in May, similar to us for the summer.

18           MR. DIZE: SO I am wondering are they -- even if it  
19 is a good stab at it, even if they don't get it, they will get  
20 time under 80 some thousand metric ton?

21           MR. BLAZER: Right.

22           MR. DIZE: For the time being -- so okay that makes  
23 sense that a reduction fishery would do that.

24           MR. BLAZER: Right, they could delay it -- and that  
25 is a possibility as well. So that is why I say the policy



1 board could agree and then go through the process and then I  
2 don't know if the menhaden board has to agree with that appeal  
3 or can argue that point? You know --

4 MR. DIZE: Well, let me ask you this --

5 MR. BLAZER: I haven't been through this process yet  
6 so it is a little fuzzy, Russell you are on that group.

7 MR. DIZE: Right, who is sitting on the advisory  
8 board, on the policy board, how many Virginia?

9 MR. BLAZER: Virginia there is the 3 of them. There  
10 is John Howell --

11 MR. DIZE: So you have got Howell --

12 MR. BLAZER: John Howell and I can't remember the  
13 other 2 folks, Davenport and Schick.

14 MR. LUISI: Schick, Kyle Schick and Kristy  
15 Davenport.

16 MR. DIZE: I am just wondering what the makeup of  
17 the board was.

18 MR. BLAZER: Yes and well talking about the bay cap,  
19 it was a 16 to 2 vote for the 51,000 metric tons. So you  
20 know, again I am a little fuzzy on the process. So you know,  
21 I think it might be a little fast and furious like the meeting  
22 in November where we went to lunch and came back and they  
23 wanted to reconsider and I am like okay.

24 MR. DIZE: You might get something out of it like  
25 the episodic event which I think is the most ludicrous thing

1 I have ever heard of in my life.

2 MR. BLAZER: But you know, even with the  
3 reconsideration, we came out with -- pretty good as far as our  
4 quota and allowing the bycatch, so we were pretty successful  
5 there working through that. So but I would be interested in  
6 people's thoughts and ideas about the bay reduction cap or if  
7 you talk to some of your folks, tell them to give me a call  
8 and let me know what they think.

9 MR. RICE: That moves us into the public comment  
10 area.

11 MR. BROWN: Wait a second.

12 MR. RICE: I am sorry, Robert T. Thank you.

13 MR. BROWN: Look what about the rollover on the bay  
14 cap?

15 MR. BLAZER: Yes, I am sorry, that is part of it as  
16 well. In the 51,000 there was no rollover and in the 87,000 I  
17 think there was rollover associated with that.

18 MR. BROWN: And they still have fish rolled over  
19 from last season.

20 MR. BLAZER: Right. And basically one of the  
21 reasons that they picked a 51,000 was because that is what  
22 they have been catching every year for the last 5 years, it is  
23 somewhere in that range. So again they have been able to roll  
24 over but they haven't used it. Because they have never gotten  
25 up to the 87,000.

1 MR. BROWN: It is like I say, you know that they  
2 were at 51,000 that would help us into the bay, all fishing  
3 part of the fishing industry and all.

4 MR. BLAZER: Right that is what I am hearing from  
5 most of our folks.

6 MR. RICE: All right, once again Robert T. I am  
7 sorry, but Chucky put on his coat like 15 minutes ago. That  
8 as the signal.

9 MR. WHITE: I have been up since midnight for about  
10 three days.

11 MR. RICE: Moving forward, that takes us to the  
12 public comment period. And Captain Ed, you are the only  
13 public we got. Do you have anything to say?

14 ***Public Comments***

15 MR. O'BRIEN: Let's let this plan play itself out.  
16 See how it goes at ASMFC. And then we got some time to get  
17 back together. Typically some times it seems switched to the  
18 menhaden. Let's see how it comes up.

19 MR. RICE: All right, thank you, sir.

20 MR. WHITE: I got one, Dave, I know you had a lot to  
21 do with it in the past and everything, the DOT money for  
22 oysters that is coming up soon, right?

23 MR. BLAZER: Yes. I mean, we get the \$2 million.  
24 So at the County Oyster Committee.

25 MR. WHITE: But doesn't it come up for review or

1 something here?

2 MR. BLAZER: We have got -- two more years with it.

3 MR. WHITE: Okay I thought it was coming up next  
4 year.

5 MR. BLAZER: No, well one of the things that I did  
6 before I left was because I didn't want to go through the  
7 arguments all the time with DOT, was I made it a 5 year MOU  
8 instead of a one or a three year MOU which is what it was when  
9 I got there, so we got five years out of it. And we will have  
10 to redo that before 2019 but again I am not sure what the  
11 future holds after that.

12 MR. : Why didn't you do a ten year?

13 MR. BLAZER: Well, basically I originally put a 6  
14 year thing because if you know the way MDOT works mainly on  
15 capital funds and they have to do a 6 year budget projection.  
16 So what I want to know on the inside information, said okay if  
17 you got a six year budget laid out, let's do six years. And  
18 they said well we are not sure about that six year. I said  
19 well let's do five years then. So we got that.

20 MR. WHITE: You got some pull.

21 MR. BLAZER: Most of my people are -- have left  
22 there. Or at least my biggest supporter left, she retired.

23 MR. : I was getting ready to ask him,  
24 Chucky if we have any more Daves in there.

25 MR. BLAZER: I got a lot of good people over there

1 but the one that was a real big advocate for us, Kathy  
2 Broadwater retired. So.

3 MR. WHITE: Well, it has definitely helped.

4 MR. BLAZER: Yes.

5 MR. RICE: Well closing remarks, Dave.

6 MR. BLAZER: Those were my closing remarks, thank  
7 you all for -- I am sorry, Troy has his hand up.

8 MR. RICE: Troy, your hand is up?

9 MR. WILKINS: Yes. When -- after we just leased --  
10 we said that we were going to form a committee, so when I go  
11 home I am going to tell my people this is going forward or  
12 does it have to go to that committee?

13 MR. BLAZER: I am not -- the PSFA that particular  
14 one? We will use that as an example but that is following a  
15 different track.

16 MR. WILKINS: This one here.

17 MR. BLAZER: Yes. So you guys need to provide  
18 comments on that. We are not going to hold that up for the  
19 work group or the committee that we are doing. The committee  
20 will talk about that but --

21 MR. WILKINS: So when I go home, I am going to tell  
22 everybody this is moving forward?

23 MR. BLAZER: Yes.

24 MR. WILKINS: You need to tell them that and get  
25 engaged in the process.

1 MR. WHITE: They got public comment right, isn't  
2 that what the call said?

3 MR. BLAZER: Yes.

4 MR. RICE: All right, anybody else?

5 (No Response)

6 MR. RICE: Then it is up to me for closing remarks.  
7 And my closing remarks is thank you very much. We appreciate  
8 your time and we are adjourned.

9 MR. BLAZER: Great. Thanks.

10 MR. : Thank you guys.

11 MR. WHITE: Thank you, ladies and gentlemen.

12 (Whereupon, the meeting adjourned at 5:44 p.m.)  
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## **Approved 2018 Sport Fisheries Advisory Commission Meeting Dates & Times**

- **Jan 23**                      **2-5pm**
- **Apr 17**                      **3-6pm**
- **Jul 24**                      **3-6pm**
- **Oct 16**                      **2-5pm**

## **Approved 2018 Tidal Fisheries Advisory Commission Meeting Dates & Times**

- **Jan 25**                      **2-5pm**
- **Apr 26**                      **2-5pm**
- **Jul 26**                      **3-6pm**
- **Oct 18**                      **2-5pm**

### Atlantic States Marine Fisheries Commission 2018 meeting dates

- Feb 6-8
- Apr 30-May 3
- Aug 7-9
- Oct 21-25, Tentative

### Mid-Atlantic Fishery Management Council 2018 meeting dates

- Feb 13-15
- Apr 10-12
- Jun 5-7
- Aug 14-18
- Oct 2-4
- Dec 11-13

All meetings except SFAC Oct 16 meeting are tentatively scheduled to take place in the Tawes Office Building complex (DNR's main office).