



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

Meeting of the Tidal Fisheries Advisory Commission

April 26, 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: Vice-Chair Robert (Moochie) Gilmer, Robert T. Brown, Gale Sindorf, Tom Ireland (proxy for Ken Jeffries), Buddy Carson III, William (Troy) Wilkins, C. Richard Manley, Steve Lay, Boo Powley (proxy for Julianne (Gigi) St. John, J.D. Blackwell, Sonny Gwin, David M. Sutherland (SFAC liaison), William (Bill) Scerbo and Bubby Powley.

Commissioners Absent and Not Represented: Aubrey Vincent

Department of Natural Resources Staff Attending: Dave Blazer, Michael Luisi, Sarah Widman, Lt. Troy Brimer, Karl Roscher, Chris Judy, Lynn Fegley, Harry Rickabaugh.

Members of the Public Attending/Presenting: Bobby Whaples.

Action Items:

- Department will send commissioners the current commission guidelines. Guidelines also include liaisons role and voting abilities.
- The commissioners are reminded to supply Paul Genovese with their designated proxy and proxy's contact information.
- Commission invites Colonel Zeigler to come to future TFAC meeting to discuss plan for enforcing the harvest of small oysters at the start of the season. Visible enforcement at the very beginning of the year would send signal and improve compliance.
- Russell Dize will provide names of individuals who have had their full TFL revoked through an administrative hearing. Sara Widman will follow up to validate that these cases have occurred.
- Department will review number of days in sponge crab importation window - number of days implemented may not be consistent with what work group recommended.
- Is there a means to improve seafood dealer enforcement for recreational harvesters (crabs/oysters) who are selling catch? Ask Colonel Zeigler.
- Chris Judy will provide a map of Man O War shoals to TFAC showing sanctuary section.
- Department will provide report to commission on enforcement and penalty history of lease holders. How many have had licenses suspended or revoked, how many have appeared before an administrative court?
- Department will reach out to the Maryland Department of Health and secure all new regulations related to white clams. Department will also search for a sustained connection with the health department regarding future regulations related to commercial fisheries.

- The commission ask the Striped Bass Work Group to consider excessive quota overages / abuse of system that would result in a more severe penalty than a pound for pound payback (Example) catch 3x quota then transfer license with plan to stop fishing. Boo recommends 50-pound max overage.
- Department will look into discrepancy between striped bass size limits of New York and Maryland that prevent sale of fish smaller than the NY size limit within NY state. Staff are already looking into this based on striped bass work group concerns.
- Department will distribute to TFAC and eel workgroup - when public comment is due on Eel Addendum V.

Motions:

- *Commission names Steve Lay as chair.* Motion by Gail Sindorf, seconded by Buddy Carson. Motion carries. Vote for: 15, against: 0, abstained: 0
- *Commissioner Steve Lay will continue as liaison to the Sport Fisheries Advisory Commission.* Motion by Moochie Gilmer, seconded by Russell Dize. Motion carries. Vote in favor: 15, against: 0, abstained: 0
- *Move to approve the striped bass commercial workgroup recommendation of a pound for pound payback of individual quota overages.* Motion made by Boo Powley, seconded Robert T Brown. Motion carries. Vote for: 14, against: 0, abstained: 1
- *Move to approve the striped bass commercial workgroup recommendation of the following transfer dates for in-season transfers:*
 - *ITQ in-season partial **temporary** transfer: May 1 – December 14*
 - *ITQ in-season partial **permanent** transfer: May 1 – Oct 19*
 - *Common Pool Temporary Transfers: May 1 – Nov 30.*
 - *Common Pool Permanent Transfers: May 1 – Oct 19*

Motion by Robert T Brown, seconded by Bill Scerbo. Motion carries. Vote for: 15, against 0, abstained: 0
- *Move to approve the striped bass commercial workgroup recommendation of the following transfer poundage increments:*
 - *350-pound minimum transfer increment for permanent transfers.*
 - *1,000-pound minimum transfer increment for temporary transfers.*

Motion by Buddy Carson, seconded Moochie Gilmer. Motion carries. Vote for: 14, against: 1, abstained: 0

Next Meeting Date: July 26, 2018

To be held in the Conference Room C-1 of the Tawes Building from **3 p.m. to 6 p.m.**

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

Thursday,
January 26, 2018

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

Maryland DNR
Tidal Fisheries Advisory Commission Meeting

Thursday, April 26, 2018

TFAC Members Present:

Robert Moochie Gilmer, Vice Chair

James Blackwell

Robert Brown

Lee Roy Carson, III

Herman Dize

Ear Ray (Sonny)Gwin, Jr.

Tom Ireland (***Proxy for Ken Jeffries***)

Steven Lay

Charles Richard Manley

Larry Powley, (***Proxy for GiGi St. John***)

Thomas (Bubby) Powley

William Scerbo, Jr.

Gail Sindorf

David Sutherland

William (Troy) Wilkins

TFAC Members Absent:

Ken Jeffries

GiGi St. John

Aubrey Vincent

Maryland DNR Fisheries Service

Dave Blazer

Sgt. Troy Brimer

Lynn Fegley

Chris Judy

Mike Luisi

Lt. Roy Rafter

Harry Rickabaugh

Karl Roscher

Sarah Widman

**Maryland DNR
Tidal Fisheries Advisory Commission Meeting**

April 26, 2018

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**Maryland DNR
Tidal Fisheries Advisory Commission Meeting**

April 26, 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

(2:07 p.m.)

Call to Order

by Moochie Gilmer, Vice-Chair, TFAC

MR. GILMER: All right I will call this meeting to order. This is my first time as heading Tidal Fish. Since Billy was removed. We want to welcome the new commissioners or Dave do you want to say something before we go there?

MR. BLAZER: Sure. We have two new commissioners here with us today that have been appointed. Sonny Gwin from Ocean City, he will be helping us represent the coast. Welcome Sonny. And Bubby Powley, he is also appointed to the Tidal Fish Advisory Committee. And I believe we have one proxy here today, Boo is here as a proxy for GiGi St. John. So and I will have some more announcements in a second, if you want to --

MR. GILMER: All right, so first thing on the agenda is electing a chair for -- to lead this group --

MS. SINDORF: Can I saw something before we do that, before we start business. Billy Rice had sent something to me and wanted me to read it to all of you. I think he wanted to express his appreciation. So if that is okay with you guys, I would like to read that.

MR. GILMER: Yes.

MS. SINDORF: So for the for the transcript, this is

1 from Billy Rice for the Commission. This is Billy, I am going
2 to try to be as humorous as he would be, I will do my best,
3 guys.

4 (Whereupon, the letter from Bill Rice is read.)

5 "I didn't get a chance to extend my thanks to all
6 of you following our last meeting. So I would like
7 to do that now. To the TFAC Commissioners, most
8 people don't realize the amount of time and effort
9 it takes all of you to be TFAC Commissioners. The
10 driving, the preparation for meeting, the extra sub
11 committees that we all are eventually doing. And
12 all the stress that comes along with it. I have
13 watched many of you do this for the past 7 years
14 and want to say, "Thank you". You sharing your
15 years, decades and even generations of fishery
16 knowledge helps guide the policy makers and
17 improves our industry more than anyone could
18 imagine. Keep it up and thanks for all of it.
19 To the DNR staff, I would like to thank you for
20 always being available to prepare me for TFAC
21 meetings. You made sure that I had all necessary
22 material and information before every meeting.
23 Even if that meant some extra hours of work or
24 after hour phone calls. Some how you guys managed
25 to make even me look like I knew what I was doing."

1 (Whereupon, the reading of Billy Rice's letter end.)

2 MS. SINDORF: See that would be a chuckle, right
3 there.

4 (Laughter)

5 (Whereupon, continuing reading the letter.)

6 MS. SINDORF: He also says the DNR staff.

7 "I would also like to share my respect and
8 admiration for the way you handle impasses,
9 confrontations and criticisms that come as part of
10 your jobs. It shows true professionalism, how you
11 work through these set backs and continue to move
12 forward, move issues forward. Thank you. To all
13 of you, I will continue my effort to better our
14 industry in whatever small way I can. Always
15 remember that I am here if you need anything and I
16 am only a phone call away. I will miss working
17 with all of you guys and thanks again."

18 (Whereupon, the reading of Billy Rice's letter
19 ends.)

20 MS. SINDORF: He is a classy guy.

21 (Applause)

22 MR. GILMER: We need to elect a chair for -- to run
23 the meetings. And I will tell you right now I am not
24 interested so take my name off the table.

25 MR. BROWN: I would like to nominate Gail and she has

1 done so much for us in the past, writing letters and just
2 overall her knowledge and the way she works with people and
3 the way she expresses herself, I think she would do an
4 excellent job as job.

5 MR. BLACKWELL: I second that motion.

6 MS. SINDORF: Robert T. thank you so very much, I
7 really appreciate that voice of confidence, however the time
8 demands of doing that are far beyond what I have. I know that
9 it is typical when you are chairman of this board, that you
10 get on many others and I unfortunately don't have it -- I
11 don't have the time. But gosh, thank you. Thank you. As for
12 me, I think I have someone to nominate as well if that is
13 okay. Steve Lay. I think that he -- his name was going
14 around a little bit and I thought about it and I thought about
15 what Steve Lay could really offer this commission.

16 And I think that he really knows things like
17 Robert's rules and the bylaws of these commissions very well.
18 And he also I think could manage this commission well as far
19 as when issues became no longer productive, I think he would
20 be able to move the commission on. So because of that, I
21 would like to nominate Steve Lay.

22 MR. CARSON: I second it.

23 MR. GILMER: I guess the big question is will you
24 accept it?

25 MR. LAY: Yes, I will accept it.

1 MR. GILMER: Okay. So we have -- any other
2 nominations from the floor?

3 MR. MANLEY: I nominate Troy --

4 MR. WILKINS: I decline.

5 (Laughter)

6 MS. SINDORF: I decline -- that didn't take long.

7 MR. GILMER: Okay, we will call for a vote then if
8 there is no more. All in favor, raise your hand for Steve.

9 (Show of hands)

10 MR. GILMER: Any objections?

11 (No response)

12 MR. GILMER: Any sustains?

13 (No response)

14 MR. GILMER: Good, Steve. Do I have to move --

15 MR. LAY: No stay where you are -- I would like to
16 thank the Commission for your vote of confidence. I feel my
17 job now would be to conduct an orderly and on time meeting.
18 Our meeting is scheduled to end at 5:00 and I am going to do
19 everything that I can to see that that happens. We may be
20 limited at times in discussion and as Gail mentioned, I have a
21 new Bible -- Robert's Rules of Order, it has been very
22 enlightening, 700 pages, I haven't read all of the 700 but
23 there is a few things that will help us a long with our
24 meeting here and when we come to them, I will let you know.

25 I am currently your liaison to sport fish. I will

1 continue to do that with no problem at all, I enjoy that. If
2 someone else would like that position, you are certainly
3 welcome to it, I don't need to have all of them. But as Gail
4 was saying, time for a lot of people is very demanding on what
5 they need to do. And I do have time to do these things --
6 attend these meetings. So if there is no objection, no other
7 nominations, then I will continue being the liaison.

8 (MOTION)

9 MR. GILMER: I can make a motion that Steve remains
10 as the liaison to sport fish?

11 MR. LAY: Do I have a second?

12 MR. BLAZER: Russell?

13 MR. LAY: Russell second? Okay, all those in favor
14 raise your hand please.

15 (Show of hands.)

16 MR. LAY: Those who oppose?

17 (No response)

18 MR. LAY: Those who abstain?

19 (No response)

20 MR. LAY: All right, I will continue to be liaison
21 for sport fish. All right, Dave you have a couple of
22 announcements for us?

23 MR. BLAZER: Yes. I have a couple more
24 announcements. Just a couple of things, the blue crab winter
25 dredge survey is complete. The scientists are analyzing the

1 numbers, so we should have some announcement, maybe next week
2 or the week after that. But it is within the next two weeks.
3 I am also getting reports of reporting rates are very low for
4 commercial clamming. Please let the clammers know that they
5 need to submit the reports, they are abnormally low for some
6 reason. So if you could let folks know that they need to get
7 our -- get their reports in, we would appreciate it.

8 There are even from the days when I was here before,
9 we had prepaid envelopes that we used for charter boats. For
10 them to send in their reports. And they have the little
11 permit number in the upper right hand corner that their
12 postage was paid by the Department. We no longer pay that
13 postage. We have discontinued that because it is kind of
14 faded out and nobody was using that and we were having to lock
15 up some money. So we have discontinued that.

16 So if you have any of those prepaid envelopes,
17 especially the charter boat folks, please discard them and do
18 not use those reports in those envelopes. In your packet, in
19 tab 2, we wanted to let you know that Governor Hogan signed an
20 executive order to create the Maryland Outdoor Recreational
21 Economic Commission, we will call it MORE. I think there were
22 16 or 17 folks on this group from Deep Creek and Youghiogheny
23 all the way to Ocean City and a lot of points in between that
24 are going to look at outdoor recreation and try and improve
25 recreational opportunities and just look at it from a business

1 view point.

2 So they are going to be coming up with
3 recommendations and looking at industry on how they can help
4 improve that and make Maryland kind of a leader in outdoor
5 recreation. We have a lot to offer and we are trying to
6 figure out ways to help promote that and improve that. Along
7 with that, that commission is actually charged by Secretary
8 Belton and Secretary Gill from the Department of Commerce of
9 Tourism.

10 They have also for a couple of years been having
11 this fish and hunt Maryland initiative where they are trying
12 to promote fishing and hunting opportunities in the state to
13 kind of go along with this outdoor commission and they have
14 kind of renewed effort -- they went to Harrisburg and set up
15 some display material up there. They are on Facebook, they
16 have a blog. They are looking for writers. This is kind of
17 stay out of the policy management regulatory argumentative
18 arena and just focus on opportunities for fishing and hunting
19 in this state.

20 So I have a couple of postcards here if you are
21 interested in that, you can see me either later today and we
22 will get you some of that information but they are looking for
23 story lines or looking for people to help write stories for
24 some of those things. Because we have had some change in turn
25 over in both Tidal Fish and Sport Fish and with new

1 commissioners and so forth. A couple of things I wanted to
2 remind the commission about. One is the liaisons that we
3 have, David Sutherland from Sport Fish and Stevie goes over to
4 Sport Fish as our liaison from Tidal Fish.

5 Those individuals have full voting rights, can make
6 motions, they can second motions from the floor and can vote.
7 They are full members of the commission as everybody else is.
8 There was some confusion on my part at the last meeting. But
9 we went back and double checked that and I have talked to both
10 David and Stevie, so I regret any misinformation that I may
11 have caused before. But I just wanted to let you know that
12 they can make motions, they can second. Et cetera as they go
13 through.

14 Also the other thing I wanted to remind folks
15 because this issue kind of came up a little bit today is like
16 with proxies. You are allowed to have a proxy on this
17 commission but they have to be designated. And you have to
18 call us before hand and we will -- so that you have kind of a
19 full time proxy. We can't have you call up right before the
20 meeting and say oh I can't make it, this person is going to
21 sit in for me. We have laid that out in the guidelines so
22 that we get steady involvement as we go through. So proxies
23 need to be designated, so you will have to call Paul and just
24 let him know who your proxy is going to be in case you can't
25 make the meeting.

1 MS. SINDORF: What is the criteria for proxy? For
2 example, if I get a proxy? Does it have to be a retailer from
3 my area or they have to be the same county?

4 MR. BLAZER: You want to try and get you know,
5 whatever your background is and whatever you are trying to
6 represent to the commission. You want to try and provide some
7 consistency. But I don't think there is any you know,
8 restriction outside of that.

9 MS. SINDORF: Okay.

10 MR. CARSON: Can you register two in case one is
11 sick?

12 MR. BLAZER: We only have -- the guidelines say one.
13 So maybe that is something that if we want to take a look at
14 that again and kind of revisit that. But that is the way the
15 guidelines read. You get one proxy and you have to designate
16 that beforehand so that you know, like I remember like Sport
17 Fish had a meeting nine months ago or something and somebody
18 came in and said oh well I am going to be a proxy for this
19 person. Well like well we hadn't talked to that person, we
20 don't know -- so it is better that you designate them
21 beforehand so then we know -- one, to get them the information
22 and communicate with them and you know, so there is some
23 consistency as we go through .

24 So I just wanted to remind the commission of that.
25 If you don't have a proxy designated, you may want to call

1 Paul tomorrow or next week and designate somebody for
2 yourself. So. And I think that is it for my announcements.

3 MR. LAY: Okay, I don't know whether this might have
4 been or might not have been in your packet. It is the
5 guideline Maryland Sport and Tidal Fish Advisory Commission
6 final operating guidelines. So we do have something in black
7 and white for both commissions, it has been established over
8 the years and is what we need to follow as commissioners.

9 MS. : What about these Steve?

10 MR. LAY: I don't know that it is in your packet.

11 MR. BLAZER: It is not in your package today. But I
12 think when we had provided it before last meeting, just
13 because we had some new members. But we can send it out to
14 everybody again.

15 MR. LAY: I just want everybody to be aware that
16 this exists and we do use this for our guidelines. Okay.
17 Moving on to our NRP activities report. We have an officer
18 here. Yes?

19 ***NRP Activity Report***

20 ***Sergeant Troy Brimer, MD DNR***

21 SGT. BRIMER: (Not near a microphone) Lieutenant
22 Rafter couldn't make it today so I am here for -- Sergeant
23 Troy Brimer. Hopefully everybody got the print out and the
24 stats from the last order and the now working cases(sic). If
25 anybody has any questions with any of those? Well since for

1 now we are going into -- were are in April, our priorities are
2 shifting. Commercial fishery season is over and so we are
3 focusing on commercial oysters to the -- well we hope to be
4 focusing on crabs soon. Crabbing, fishing and we have been
5 doing some work on the --- season, striped bass, we have had
6 some good cases already that we will --- next week. Still
7 have the aquaculture as really kicking up now as the wild
8 oyster season is out. And clamming -- the clamming activity
9 as well.

10 Another topic, we have a academy class going on
11 right now. It started a couple of months ago. I am not 100
12 percent on the total but I believe it was either 34 or 36
13 which is the largest recruit class that we have ever put
14 through and also in addition to that, we were looking to hire
15 some lateral officers, which are officers from other
16 departments who are already certified as police officers.
17 They would just come over to our department and receive
18 training on natural resources.

19 And then put out in the field much quicker than a
20 new recruit officer. I am not sure of the -- 100 percent sure
21 of the time line but what the Colonel said yesterday is hoping
22 somewhere around July for lateral officers so that it could
23 give it some additional level(sic) in the summer. The group
24 officer is looking to graduate on --- in November and then
25 there is to be on the FTO program until February or March of

1 next year. So we do have some additional manpower on the way.
2 That is all I got -- I will -- any questions?

3 MR. LAY: Any questions? Thank you. Robert?

4 MR. BROWN: I would like to -- maybe we could get
5 the Colonel to come here at the next tidal fish meeting and
6 find out what plans they had for enforcing the law at the
7 first oyster season or small oysters next year. It seems like
8 the first part of the season, you don't see the man or hardly
9 see him at all and then you know, when the man is not seeing
10 the police boat run up and down the river, he doesn't have to
11 be avoiding it every day, it causes people to be careless.

12 And you know, then they want to start enforcing it
13 real hard the first of December, well it is -- once the horse
14 is out of the barn what are you going to do? You know, and it
15 seems like it has been happening for a number of years now.
16 And maybe you know, after the first of October, the parks and
17 stuff are shutting down and stuff, an as far as it goes for
18 the deer hunters, you know, it is -- they allow you to even
19 hunt there on Sundays and everything else, so it doesn't -- so
20 maybe we can get a little more law enforcement on first part
21 of oyster season.

22 MR. LAY: Okay so Robert you would request that
23 Colonel -- come to our next meeting?

24 MR. BROWN: Yes.

25 MR. LAY: Okay. With the intention of talking about

1 oysters?

2 MR. BROWN: Yes.

3 MR. LAY: Can we do that?

4 MR. BLAZER: We will take the message and we will
5 make the request and see if Colonel Ziegler can attend or at
6 least maybe some of his majors or whatever. But we will take
7 that back and try to coordinate that.

8 MR. LAY: Okay, thank you, Robert. Moving along,
9 policy program. Sarah?

10 ***Policy Program***

11 ***Sarah Widman, MD DNR***

12 MS. WIDMAN: All right. I will start with
13 legislation and you should have a couple of handouts from me.
14 There wasn't too much that passed. Some things that came
15 through this commission. You guys have -- we had a motion
16 last year to ask us to allow -- to work on the law to change
17 to get a license beneficiary on your license and a beneficiary
18 that you can leave your license to, be changed throughout the
19 year and just not a renewal. And also adding cancer crabs in
20 with the conch, turtle, lobster evidence to help shore up --
21 no pun intended, the potential issues for gear related to the
22 Jonah crab fishery out in the coast.

23 So that bill passed, which was great. And we also
24 had another departmental that would allow us to continue
25 recreational licenses instead of discount programs. The

1 oyster shell recycling credits got bumped up to 1500. There
2 is also a bill that now allows essentially two sets of
3 commercial oyster divers, so your attendant before used to
4 have to have the license and surcharge and everything as well
5 as the diver and now just the set of you has to have that.
6 One of the two of you has to have that.

7 So that is a little bit of a change. Oyster
8 revocation bill just extended the time frame to 90 days for a
9 hearing. There is a couple of bills in cross filed but that
10 was the --- in the past. And then there was an exclusive
11 right for pier owners for essentially growing oysters for non-
12 consumption, in the past as well.

13 Yes, questions on --

14 MR. GILMER: Yes, so on the dive bill, I understand
15 that -- I had a lot of calls about this. So if you the guy
16 working on the topside -- just so one of you have a license,
17 you can dive?

18 MS. WIDMAN: Yes.

19 MR. GILMER: Okay but it is one limit? Because
20 there is one license, correct?

21 MS. WIDMAN: Yes. So the two limit for the boat
22 that you could be working in a group but for one set, it is
23 going to be the one -- yes. So I know a lot of guys that have
24 the two because they want the two limit but --

25 MR. GILMER: But I just want to make that clear that

1 that is -- I mean, because I had a lot of calls about you
2 know, somebody wanting to do this.

3 MS. WIDMAN: Yes and I think we are going to go and
4 just try to clarify it further. Because --

5 MR. GILMER: Okay.

6 MS. SINDORF: And this house bill -- this 1485, the
7 wharf owners, that is leading to the like the oyster garden
8 things, that is kind of where that is heading?

9 MS. WIDMAN: That is kind of where -- yes.

10 MS. SINDORF: Okay and we are going to discuss that
11 later is that what we are doing?

12 MS. WIDMAN: I don't --

13 MS. SINDORF: Didn't I see this somewhere?

14 MR. GILMER: You did.

15 MR. BLACKWELL: It is in scoping. But it is related
16 --

17 MS. WIDMAN: It is not the same as -- we currently
18 have oyster growers and I can over that. It is a little
19 different in that it is exclusive right for certain riparian
20 land owners. So this extended to not just wharfs but also
21 piers.

22 MS. SINDORF: Okay.

23 MS. WIDMAN: And this is started I think it is 5 or
24 10 feet --- here, have the first right to do whatever they
25 want(sic).

1 MR. SCERBO: They actually have more detail and
2 where around your dock you can do this?

3 MS. WIDMAN: I think this is another one we are
4 going to have to spell out more details and regulations based
5 on --- clarify it. I want to say passed -- I don't know if it
6 was the last one. I can check for you. I think it is 5 or 10
7 feet but I don't remember where --

8 MR. SCERBO: It is 10 feet.

9 MR. BLACKWELL: Expands the distance from the
10 structure. The equipment can be --

11 MS. WIDMAN: Yes.

12 MR. GILMER: Because I know that we have been told
13 that -- of course, clamming we have to stay 50 foot away from
14 the pier or whatever, but I understand trotlining, you can
15 trotline right up against the pier. So I just wanted to --

16 MS. WIDMAN: Yes. Other questions on the
17 legislation?

18 MR. LAY: Yes, Robert?

19 MR. BROWN: On this authorization, the
20 administrative penalties?

21 MS. WIDMAN: Yes?

22 MR. BROWN: Okay they changed it from taking your
23 license, they just take your authorization for what you have
24 been doing, correct?

25 MS. WIDMAN: Yes, which is how we are always

1 employing -- just doing it for the oyster authorization, so we
2 asked them to clarify that when they were -- so that is how
3 it is how it is -- so it is clear that it is just your
4 authorization.

5 MR. BROWN: Okay, well how about people who have
6 lost their license a few years ago --

7 MS. WIDMAN: You can't -- so legally you can't
8 retroactively do anything when a law passes, it doesn't
9 retroactively do anything. That is just all in general.

10 MR. BROWN: Okay so in other words, they can't even
11 petition the Department to have another hearing on it or the
12 judges and --

13 MS. WIDMAN: I mean, they can take it through the
14 courts but -- I mean, I am just telling you from going to law
15 school that --

16 MR. BROWN: I got questions to ask and I am trying
17 to get some answers.

18 MS. WIDMAN: There is a legal term used in courts
19 and essentially it says if a law is passed today everything
20 that happened before it doesn't apply to that in the past.
21 Unless it is grandfathered -- it actually says it is
22 grandfathered into the law.

23 MR. BROWN: So in other words, we would have to have
24 legislation so if we have -- so we would have to get
25 legislation to provide it so a person could petition the

1 courts since the law changed to --

2 MS. WIDMAN: There wouldn't be any --

3 MR. BROWN: -- instead of taking their license, in
4 other words, when you took their license, they could -- if
5 they took it for oyster okay what they didn't take it for, is
6 they took it for everything. They took the -- they didn't
7 take the entire license.

8 MS. WIDMAN: No, it has been applied -- so we have
9 only taken the oyster license. The oyster authorization on
10 your license. So if you had unlimited title fish license, you
11 have only taken the oyster --

12 MR. DIZE: No, that is not correct. That is not
13 correct. I have three cases on Tilghman.

14 MS. WIDMAN: Are they points cases?

15 MR. DIZE: Number one case, never had a ticket
16 crabbing, fishing or anything else. Lost his license -- they
17 took his entire license -- he can't get -- board a boat, he
18 can't work for someone else. He can't dump a bushel of
19 oysters.

20 MS. WIDMAN: Do you know who that is? The name?

21 MR. DIZE: I can give you three names. They took
22 another boy -- they took his license forever for Saddler boy,
23 they said he was over the line -- he plead probation before
24 judgement and not knowing that is a guilty verdict. So they
25 took his license -- they already took his right to oyster

1 forever.

2 MS. WIDMAN: Yes.

3 MR. DIZE: But I know of two cases that they have
4 taken their licenses. One didn't even have a license, he can
5 never get a license.

6 MS. WIDMAN: Your entitlement --- yes, that part is
7 true.

8 MR. DIZE: The -- but on Bob Murphy -- he said I
9 deserved to lose my oyster permit but they took all of his
10 licenses, his entire permit. He can't even -- he got arrested
11 for picking clams for --- he can't even walk aboard a boat.
12 Now I think that can be beaten in court but that it probably
13 has to go and it is going to take some money to do it.

14 MS. WIDMAN: Well, I can let you know that we never
15 said -- the Department has never sent a notice taking your
16 entire -- tidal license under this law.

17 MR. DIZE: But the Department don't hear it, it is
18 the State's Attorney's office that hears it. So you have
19 no --

20 MS. WIDMAN: The judge could -- if it was a District
21 Court, the judge could do that and we have no say in that.

22 MR. DIZE: Exactly. And that is what has happened.
23 And it is not just happened in or two cases. It has happened
24 in a lot of cases where they have taken all of their licenses.
25 People have never had a ticket in all other fisheries. Which

1 is -- and it has not been spelled out. It has been very vague
2 this whole thing about the penalties on this, it has been
3 vague because like Robert T. I get call after call after call.

4 MS. WIDMAN: Yes, I understand and I think some of
5 the confusion is that people don't understand that when you
6 get a ticket and you go to District Court like next door here,
7 that judge in District Court -- your criminal case, can take
8 away whatever. That is the right of the judge.

9 MR. DIZE: Well I am not talking about that. I am
10 not talking about that. I am talking about when you come
11 before an hearing officer --

12 MS. WIDMAN: Administrative --- do through here --

13 MR. DIZE: -- here in DNR. That is who took those
14 licenses. And it wasn't in court.

15 MS. WIDMAN: I will double check but I am not aware
16 that we have ever done that.

17 MR. DIZE: Doesn't matter whether you double check,
18 I will bring you the evidence.

19 MR. BLAZER: Give us the names.

20 MR. : It was in the notes that was e-
21 mailed.

22 MR. DIZE: I will -- and the second question was,
23 who on the diving, who is licensed -- a diver -- if there is
24 two people on there. Where does the person that doesn't have
25 a license have to be located? On the boat? Or can it be in

1 the water?

2 MS. WIDMAN: I have to look at the law to see
3 exactly --

4 MR. DIZE: But this is another question that I am
5 getting, people calling me and they want to know, can I hire,
6 I got a license, can I hire a diver to dive for me? And it is
7 the --

8 MS. WIDMAN: And it may be -- when we looked at it
9 the other day, there was -- even our staff, this is unclear,
10 so it is almost likely something that we have to come back
11 through and clarify and --- to what that text means.

12 MR. DIZE: I hope you do it before next season
13 because I am getting these questions now and if I am getting
14 them, you are going to get them.

15 MS. WIDMAN: Yes, no we are aware.

16 MR. DIZE: All right, thank you, Sarah.

17 MS. WIDMAN: Sure. And you said Murphy, Sadler and
18 Cummings were those three --

19 MR. DIZE: I will get you the names.

20 MS. WIDMAN: Okay.

21 MR. LAY: Do you have anything else, Sarah?

22 MS. WIDMAN: Yes. The right -- so you should have
23 just our regulatory and penalty update. Trying to see if
24 there is anything -- the normal -- recreational notices. We
25 just came off of our break hiatus when you can't submit each

1 year. Trying to see if there is anything -- does anyone have
2 any questions? Not a lot --

3 MR. LAY: Dave, you are next.

4 MR. SUTHERLAND: I think it is maybe a question to
5 you, Steve and -- but are -- can we assume that dialogue like
6 we just had a violation from asking any questions for
7 response, can I assume that you are going to respond to
8 everybody so that we all know the results to that?

9 MS. WIDMAN: Yes, when I get asked questions or any
10 of us get asked questions, we will send something back
11 through, at either your e-mail or it takes that long to come
12 back at your next meeting and give you the answer, so.

13 MR. SUTHERLAND: Okay thank you.

14 MS. WIDMAN: Yes, everyone will hear. Are there any
15 questions on things that we either have in the hopper or regs
16 that became effective since we last met?

17 MS. SINDORF: Something that I just remembered
18 actually. The last time we were here, we voted on the sponge
19 crab window shift. And when we voted on it we decided that it
20 was two week window shift. When I looked it up and I also got
21 a phone on it, somebody said that it was a 15 day shift that
22 has been put into regs. Can we -- and I know it is not going
23 to happen this year, I get that but for next year --

24 MS. WIDMAN: We are aware of the difference and we
25 will try to fix us --

1 MS. SINDORF: And you will just correct it or should
2 we have to vote on it or what do we have to do with that?

3 MS. WIDMAN: We will bring it -- I think -- anyways,
4 so I think we can bring it back through for a scoping
5 discussion.

6 MS. SINDORF: These people are pretty passionate, as
7 you know.

8 MS. WIDMAN: Yes.

9 MS. SINDORF: As you saw.

10 MS. WIDMAN: Yes, it is not a big deal.

11 MS. SINDORF: Okay.

12 MR. LAY: Robert, you were next. Oh okay, sorry,
13 Troy?

14 MR. WILKINS: How are these regulations that come
15 effective that forces are declassification of 109 and 110? Is
16 that from a public fishery?

17 MS. WIDMAN: So that was one that I think we had the
18 big discussion about before that was in process and was out
19 for comment the last time that we met. We had a lot of
20 discussion about it and it has since become effective.

21 MS. : That was the --

22 MS. WIDMAN: Yes.

23 MR. WILKINS: So they were both public fisheries and
24 going to aquaculture.

25 MS. WIDMAN: Yes.

1 MR. BLAZER: And if I can, we will talk about this
2 later. In tab 5, when we talk about some of the work group
3 items on the agenda. There is a draft in there of oyster
4 bottom where we talk about declassification of PSFAs. At the
5 last meeting, we had talked about trying to get some people
6 together and provide some information for you. There has been
7 some movement in that realm that we will talk about when we
8 get later in the agenda but there is a paper in here that we
9 prepared that provides some of the information about the
10 declassification process, yates bars, PSFAs yada yada yada
11 that we will talk about a little bit later.

12 MS. WIDMAN: Anything else on stuff that --

13 MR. LAY: Okay, thank you, Sarah.

14 MS. WIDMAN: Is there another?

15 MR. LAY: Oh there is a question, I am sorry.

16 MR. GWIN: I just would like to ask a question on
17 why they put Jonah crabs with the conch, turtle and lobster
18 license?

19 MS. WIDMAN: So the coastal -- there is no one it
20 would have affected at the time being because I think it is
21 the guys using the lobster pots that are doing it largely by
22 hatchet(sic) it sounded like too -- when I was explained by
23 the biologist but it would give folks -- because there was
24 concern about how do we manage that fishery gear wise? Because
25 the gear fell into the lobster -- the fin fish or the crab

1 license --- so we were trying to kind of jerry rig it together
2 so that they would have the right licenses to do it. And this
3 kind of clarified it. So if they didn't want to get the other
4 one, they could just get this one and do lobster pots and have
5 the bycatch and that was kind of the goal.

6 MR. GWIN: And there is no fee. Is there extra fee
7 for that?

8 MS. WIDMAN: Everyone who is doing it now, they
9 already have that. SO it is just that if they didn't want to
10 get that other one, they don't have to now. That was the goal
11 to help them out.

12 MR. IRELAND: But --- prepare the clamming or the
13 Chester River oyster recovery area zoned sanctuary -- is that
14 what we had issues with last year?

15 MR. GILMER: Yes, that was the one at conquest --

16 MR. IRELAND: That resolves the problem?

17 MS. WIDMAN: This takes that problem -- yes.

18 MR. IRELAND: Okay, thank you.

19 MS. WIDMAN: On scoping, a lot of this is kind of
20 clarification and trying to pull out stuff that is not
21 clarification and you guys might -- the oyster gardening
22 thing, we had that oyster -- Maryland Grows Oysters program
23 now where you can kind of -- it is actually like recreational
24 growth on your property and it wasn't clear kind of the
25 process to do that. So we are just putting it in reg, that is

1 where that conversation came from. There is like a form and a
2 permit that goes with that now and it just was never a reg
3 where people could just easily go and say here is --- purchase
4 that program. So we are just --

5 MS. SINDORF: So just to clarify, like so it is ---
6 pier and they are in cages or they are just thrown out there?
7 What can visually --

8 MS. WIDMAN: They are cages of -- you get like a
9 cage. But this is different than that --

10 MR. BLACKWELL: DNR is providing the cage, right?

11 MR. BLAZER: Well, yes through ORP. But yes.

12 MR. BLACKWELL: DNR took over our case providing
13 special cage. This is not the same gear referred to in the
14 other thing you talked about. That is like you --

15 MR. BROWN: Is this the same thing as Maryland Grows
16 Oysters?

17 MR. BLAZER: Yes, same thing.

18 MS. WIDMAN: That is what this is, yes.

19 MR. : So in other words, it is not
20 expanding it, it is just doing these little cages around --

21 MS. WIDMAN: Yes, yes this is basically the Maryland
22 Grows Oysters and the people now --

23 MR. BROWN: It is little floats around the piers.
24 And it has to be --

25 MR. GILMER: And they used to be floats. The one

1 cage is on bottom -- they were always floats before. Bob is
2 correct.

3 MR. BLAZER: Right, but now they are putting cages
4 on the bottom. They were --

5 (Whereupon, the parties are speaking simultaneously)

6 MR. BROWN: -- so many feet of the pier or what is
7 it? Because I have had some questions on that.

8 MR. : They are just hanging off the dock.

9 MR. BLAZER: They are just hanging off the docks
10 usually.

11 MR. SCERBO: They are vinyl coated half by half --

12 MR. BROWN: Well, just like you been doing, it is
13 not no change, they are not floats. They are not literally.
14 So they got to be hooked to the pier.

15 MR. : Unless they want to lose them, they
16 got to be hooked.

17 MS. WIDMAN: That will all be clarified in the regs.
18 So that is for just that specific program and then there is
19 that law that pier owners having exclusive rights to be with
20 10 feet of their pier -- that is a different -- not part of
21 this.

22 MR. : Okay.

23 MR. BLACKWELL: So is it Maryland who is gathering
24 them up and placing them on sanctuary? I mean, is it DNR?
25 Sorry.

1 MR. BLAZER: ORP is doing that. And I think CBF and
2 some of the other folks are doing similar type things. So I
3 think NGOs are pretty active.

4 MR. BLACKWELL; What sanctuary is it going to? Who
5 decides what sanctuary?

6 MR. BLAZER: I think it is whatever tributary they
7 are in. So for example the --

8 MS. WIDMAN: Yes, the river keepers maybe.

9 MR. BLAZER: The river keepers or the other group.

10 MR. GILMER: So what happened in Wye River was they
11 grew them off the piers and then they put them in the
12 sanctuary in water. So river keeper there dig them up along
13 with somebody from -- I don't know if it was ORP or the
14 Chesapeake Bay Foundation but anyway they gathered them up and
15 they announced when they were going to plant them, and planted
16 them in the river for them on an oyster bar that was in the
17 sanctuary.

18 MR. BLACKWELL: And these are things that are
19 currently marked not the restoration tributaries? That they
20 are currently marked sanctuaries, right. So otherwise these
21 may be spots that aren't getting any other attention other
22 than this?

23 MR. BLAZER: Correct.

24 MR. LAY: Troy?

25 MR. WILKINS: Do you know where 109 and 110 is?

1 MR. : I think it is in Edge Creek, Troy.

2 MR. WILKINS: Edge Creek?

3 MR. : I think so, yes.

4 MR. WILKINS: Yes.

5 MS. WIDMAN: There is more -- which this group did
6 talk about, we are going to go out and scope the idea of a
7 recreational hydrosummit for recreational oystering. A boat
8 limit similar to how we do crabs, a two bushel limit for the
9 boat regardless of number of people on board. That was a ---
10 between sport fish and tidal fish. A year or two it was
11 recommended that and so we are going to go ahead and go out
12 and get comment on that idea.

13 MR. BROWN: Sarah? You said two bushels per boat.
14 Do you have to have two people in the boat to do the two
15 bushels?

16 MS. WIDMAN: I think it was if there are two or
17 more, so it will be treated like crabs. So if you are one
18 person on the boat, you get one bushel and then two or more,
19 you get two bushels. Exactly like crabs to keep it
20 consistent.

21 MR. SCERBO: Is there a way for -- it is abused very
22 heavily in the recreational crab fishery. Is there a way that
23 it can be you know, a bushel or two a day but also limit it to
24 x amount of bushels per week? Because you got recreational
25 crabbers that are crabbing six days a week and they are

1 catching their bushel or two. And they are selling. So there
2 out to be some kind of way of I have seen you out here. The
3 only days you don't see certain recreational guys out there is
4 on Wednesdays. And it was pointed out to me because I didn't
5 have a clue that they can't crab on Wednesdays. So if you are
6 looking at -- if you are worried about people catching too
7 many oysters in one day recreational, they also have to look
8 at it by the week. And if you see the same guy out there
9 every day or whatever, then it is kind of moot point how many
10 they take.

11 MR. GILMER: Then they are not contributing any tax
12 money or anything but --

13 MR. SCERBO: They are just gaming the system.

14 MR. LAY: JD?

15 MR. BLACKWELL: So on that very issue, I have made
16 this point, many -- many forums before. We have almost -- we
17 have very little seafood dealer license enforcement. And the
18 thing you are talking about -- he is not only -- he may be
19 legal for him to go harvest that --- but he rips over the wire
20 the second he sells it. And it is --

21 MS. SINDORF: Unless he sells it to a friend. He
22 can't sell it to like me.

23 MR. BLACKWELL: So all I am getting at -- is it may
24 be too late to address at this cycle but where it could be and
25 should be being addressed is seafood dealer enforcement. He

1 should not be selling those commercially at all. And he
2 should be penalized for doing that the second he does it.
3 Regardless of how many is my complaint.

4 MR. CARSON: Couldn't you control how many bushels
5 he catches by making him put tags on these oysters like the
6 commercial man has to do?

7 MS. WIDMAN: We did talk about that in the group and
8 I would have to look back on notes of the concerns about the
9 tags on that. It may have been concern about people having
10 illegal tags or how we would go about that.

11 MR. BLAZER: There is some logistical issues with
12 that one with recreational -- when we don't require
13 recreational license, we don't know who -- they can just wake
14 up one morning and just want to go. So we don't have any way
15 of you know, measuring or knowing who the people are that are
16 doing that. So with that, we don't have any income if we
17 don't have a license or a fee associated with that. So we
18 don't have any money to be able to create tags to get
19 them to do it.

20 You know I am not exactly sure but there has to be
21 some accountability or some reporting so we know what kind of
22 impact there is. We just don't have a real good mechanism to
23 be able to do that that is cost effective right now.

24 MR. CARSON: But if you feel that it is being
25 abused.

1 MR. BLAZER: I think in certain areas that is -- at
2 least my recollection of the discussions that tidal fish and
3 sport fish have had, there have been issues in like the
4 Potomac River, I remember Gully talking a little bit about
5 some spots in the Potomac where this has come up. Eastern Bay
6 was another location where there might be some isolated cases
7 where they might be having an impact and not participating or
8 not paying the bushel tax.

9 But you know, overall it is still probably a very
10 small percentage of the overall oyster harvest.

11 MR. LAY: Well -- JD is next.

12 MR. BLACKWELL: I happily concede if he wants to --

13 MR. LAY: Well we are going to have to raise our
14 hand or put our card up if we want to talk please.

15 MR. BLACKWELL: So to go right back to what you just
16 said and repeat my point, the easy way to address this is
17 seafood dealer enforcement because if --- if you know somebody
18 is selling stuff, you see them out there crabbing, oystering
19 or whatever and they are not supposed to be, they are doing it
20 recreationally. Then you can report that to a DNR officer or
21 whoever else would enforce it.

22 They go out and do a buy and you got them. I mean
23 there is no -- we are not wondering whether we are tracking or
24 how to follow it. He does not have the right to sell it
25 commercially. Where is your TFL? Where is your seafood

1 dealer license? You don't have one, you just sold it, you are
2 in trouble. So the easy way to deal with the recreational
3 people doing commercial activity is to attack it at that spot
4 in my opinion.

5 MR. LAY: We have one more comment on the subject.
6 Billy go ahead.

7 MR. SCERBO: There are two ways that that can be
8 taken care of fairly and easily. And there is a lot more
9 enforcement in the summer time obviously than the -- they are
10 patrolling the creeks where the crabbers are. Used to be in
11 the old days, the officer pulled his little book out and he
12 wrote things down. And he wrote things down. So if this guy
13 is out here five or six days a week, he is doing more than
14 eating oysters -- I mean crabs. And that goes for oystering
15 also.

16 A guy writes a name down, gets a check mark beside
17 it if he is there, three days in one week or four days in one
18 week, then that is the guy they are watching. They don't have
19 to sit there and watch everybody and patrol all the crab
20 houses and shucking houses, all they need to do is keep their
21 eyes open. And the crab part of it, not only does it -- is it
22 gaming the system but these guys that are out there trotlining
23 are taking away lays from commercial guys.

24 And so they are also in the oyster, these guys --
25 you are right that Billy talked about it down his way. I

1 mean, everybody knows who has a license and who doesn't have a
2 license down there. It is really not that complicated. And
3 but everybody ought to be able to go out and get themselves a
4 mess of oysters or a mess of crabs. You know.

5 MR. LAY: Okay, continue on.

6 MS. WIDMAN: Okay so the next few are housekeeping
7 ones that shellfish aquaculture housekeeping is literally
8 stuff that is already in statute elsewhere that needs to be
9 corrected in ours. The one after that, there has been some
10 confusion about same day delivery on shellfish harvest which
11 is a rule that is already in Department of Health regulations
12 and I think a lot of us thought that was probably part of the
13 confusion because it is in kind of two places. We want to
14 make sure that is ours so people understand that.

15 And then housekeeping on coordinates, making sure
16 they are correct. The recreational community asked us to
17 consider keeping a easier line to follow in the Susquehanna
18 River for the catch/release fishery for striped bass. So
19 there are some options out there. Next one is a commercial
20 one. It came out of the commercial yellow perch work group.
21 And there was a couple of things about expanding the
22 commercial fishery to include the Choptank and Nanticoke.

23 Removing the provisions that require one of our
24 staff members to be present for a sale of yellow perch on the
25 live market such as have a call in function only. And then

1 opening the month of December for commercial harvest so all of
2 that will go out for scoping. And then yellow perch, again
3 coming out of that roof(sic) there is an agreement on -- there
4 is one area of text that needs to be clarified on the
5 amendment that we have been working on for the past year or
6 so, so agreement came back on that. And so we go out scoping
7 on that -- and that is all I have on scoping unless there is
8 any other questions.

9 ***Work Group -- Cow Nose Ray***

10 ***Sarah Widman, MD DNR***

11 And then I will stay on cownose rays. Just a quick,
12 so last year, 2017 there was a law that said we had to work on
13 a cownose ray fishery management plan. To have something
14 done by the end of this year. So we started that process a
15 couple of months ago. In February we had a meeting of folks
16 from all over commercial recreational conservation scientist
17 and we sat down and just kind of get to know you in the
18 process with the first meeting.

19 So there is not a whole lot to report on that other
20 than our biologists are working now on the biology background
21 section of the FMP that is going to go out to that work group
22 to review. There is a website you guys can all go to cownose
23 ray FMP work group website, it is off the Fishery Management
24 Planning portion of our web. If you can't find let Nancy
25 Butowski or myself now and we can point you in the right

1 direction. But everything we do will be posted up there. So
2 we will send that out to the work group for review here in the
3 next few weeks and then we are going to meet again probably in
4 June and actually get to talking about the issues and things
5 that maybe should be considered in the management plan and
6 have a draft of that out in the fall for everyone to kind of
7 look at and provide feedback on at that point. So that is
8 kind of our game plan of moving forward throughout the year
9 with that. Questions about that?

10 MR. LAY: Okay, we will move along. Oyster Advisory
11 Commission report. Chris?

12 ***Work Group -- Oyster Advisory Commission***

13 ***Chris Judy, MD DNR***

14 MR. JUDY: Chris Judy on the shellfish division. I
15 would like to first say a thank you to Commissioner Steve Lay
16 because at the Sports Fish Advisor Commission, he is the
17 liaison there, a comment was made during public comment and it
18 was about oysters and he gently and appropriately and very
19 politely corrected the misinformation. So he does represent
20 you very well on the Sports Fish Commission, so thank you for
21 your liaison capacity.

22 So on oyster advisory commission, I would first
23 actually like to just take one minute and if I could have a
24 minute of my time to divert to oyster gardening. There were a
25 lot of comments and I ran the program for many years. And

1 most of it is handed over now to ORP. So I would coalesce all
2 of those comments into a couple of short statements to tighten
3 it up.

4 So Sarah mentioned oyster gardening and other
5 people mentioned Maryland and oysters and stuff, so here is
6 the big picture coalesced in a short statement. The regs were
7 about oyster gardening. The activity of oyster gardening.
8 Under oyster gardening which a lot of people do, there is DNR
9 and ORP and we do what is called the Marylander's Grow Oysters
10 program.

11 There is another group, the Chesapeake Bay
12 Foundation and they do oyster gardening. There is another
13 group Oysters for the Bay and they do oyster gardening and
14 there is even individuals. You could buy equipment at Home
15 Depot and you can grow your own oysters at your pier, not
16 associated with any group. So all of that is oyster gardening
17 and now to bring it to the take home message, it is for
18 ecology and not consumption, not sale, it is not commercial
19 aquaculture, just for the bay.

20 They are in containers, all of these oysters are in
21 containers and they are not on the bottom pier, they are
22 hanging from the pier by gravity, in a cage or they are
23 floating tied to the pier in a float. So that is the nugget
24 of the whole program that Sarah was mentioned. Good lively
25 discussion.

1 MR. BLACKWELL: Who decides where they get to go and
2 does it have to be approved? Does anybody -- anybody can grow
3 their oysters for -- can I go stick them --

4 MR. JUDY: I forgot to make a bullet statement.
5 Right, so Maryland DNR is in charge of the oyster bottoms. So
6 no a group can't just say, I want to put my oysters over here.
7 They might be a research site. It might actually be
8 harvestable bottom in the public fishery, it could be a lease.
9 So DNR runs these programs from a high altitude level and we
10 run all of the --- sites approved so groups work with us. It
11 is hard though if you have an individual -- an outlaw so to
12 speak -- an individual -- obviously it is hard to corral a lot
13 of individuals but we work very hard to get these plantings
14 coordinated on specific bottoms so that they don't interfere
15 with other groups. And during sanctuaries, I should mention.
16 These plantings are in sanctuaries.

17 MR. BLACKWELL: When DNR approves it

18 MR. JUDY: Yes, yes.

19 MR. BLACKWELL: Is that done through aquaculture or
20 through --

21 MR. JUDY: Shellfish division.

22 MR. BLACKWELL: Shellfish.

23 MR. JUDY: I took two minutes. And so the oyster
24 advisory commission update --

25 MR. BROWN: Chris, one question. When these are

1 planted into oyster sanctuaries, are they planted on any
2 spores (sic)?

3 MR. JUDY: Yes.

4 MR. BROWN: Right --

5 MR. JUDY: Early in the program which was 2008,
6 sometimes it didn't happen and we have tightened it up over
7 the years. And now -- if it is not, let me know.

8 MR. BROWN: Because that could stop somebody from
9 potentially from using a piece of --

10 MR. JUDY: Correct, that is why we tightened it up
11 after the first year or so.

12 MR. BROWN: Okay.

13 MR. JUDY: Any questions let me know later please.
14 So oyster advisory commission, the month of February 12 and at
15 that time it was decided to go to quarterly meetings. And so
16 the next meeting is coming up May 14. And after that, we are
17 going to have one in June because then there is the summer,
18 so we are going to have two back to back. But basically
19 quarterly meetings from now on.

20 The last meeting, these were the main topics. And
21 if you have detailed questions, I will leave it up to the
22 chairman and you can always contact me later. How far we get
23 into this. So topics of the last meeting, number one the next
24 two large scale oyster restoration sanctuaries. So we
25 discussed Breton Bay and the upper St. Mary's River.

1 The pros and cons of both, the commission discussed
2 what are the upcoming steps to be taken. And basically
3 surveys are to be conducted coming up in the next month or so
4 on the oyster population, the bottom type. So we are going to
5 get some information from the field, compile the data. So
6 those were two key topics. Breton Bay, St. Mary's Sanctuary
7 and the next steps to be taken.

8 Another topic was funding for these next two
9 tributaries. You may know DNR and the Federal Government
10 have committed under the Bay Program to do five large scale
11 oyster restoration projects. We have three under way. These
12 are the next two coming up. So on the funding topic at the
13 last OAC meeting it was reported out that between now and
14 fiscal year of 2023, there is over \$20 million planned to be
15 available. It is an annual cycle. Getting the funding. So
16 every year the Department will request the funding. But the
17 plan is to have \$20 million plus over this time period up
18 until 2023 and these tributaries have to be completed by 2025.

19 So the bottom line is ample funding for these next
20 two tributaries. Third topic was the time line. The oyster
21 commission discussed what is the basic time line? Here come
22 these two tributaries. Short answer is, in 2018, there is
23 field work, survey work, data collection and planned
24 development. In 2019, more development of these plans for
25 these rivers. There will be numerous public meetings.

1 Working with your groups, sport fish and the public in
2 general. So plans will be tightened up and a final plan will
3 be developed in 2019 perhaps into 20, it all depends on how
4 the meetings go. And we could possibly start planting in 2019
5 depending on how the meetings go.

6 So that is the general time line -- about a two
7 year, maybe plus time line on these two tributaries to get
8 things actually started in the water. But we have until 2025
9 to complete them. Okay another topic at OAC was the man o war
10 shoals shell dredging permit. DNR has applied and I am sure
11 you know that. That State and Federal agencies have reviewed
12 the application. The next step to be taken and I might have
13 reported this at your last meeting, the next step is for the
14 permit application to go before the Maryland Board of Public
15 Works. That date is yet to be selected. So the next step
16 would be going to the Maryland Board of Public Works.

17 If it is approved, then the State and Federal
18 agencies that handled the permit, wrap a couple of loose ends
19 and we would get our permit. If it is not approved, then it
20 is not approved. So that is the next step. There is a new
21 development since your last meeting. And I will be reporting
22 this at the upcoming OAC meeting. The corps of engineers,
23 that handles the permit applications noticed that the -- I
24 just have a visual aide here if you don't mind, the far
25 eastern end, this is man o war shoals, it is like an

1 underwater long hotdog typed shaped area.

2 The far right end is a designated oyster sanctuary.

3 And the far left end, you may remember Baltimore County has
4 planted seed on, we are not proposing any dredging activity
5 for where the Baltimore County seed are, that was decided
6 long ago. But the corps just in the last few weeks said, we
7 really can't authorize shell dredging work in that sanctuary
8 portion. So the plan has been amended. This is the update.
9 The plan has been amended, no shell dredging is proposed in
10 that far right hand, far eastern end where it is a designated
11 oyster sanctuary.

12 The bottom line is, the 10 proposed dredge cuts that
13 we were putting forth will now be focused in that middle
14 section. So that is the change. That is new information for
15 you.

16 MR. BROWN: Chris?

17 MR. JUDY: Yes?

18 MR. BROWN: Why can't they dredge in the sanctuary?

19 MR. JUDY: The corps determined -- well they have a
20 standing policy, it wasn't something that they just realized.
21 They said we miss this earlier. We have a standing policy not
22 to have dredging projects in and they had a name for it, area
23 of special concern -- I will have to look up the term. They
24 had a term for these type of areas. Sanctuaries et cetera.
25 So they said we simply can't as an agency authorize shell

1 dredging or any kind of dredging in these types of special
2 areas. It is something that they simply missed in the last
3 year plus or their review.

4 MR. BROWN: Does that mean since they have not taken
5 no shell out of the sanctuaries, that they are not going to
6 take none of the shells and put in the sanctuaries?

7 MR. JUDY: I would say that is not true. I would
8 like -- I am just going to predict the answer is that is not
9 true.

10 MR. DIZE: Chris, that where you were talking about,
11 when you come off of man o war shoals, I have dredged this for
12 year with Skip Jack, when you come off the eastern end of man
13 o war shoal, drop off into a mud -- and then it comes back up
14 on what we call a foot. And we dredged it for years and years
15 and years. And there is an actual divide between man o war
16 shoals and where it comes off into that, just a hill there.
17 Pretty good size hill. It -- that I guess it wasn't sanctuary
18 when I dredged it --

19 MR. JUDY: Yes, I know exactly where you mean.
20 Right -- and I can provide a map later. But I just didn't
21 have one with me handy. But that eastern end and we can
22 provide it through e-mail through Paul, that is what is going
23 to be removed from the permit proposal.

24 MR. DIZE: But I am like Robert T. I don't see why
25 if you are going to take it -- what you are doing in making 5,

1 10 cuts is you eliminate -- you are probably dredging there
2 with your cuts, I don't understand why we don't just the foot
3 too because you are going to put it in sanctuary and take it
4 to sanctuary.

5 MR. JUDY: And that is actually -- the reason the
6 department had it in our proposal was that logic. The
7 sanctuary program could benefit from sales from that
8 sanctuary, so we had that logic when we put it forth but the
9 corps said as an agency, they just cannot move that forward.

10 MR. LAY: Troy?

11 MR. WILKINS: Could the line just be cut a little
12 notch in the box where that is at? If the permit goes through
13 you know where you can get started with the other cuts and
14 then you know make a little notch in the sanctuary so that you
15 can get in there.

16 MR. JUDY: You mean actually dredge shells in there?

17 MR. WILKINS: Well I mean, if the permit goes
18 through and we get started. Where we are allowed to dig at.
19 And everything is going good there. In the meantime cut a
20 little notch -- change the sanctuary line there and if you
21 need to keep the --- the acreage the same, maybe you can go to
22 the east west or somewhere else and you know, bump it out a
23 little bit to make up the difference in the acreage or
24 something.

25 MR. JUDY: I hear you, we can put that on the table

1 for discussion obviously I can't decide that -- that is a good
2 idea.

3 MR. WILKINS: I am just saying that is possible.

4 MR. JUDY: Sure, I understand.

5 MR. DIZE: If you are looking for a time line which
6 I think probably like Troy is looking for, some type of time
7 line, I mean, we should be realistic. The time line is not
8 going to be before the election. Think about it.

9 MR. BLAZER: Oh I know it is not.

10 MR. DIZE: The --- is not going to work on this
11 before the election. Being realistic about it and tell the
12 guys exact -- so when is the election?

13 MR. JUDY: November.

14 MR. DIZE: Okay so you are looking at a time line no
15 earlier than after that.

16 MR. GILMER: My question is, is how long is the
17 corps offer on the table? Is there a cut off time limit and
18 does it run out before the election?

19 MR. JUDY: Okay. David did you want me to merge into
20 the AEZ?

21 MR. BLAZER: Yes, you want to -- yes go ahead.

22 MR. JUDY: There is something not on the agenda and
23 we apologize. Dave wanted me to bring some thing up and if I
24 can do it before Karl?

25 MR. LAY: Okay.

1 MR. JUDY: This was --- Karl's topic of aquaculture.
2 So one last update from the shellfish division. If you
3 remember Tidal Fish put forth a recommendation on the Patuxent
4 River AEZ, Aquaculture Enterprise Zones to declassify them
5 from the AEZ status and make them public fishery docks, that
6 is just a review if you remember that. So Dave requested that
7 we go out and do a survey and we did. We recently surveyed
8 those two AEZs and you have that report in your packet, I am
9 not going to summarize a lot of information because of time.
10 You have the report and here is the bottom line of that
11 report.

12 We found oysters. We found spat, small and markets.
13 That is a very functional oyster bar to have spats smalls and
14 markets. So there is recruitment, there is oysters and not a
15 lot of oysters, the area has been worked by the fishery. But
16 it is an oyster bar. It has been harvested and there have
17 been no lease applications in the area, so Dave discussed this
18 with me earlier.

19 DNR will proceed with designating the sites as
20 public shellfish fishery bottom which is what the bottom is in
21 the general area.

22 MR. BLAZER: And from the advice from this
23 commission. So.

24 MR. JUDY: Correct.

25 MR. BLAZER: We wanted some science to make sure of

1 what we were doing.

2 MR. JUDY: And you can read the report, send me
3 questions if you have some. I just wanted to be brief.

4 MR. LAY: Thank you.

5 MR. JUDY: That is the update. Thank you.

6 MR. LAY: Moving along to the aquaculture
7 coordinating council report.

8 ***Work Group -- Aquaculture Coordinating Council Report***

9 ***Karl Roscher, MD DNR***

10 MR. ROSCHER: Thank you, Mr. Chairman, and members
11 of the commission thank you for the invitation once again. I
12 addressed you folks at the last meeting, I think that was my
13 first time here in a number of years so it was nice to be back
14 for a second -- second time. So I am on the agenda to talk a
15 little bit about the aquaculture coordinating council and I
16 don't know how much information has been presented to you
17 before about the council because I haven't been at the
18 meetings but what I thought I would do if I had time,
19 Mr. Chairman is go over a brief overview of the coordinating
20 council and what its purpose is, membership and then talk to
21 you about our last meeting and some of the topics that we
22 discussed, would that be okay?

23 MR. LAY: Sure.

24 MR. ROSCHER: So the coordinating council is
25 legislatively mandated body that is composed of 19 members. 6

1 of those members are appointed by the Governor. Three have to
2 hold tidal fish licenses. And one of those members have to be
3 a member of the Maryland Watermen's Association. Three of the
4 other appointed members are -- represent the aquaculture
5 industry. So those are the six appointed members.

6 We also have a senator and a delegate on the
7 council. Five state agency reps from the state agencies and
8 then three representatives of University of Maryland and then
9 a member of Maryland Farm Bureau, Oyster Recovery Partnership
10 and Natural Resources police, so that rounds up -- out the
11 membership.

12 So the council was established to support the
13 responsible development of the aquaculture industry and advice
14 the Governor and General Assembly on issues impacting
15 aquaculture. So unlike some of the other advisory commissions
16 that we have, the council does advise directly to the
17 Governor and General Assembly and does not have to go through
18 the secretary of Natural Resources.

19 We meet every other month, so six times a year.
20 Meetings are all held on the second Thursday of the month at
21 6:30 in the evening here at DNR and they are open to the
22 public. So if anybody has an interest in council business
23 please look at attending one of the meetings, they are
24 generally very good meetings and spirited meetings like some
25 of yours have been.

1 Our last meeting was held on March 8. And the next
2 meeting will be held on May 10, so it is coming up quickly.
3 Now, just for a couple of minutes, talk about our last meeting
4 that was held on March 8. There were a number of agenda
5 topics. But really the one that came to the forefront and we
6 are going to be talking about a lot in the future was an
7 existing business item about theft from shellfish aquaculture
8 leases.

9 And during the 2018 legislative session, Senator
10 Klausmeier and Delegate Mautz had talked about establishing a
11 work group to look at theft on aquaculture leases and
12 establish that work group in law. They decided not to pursue
13 the establishment of it in law but rather approach the council
14 and recommend to the council that we establish a work group.
15 So the council agreed to do that and have established a theft
16 prevention work group that is about 14 members including Colby
17 Ferguson who is the current vice chair of the council for
18 Maryland Farm Bureau. He is going to serve as chair of this
19 theft work group.

20 And there is a bunch of other members on there or
21 perspective members including some watermen, some existing
22 aquaculture lease holders, folks from CBF and then one member
23 of the Office of the Attorney General here at DNR. So the
24 purpose of the work group is to look at the issue of theft on
25 aquaculture leases. How wide spread is it? What are some of

1 the problems associated with that? And then look at the
2 existing laws and regulations that were in place. Are they
3 sufficient to provide a bit of a deterrent and have there been
4 instances where NRB has caught some of these individuals that
5 have stolen private product off of these leases and once that
6 happens, have these cases been prosecuted in the court? So
7 looking at kind of a full realm of what has happened with
8 theft on aquaculture leases. And then making recommendations
9 back to the council which would be forwarded to DNR and the
10 Governor and General Assembly after the work groups concludes
11 its meetings.

12 Right now, pretty aggressive meeting schedule. We
13 are looking at monthly meetings starting in May and going
14 through October and then submitting information
15 recommendations from a work group to council at the September
16 council meeting and then hopefully have a report out to our
17 legislative representatives by October which is what they
18 requested us to do.

19 So it is kind of on the fast track but hopefully we
20 can meet those deadlines and get some information back to
21 Senator Klausmeier and Delegate Mautz who are our
22 representatives. A couple of other things just to wrap it up
23 that were on the agenda at the March meeting. One of those
24 was shellfish nursery operations in the State of Maryland and
25 permitting for those operations. Currently MDE and DNR permit

1 shellfish nursery operations.

2 And if you look at the permitting that is
3 accomplished at MDE, there is multiple groups that have to
4 review those permits and or issue that includes Maryland
5 Department of Environment and some of those permits have to go
6 through the Maryland Board of Public Works, which creates
7 quite a cumbersome and costly and time consuming process. So
8 we are looking at working with MDE on ways to streamline that
9 process in the future.

10 Also on the agenda was the issue associated with
11 potential conflicts or interactions between shellfish
12 aquaculture leases and hunting blinds or water fowl hunting
13 blinds. Recently there has been a few situations where leases
14 have been applied for where there are existing hunting blinds
15 and or hunting blinds -- hunting blind licenses have been
16 applied for in areas where a shellfish aquaculture lease
17 exists.

18 So there has been some interactions and some
19 conflicts and the Department is going to look at how to
20 address those conflicts in the future. And if I had to wager
21 a bet, I would say there is probably going to be another work
22 group that rolls the impacts of the conflicts associated with
23 hunting blinds and aquaculture leases established to address
24 those issues. So those were the main things that were
25 discussed. As I said next meeting is May 10, please if you

1 have an interest come and out and attend a meeting.

2 MR. LAY: Bubby?

3 MR. POWLEY: What about if they come to one of the
4 bars and aquaculture people and take oysters off the public
5 bar, what penalty do they have? What penalty have they had?
6 Have they been arrested or fined or anything other than
7 putting on stet docket or like the one that --- 14 acres and
8 just --- nol pros and put on the stet docket? You went to one
9 and gave citations and you went to it a week later and cages
10 were still there on leases that were still under appeal, they
11 weren't supposed to have any cages whatsoever and you went
12 there and you drug and caught the cages and then you went back
13 the following week and they were still there. Issued you more
14 citations and they got nothing.

15 And then you are talking about --- for us taking the
16 oysters off the aquaculture bottom?

17 MR. BLAZER: Real quick because it kind of leads
18 into the next agenda item. You know, there are some specific
19 issues there that you have talked about that have come to our
20 attention. Assistant Secretary Bill Anderson and George have
21 kind of been out talking to a lot of folks and these type of
22 issues have been coming up.

23 MR. POWLEY: It is a big issue -- big issue, Dave.

24 MR. BLAZER: And so as you look on your agenda it
25 says the formation of a clamming work group, we had talked

1 about that several months ago because of the conflicts between
2 aquaculture and clamming. And Bubby this issue that you have
3 brought up, the hunting blind issue that you have talked about
4 and the PSFA declassification. So the secretary and Assistant
5 Secretary Anderson and George have been going out to gather
6 information on a lot of the issues so that we can take a good
7 comprehensive look at aquaculture. Those laws were all put in
8 place back in 2010 and it has been 8 years that we have been
9 doing these things. It is time to kind of revisit some of
10 that.

11 So this type of issue is going to be looked at
12 through that group. So I am going to let George talk a little
13 bit about that and maybe Karl can talk specifically about
14 that. But before I end my spiel, I want to revert back -- one
15 of the other issues that Troy and Gail I think had talked
16 about at the last commission meeting was the declassification
17 of public shellfish fishing areas, for aquaculture. So we
18 went back, the Department and with Chris and Karl and their
19 staff, they put together this information pages and in tab 5
20 in your book.

21 We probably are not going to go into a whole lot of
22 detail here but this is going to be another issue that --

23 MR. POWLEY: We are going to talk about it today?

24 MR. BLAZER: Well, we can talk about it a little bit
25 today but the process that we are going to lay out over the

1 next couple of months to address these things. So we have
2 yates bars, we have got natural oyster bars, we have got
3 publish shellfish fishery areas. Now you have lease areas, so
4 we want to go back and look at what each one of those means,
5 put it all in one spot --

6 MR. POWLEY: Especially the water column leases.

7 MR. BLAZER: And the water column -- that is all
8 part of this. So again, we may not have the answers for you
9 today but I think this process is going to address some of
10 those. Like the clammers, you know that is kind of what
11 started a lot of this as we were going through. There was no
12 recognition of the clamming industry and where you put leases
13 for aquaculture.

14 We recognized that, we talked about that. You know
15 it was not put in the legislation because the clam fishery was
16 kind of small, I would assume back in the late 2008 or 2009
17 time frame. It is growing. Now there is more conflicts. So
18 we are trying to figure out a way to address some of these
19 conflicts. And I have probably stolen all of George's thunder
20 while I was going to turn it over to him for a second.

21 MR. POWLEY: The problem we have -- Dorchester
22 County lost 25 percent of the sanctuary line. We got more
23 than 25 percent when we took the whole Little Choptank River
24 and the half of big Choptank. Now all of these applications,
25 how many of these applications? You probably 100 or 150

1 sitting and waiting for leasing.

2 MR. : About.

3 MR. POWLEY: Most of that bottom is going to be done
4 down in the lower part of the county where the oysters are
5 out. You are not --- crab up here in the upper bay.
6 Everybody wants a lease down where we are at. So we already
7 got the sanctuaries taken away from us. Now you are leasing
8 all of the bottoms you are going to have for crabbing. And we
9 aren't going to have no bottom left for public fishing.

10 Do you realize that Dorchester County and Somerset
11 County and Dorchester County harvest twice as many
12 harshes(sic) as the rest of the state. Where do you think
13 these people want to get these applications for the
14 switch(sic) bottom? And we got down there a full time
15 watermen, they are not part timers, they are full time, this
16 is their job. And you are going to take and you are going to
17 lease all of that bottom away plus you took the sanctuaries
18 but yet you are going to charge us as much money for work
19 bottom of the waters and in the State of Maryland where you
20 always spend it in.

21 I pay \$5,200 to renew my license last year for my
22 ballad and you take 20 percent of rockfish, you take 25
23 percent of sanctuaries and you keep taking and taking. And
24 now your bottom health is nothing left for me and you are
25 charging me all of this money to pay for these licenses to

1 work bottom and I ain't got no bottom, you took it all.
2 Leased it, gave it away, or by sanctuaries. And then we are
3 sitting here talking about oysters growing. Virginia has
4 predicted a million bushels next year and we are setting here
5 with sanctuaries and doing nothing. When we should have
6 rotational harvest just like they got. That commission is
7 just a bunch of bull crap. Because you can't get an opinion
8 about anything, you got too many people on it. There is three
9 people in Virginia that makes the decisions for oysters in
10 Virginia.

11 They got something done. This Chesapeake Bay is --
12 it don't make any sense what we are doing with our bay and
13 what we are doing with Virginia with the oysters right now.
14 And now we are going to lease all the bottoms, we are going to
15 protect sanctuary bottoms and the public fisheries are going
16 to go to pot because you can't grow oysters up the bay, you
17 are going to grow them down there, but where else are the
18 leases going to come from.

19 Do you know how many percentage of the leases you
20 got on file now is in the old bay?

21 MR. ROSCHER: So Dorchester County and St. Mary's
22 County are the two targeted areas where most of our leases are
23 located.

24 MR. POWLEY: There you go. So you are going to put
25 the full time watermen out of business.

1 MR. : If this one lease goes through on
2 the river. Everybody is going to follow.

3 MR. O'DONNELL: Thank you, Mr. Chairman and
4 congratulations. I am so happy to see you there. That is
5 wonderful. A lot of the issues of course, it just shows you
6 more clearly than anything that I can tell you why we did our
7 listening tour and I will talk -- I will read something into
8 the record about why that was. Because they are depending on
9 jurisdictions, they are depending on who you talk to and there
10 are a variety of issues. Everything from duck blinds to
11 leasing productive bottoms to cages interfering perhaps with
12 navigation.

13 So Assistant Secretary Anderson and I have been
14 meeting with stake holders throughout the State with regard to
15 aquaculture leasing, public fisheries concerns. We call it
16 our listening tour. These meetings were a result of a variety
17 of concerns brought to our attention from different sectors
18 around the bay just like we are hearing from here.

19 The current aquaculture law was adopted in 2010,
20 eight years ago. And the information shared at these meetings
21 will be the first step in leading to a program review. In
22 other words, unless you think the law is perfect, we believe
23 there could be opportunities to improve things whether they
24 are in the law or they are in regulation or in policy. The
25 following listening tour, a tiger team will be formed to

1 verify and assess the information we have received.

2 That would be a diverse group of people from the
3 Department to go out in the field to verify which are the main
4 issues, which are things that -- it would be really hard to do
5 everything at one time. So to prioritize what are the main
6 issues and how we can focus that information onto what would
7 be ultimately a work group.

8 Following the field assessment, a work group would
9 be formed to consider a path forward to address the pertinent
10 issues tasked to the work group. The suggestion of forming a
11 clam work group as they have said here several months ago is
12 seen as an opportunity to include and address not only issues
13 with regard to clamming but a comprehensive review of all
14 stake holders concerns per the listening tour. So instead of
15 just dealing with clam issues and some of the issues with that
16 is white clams have come back from eastern bay up in the bay
17 in a very significant way, when this law passed, the white
18 clams were a bycatch.

19 You catch three bushels of white clams while Moochie
20 was being picking his 30 or 40 bushel of razor clams. So
21 there are a variety. And our listening -- 8 meetings and one
22 tour. The tour was yesterday of an oyster farm down in -- the
23 day before yesterday down in southern Maryland. So we took
24 in a lot of information. Some of it was repetitive. Some
25 concerns about how long it takes to get a lease permit. Some

1 leasing areas that have harvestable oysters on it. Penalties,
2 enforcement.

3 So as things kept popping up, we felt the need to
4 try to collectively put our arms around this information so we
5 could funnel it to -- ultimately to a work group.

6 MR. LAY: Thank you, George. And we are going to
7 move along, we only have 15 minutes for two more reports. I
8 told in the beginning, we have to keep on schedule. There
9 may be at times there will be limited discussion on items. We
10 have been on this subject quite a while, we need to move
11 along. But yes you may make one last comment, Dave. Go right
12 ahead.

13 MR. SUTHERLAND: How are you going to address the
14 issue like --- conflict with blind sites? With the Tiger Team
15 are you going to have someone from wildlife involved in that
16 or have you addressed that?

17 MR. O'DONNELL: Well certainly that is going to be a
18 part of who serves on this -- who serves on the Tiger Team,
19 those things have to be taken into account when it is
20 assembled because you have to have that input as well. So if
21 the question is who is going to appoint the Tiger Team,
22 perhaps Secretary Anderson and Dave and I am sure some folks
23 from here and some folks from the aquaculture council, the
24 hunting issues are a big issue. You and I talked about those
25 before. JD has brought those up a number of times and so

1 forth. So I am sure that -- I am sure that a person with that
2 expertise is going to be on it.

3 Because those issues -- riparian issues,
4 navigational issues, enforcement issues, they just -- one
5 thing lead to another in every meeting we went to. And there
6 is 8 reports in here about and while a lot of it is the same,
7 some of it borders on education and states you promoted more
8 and all of these things. That is a very good point. We will
9 make sure that that is addressed.

10 MR. : We anticipate a core team and
11 things that we have to reach out to people, like wild life,
12 they would be there specifically just for something like
13 blinds. So we will have to pick and choose when we get into
14 very narrow issues. Because there will be a core team and
15 that is really for the aquatic resources side of DNR.

16 MR. POWLEY: How long before this team is going to be
17 created?

18 MR. LAY: Please raise your hand or put your card
19 up. We are on limited discussion here.

20 MR. O'DONNELL: Thank you, Mr. Chairperson.

21 MR. BLACKWELL: I would just like to point out that
22 you didn't get back to --- I mean, Steve, I agree that you are
23 trying to move on schedule but some things have to be
24 discussed. Some things like I don't imagine anyone here
25 sitting on the edge of your seat about weakfish. So there are

1 some things that need to be asked. I got one right now that I
2 would like to ask and if you are going to just move on, then
3 how are we going to get this discussion on a very important
4 issue? These guys brought this issue up here.

5 We should at least give them time to discuss it. I
6 mean yeah --

7 MR. LAY: We don't have that time.

8 MR. BLACKWELL: Yes, we do. We got --

9 MR. : The meeting goes to 5:00.

10 MR. BLACKWELL: I -- things --

11 MR. LAY: All right, what I am trying -- I will
12 explain to you what I am trying to do. I am trying to keep if
13 you will look on our agenda --

14 MR. BLACKWELL: I understand what you are doing but
15 what I am saying is, some issues are really important to the
16 State of Maryland to the group that is here. This is --

17 MR. LAY: These two gentlemen have had an
18 opportunity to speak.

19 MR. SCERBO: I would like to say that this topic is
20 the main topic of tonight. All this other stuff is important
21 too but this is the topic. This is what these guys have spent
22 running around the State, looking at stuff, piercing everybody
23 in the state. This is the explosive topic of tonight. You
24 can't cut it short.

25 MR. LAY: Well if need be, we have to keep to our

1 agenda. But now we have one more topic to go over, so we do
2 have time for some more questions. Did you have something to
3 say Russell? Go right ahead.

4 MR. DIZE: We lose our license, us watermen lose our
5 license if we go over a line, for instance a aquaculture or a
6 sanctuary. But this -- what Bubby brought up, a whole area
7 was set by an aquaculture person that got nothing but why is
8 it tit for tat? Why are we doing this? Why can't the laws be
9 the same for their as it is for us? Why shouldn't he never
10 be able to get another license? We have another report in the
11 upper Choptank where a guy would go out and tow the buoys
12 around and then dredge where he said and when somebody come,
13 oh I am within the buoys. No he wasn't, he was on natural
14 oyster bar.

15 But he doesn't get charged. We lose our licenses,
16 our livelihood, the right to make a living. These guys took
17 up a whole area in --- river and nothing happened. And when
18 they go to court, what did he get Bubby?

19 MR. POWLEY: Nol prosed and the rest of it was put
20 on a stet docket.

21 MR. DIZE: There is no such thing as nol prosed for
22 us when we get -- we are going to go in front of the hearing
23 officer and he is going to take our license for life. But yet
24 this is a double standard and if people can't see that, I
25 don't know why you can't. There is illegal activity going on

1 on the aquaculture side also. It is not just a commercial and
2 I think something should be done to shore this up to make the
3 same for the commercial as it is for the guide doing the
4 aquaculture and taking off more dime off our lines in the
5 areas down in the Hunga River and like Boo said, if you want
6 to raise oysters that is probably where you are going to go
7 and you are going to get more and more of this and I think
8 that will be tightened up and maybe they should set rules by
9 doing something to those people that set these areas that
10 didn't have a right to set areas.

11 That is important to what is going on into the Bay.

12 MR. LAY: Troy?

13 MR. WILKINS: I think if it is an important topic
14 like we got going on right here, we need to spend the time.
15 However much time it takes. If we have to stay a little bit
16 later or whatever we got to do, we need to make the time to
17 discuss this because it is a big issue, Steve, it is a big
18 issue.

19 An also I believe at the last meeting, we were
20 supposed to form a committee on working on this stuff, so are
21 we still doing that?

22 MR. BLAZER: Yes. The PSFA, that is what the report
23 that I talked about for to get that information to you all,
24 and then we are going to incorporate that into these listening
25 sessions because it is all kind of overlapping.

1 MR. LAY: I would like to say something. It would
2 be helpful to those who are planning this meeting for all of
3 you commissioners to let us know what is the topic like this
4 one is to that you really need more time on, that you feel
5 that we would be the central issue of this meeting so that we
6 can schedule the meeting accordingly. So we can have time for
7 more discussion on topics rather than trying to work on a
8 time --

9 MR. POWLEY: I did recall about asking, I thought we
10 discussed this.

11 MR. LAY: Yes, you have the floor.

12 MR. POWLEY: What I would like to know what is the
13 time frame for this commission, that they are going to check
14 on the stuff and this aquaculture leases are being put on hold
15 in the Hunga River until this group is formed? Or they are
16 just going to keep rewarding them leases or are you going to
17 wait all the leases until this group is formed and you talk
18 about the leases?

19 MR. ANDERSON: As George mentioned the last visit,
20 which is this week, we are going to start forming a Tiger Team
21 starting Monday morning. We have had some people we need to
22 talk to get agreement as to -- we are taking people away from
23 their every day jobs for a part time to be working on this
24 Tiger Team, so we start that on Monday morning. As far as the
25 leases are concerned, we have to follow the law in terms of

1 what we are going to do.

2 I don't think the law will allow us to put a whole
3 lot of --

4 MR. : There is no provision for that.

5 MR. ANDERSON: We are just going to move as quickly
6 through this process as we can. And here is a lot of facts
7 and a lot investigations that we get to do based on the issues
8 that you all brought to us.

9 MR. POWLEY: It is a lot of recreational people. It
10 is land owners that spent billions of dollars for property
11 there and they want to --- shoreline and they don't want to go
12 out and not be able to get in the boat due to a bunch of cages
13 floating on tope of the water.

14 MR. ANDERSON: You are right, there are a number of
15 issues on both sides of the fence. And we need to stop
16 flushing through them.

17 MR. LAY: JD?

18 MR. BLACKWELL: So to respond to that issue just a
19 little bit. First of all, I personally -- personally couldn't
20 agree with you more that there have been bad actors in the
21 aquaculture arena that have not received repercussion and I
22 personally disagree with it. We have to behave just as you
23 guys do. And I agree with you that some people have
24 misbehaved and with respect to this specific issue you are
25 referring to, I have had a conversation with them and

1 expressed, not in an ugly way but I told them directly, I
2 think you are having --- industry, you are hurting us because
3 you are being a bad actor.

4 Now that being said, they did go through the
5 process, they were going to get the lease, they did not have
6 every T crossed but they were going to get it. And they acted
7 prematurely and I have told them that I disagree with that and
8 I wish they had not done it. But I would like to point out
9 something that is very important. You said and I respect your
10 passion about it. I am as passionate about this fishery on
11 both sides as you are.

12 It is not correct that they get special treatment
13 because many, many times in the public fishery, things go to
14 stet docket or nol proded as well. So I disagree with what
15 they did. And some of my peers in past years have misbehaved
16 and I don't think that -- we are -- scolded strongly enough.
17 But I do think it is a little too far to say that they
18 received, first of all they are not done and we don't know
19 what is going to happen now that they did misbehave, that has
20 not been finished. But it would be inappropriate to say that
21 they were treated too lightly.

22 They were treated as how the fishery people have
23 often been treated too, stuff with the stet or nol or
24 whatever. So I think they are wrong but it is similar to what
25 has happened to public fishery and so it is not --

1 MR. POWLEY: It is not the first time that they have
2 been cited either.

3 MR. BLACKWELL: And I agree with you a 100 percent.
4 I mean, I don't want to say the names but I called them and
5 said hey you stirred up the hornets nest, what did you do?
6 And wish you had not have done that because it is not helping
7 us.

8 MR. POWLEY: Well, nobody has a problem with that.
9 They are up in the coast, they are not bothering anybody. But
10 when you get out in the middle of the river where people
11 trotline and people come out of the --- and they got four
12 fishing --- recreational boating --

13 MR. BLACKWELL: And I would be happy to talk to you
14 about specifics like that outside this meeting, I don't want
15 to burn that time. But my point was to I agree with you that
16 sometimes my peers are misbehaved and they haven't been
17 accountable, I don't argue that.

18 MR. POWLEY: Well I appreciate you saying that.

19 MR. BLACKWELL: And number two, I would say that nol
20 pros and stet have been a whole lot of public fishery
21 citations with the nol pros and stet as well. So I am trying
22 to point out the obvious thing here is that okay, they got
23 more of a break than you might like but that is not atypical.

24 MR. LAY: One person at a time please.

25 MR. DIZE: If I go on your aquaculture bottom, and I

1 get caught, my licenses are gone for good. For life. You go
2 on our bottom, not you but aquacultures and sets illegal cages
3 on our bottom and it doesn't matter, they are not going to
4 lose their right to do this forever. And it is not equal.

5 MR. BLACKWELL: And I would argue that point. And
6 maybe this Tiger Team will surface that. My point was very
7 simple. And to some extent, I think you are right. But on
8 the other side of it, we can't say that aquaculture is not
9 have any repercussions or is always treated better because I
10 am just pointing out that there have been many public fishery
11 citations that ended upon nol pros instead. And sometimes
12 people would argue that you know we shouldn't have super harsh
13 penalties for public fishery either.

14 I think they acted prematurely no doubt. But that
15 is no different than sometimes I heard somebody who I have
16 learned to respect say a guy accidentally went over a line.
17 Well, they acted prematurely and somebody else accidentally went
18 over a line. I am just saying that those things are entirely
19 dissimilar and there are things to work out, I agree. Thank
20 you.

21 MR. POWLEY: Well nobody from aquaculture has ever
22 been prosecuted either. That I know of.

23 MR. BLACKWELL: I am not sure of the answer to that.
24 And I know that at least a couple of cases --

25 MR. : They have one that is suspended

1 right now and there has been others --

2 MR. : Yes, there has been a few.

3 MR. : (Not near a microphone) -- in the
4 Nanocoke River, they have lost their licenses because they
5 were supposed to working on --- outside and they were charged
6 with --- a sanctuary and that caused --- and I don't know what
7 the --- specific --- there is a ---

8 MR. LAY: Robert?

9 MR. BROWN: Yes, Ed, I like to thank JD for talking
10 to these people and trying to get them straight. However we
11 are not being treated the same. And if you want to be treated
12 the same, do you want to go under administrative penalties
13 like we do if you are outside your lease, if you take in --
14 especially if you go out here and put buoys in and you are not
15 even working no where -- how do you work a piece of --- and
16 you don't have no buoys up? I know there is going to be
17 missing and you throw a jug about where you think it is at or
18 if you don't have coordinates on the boat.

19 But if you just take four buoys out there every time
20 that you go, that is willfully intending not even trying to do
21 right. So if you want to get on the administrative penalties
22 like we think --

23 MR. BLAZER: We have the as well and I think they
24 have been used in the past. I don't have all of the details
25 but it is in COMAR for them to go to -- to lose licences, to

1 lose leases.

2 MR. BROWN: Okay so I would like for you to conclude
3 and give us some type of report next time on has anybody lost
4 a lease because of it, have they been before administrative
5 court because the people on both sides need to know if we are
6 being --- and that is what we ask.

7 And we need to take as much time as it takes to go
8 over any problem as it is. Just because of these time limits
9 on here, you are the first chairman -- you pointed at this
10 paper all the time. Just take time to do stuff right, we only
11 meet once every three months.

12 MR. LAY: Moochie?

13 MR. GILMER: Yes. Okay, so Dave what I am
14 understanding is so there was this formation of the planned
15 work group, is that going to change to a group for covering
16 everything?

17 MR. BLAZER: Yes. It is going to be more
18 comprehensive than just what we talked about before.

19 MR. SCERBO: Not to change the subject but if you
20 are going to -- I don't know if that was all the clam group
21 was going to get to talk about tonight. But in my travels, I
22 was at HACCP class yesterday and talking with people in DNR
23 whoever was there. DNR is working up some new regulations
24 handling white clams. And did they have -- they are in works,
25 they said they didn't know what they were yet and what is

1 going on and they decided to revamp them and revise them
2 because some of the stuff that was used 20 years ago is not --

3 MR. BLAZER: You are talking about the refrigeration
4 and the health and safety stuff. That is the Department of
5 Health, that is not us.

6 MR. SCERBO: The clammers ought to be aware of all
7 of this. And have a say in it as you guys were putting it
8 together.

9 MR. BLAZER: That is not the Department, that is not
10 us. That is the Department of Health. So but now that you
11 have let us know that, we will get in touch with the
12 Department of Health and make sure that we close that loop.

13 MR. SCERBO: I mean, there is just a -- they have
14 just started to redo this because there is this buzz in the
15 air about so many clam boats, but there still aren't as many
16 clam boats as there were 20 years ago and the regs worked fine
17 then. So now you are -- I don't know if they are just getting
18 all worked up because there is a few clam regs that have been
19 built over the last year or two.

20 MR. BLAZER: I am not sure but now that you have
21 brought it up, we will make sure that we get in touch with the
22 Department of Health and figure out what they are doing.

23 MR. LAY: Okay, anybody else?

24 MR. POWLEY: I think the biggest problem we got is
25 in Dorchester County. I can name you two places in that is

1 not ---. When you are leasing a spot, it is almost -- you are
2 supposed to go down and surveyed that spot. It is only
3 supposed to be so many oysters per square meter. So it is not
4 that many oysters so you are creating an oyster bed, am I
5 right? And when you lease an oyster bottom, you are supposed
6 to go down and survey it and study how many oysters are on
7 that bottom, correct?

8 MR. ROSCHER: Yes, so if someone applies to the
9 lease to get a lease in an area where there is a public
10 shellfish area designation, we have to look at harvest
11 reports, harvest activity and the last five years and conduct
12 a survey and the results of the survey if they show there is
13 more than one oyster per square meter, density on that area,
14 that can't be leased. That is correct.

15 MR. POWLEY: Well, see that is the problem we got.
16 We have had some of these guys leasing bottom and the next in
17 the Manokin River, we went there and caught 90 bushels. After
18 he leased it. So how in the world did he grow them oysters
19 that fast overnight? You are leasing bottom with oysters that
20 is already there. There was another place in Bolling Brook
21 and Bobby Brooks sat right there in the river and watched a
22 man where ORP spent millions of dollars and they leased that
23 bottom and the guy sat there and worked and harvested all of
24 the oysters. And made a fortune. 45 and 50 bushels a day.

25 That is the problem that the boys down home is

1 setting you up. You are leasing bottom that has oysters on it
2 but yet you have taken sanctuaries that our watermen work.
3 That is the problem that we got. And another thing you -- the
4 guy you said that got the nol process, he put cages on Smoke
5 Point, that is right down to the ferry road, to the point
6 there. Never even applied lease he just put them there. It
7 was -- the law was called, he come there and he didn't get no
8 ticket. He was told to move them.

9 So then he moved to another place and he put his
10 oyster cages there again. For the second time and that is
11 when they come there and they give him 2 tickets. They come
12 there twice. So that was the third time that this same guy
13 what you are talking about. He just put them right in cages
14 and never had prevented all -- nothing. Now I have to light
15 up my pound nets. I pound net for a living. I have to keep
16 them light and I put paper on it and I do everything so the
17 bed bugs don't hit them.

18 Do you realize these floating cages that you are
19 putting on now with all of those boaters this summer, if you
20 come here to Hunga River, they took the beacon at the Weakness
21 Point and right along the Roten's Island where all of those
22 goodies(sic) has got hundreds of boats coming over. If they
23 get tied up in these cages and tire their boats up, somebody
24 is going to be responsible.

25 If they haven't got them lit, I know I have to

1 weight my pound nets, if I don't I will get a ticket from this
2 gentleman right over here. Well you got to have something for
3 this --- doing this --- you -- got to be lit or something to
4 let people know that it is a danger area. Because I am telling
5 you that is dangerous if you get hung up in them floating on
6 top of that water. But it is just -- if you just stop leasing
7 the bottom that has oysters on it, we probably wouldn't have
8 no -- you guys could grow all you want and I hope you grow
9 plenty. But don't take the bottom and then go a head and
10 harvest it the next week after you get your lease. And
11 harvest oysters that you don't let our public fishery catch.
12 That is not right.

13 MR. BLACKWELL: When you say you have to lit your
14 pound nets do you mean like a solar light or with reflective
15 tape?

16 MR. POWLEY: No, I got lights to come on at night.
17 They are not solar. I get them out of New Jersey, they are
18 yellow flashing caution lights and I put two of them on each
19 way. It is a pain to get hit. I got hit plenty of times and
20 I probably got hit 30 times and I have had one man to own up
21 on that.

22 MR. BLACKWELL: You are doing that just to be
23 precautious for yourself?

24 MR. POWLEY: Right. Because if not -- I am not --
25 that is a law. Because it is a --

1 MR. BLACKWELL: The light on the pound net?

2 MR. : Yes.

3 MR. BLACKWELL: Is it only in your area or is in the
4 whole state?

5 MR. POWLEY: That is the whole state.

6 MR. BLACKWELL: Oh okay.

7 MR. POWLEY: Those cages are even worse than my
8 pound nets because those poles will break your spring. Those
9 cages is on those cables, sure is going to hurt somebody.

10 MR. BLACKWELL: Well to that I would just say that
11 we are required to have reflective striping on the corner
12 markers. Coast guard requires that our corner markers be
13 reflective. It is news me to that you have an active light --

14 MR. POWLEY: Well see I can also have reflecting
15 tape too. Reflective tape is no good to a small boat. They
16 don't run with search light. If you don't run with your
17 search light --

18 MR. BLACKWELL: I agree.

19 MR. POWLEY: -- reflective tape is no good. You got
20 to have a life to caution yellow, so that you know that you
21 are going to be running into something.

22 MR. BLACKWELL: Thank you.

23 MR. LAY: Any other questions? Troy?

24 MR. WILKINS: When these people lease where it is
25 oysters at -- did your shell committee chairman get the

1 certified mail on that and did you vote it? That is where I
2 am --

3 MR. POWLEY: It was a lot of us opposed to on
4 the --- company and we got everybody there and we opposed it
5 and --

6 MR. IRELAND: But you all -- somebody got it from --
7 so you all knew this was going --

8 MR. POWLEY: We got the protest from the ---
9 organization because -- we changed the name of watermen
10 association, same people and --- because we changed the name
11 of the organization or protested the -- and the time period
12 was at ---

13 MR. WILKINS: I understand. Just curious you know
14 if --

15 MR. POWLEY: You know, ORP spends nothing. Hundreds
16 of thousands of dollars to sit there and plant the place and
17 then gives it away to an individual. That is not right.

18 MR. LAY: Karl, did you have anything else that you
19 wanted to say?

20 MR. ROSCHER: Sure, thank you for recognizing me.
21 So just a quick comment on the -- what you -- the discussion
22 you had about leasing out areas with oysters. So we are not
23 required currently to survey areas outside of the public
24 shellfish fishery areas. So if you are not requesting a
25 declassification of the PSFA area, the Department is not

1 required to do a -- conduct a survey in there. That being
2 said, in the meetings that Assistant Secretary Anderson and
3 George have held around the State, one of the most prevalent
4 issues that has come to the forefront is exactly what you
5 mentioned.

6 Leasing out areas where there is productive oyster
7 bars on those areas. So what I can tell you is that is one of
8 the main topics that is going to be discussed in as a follow
9 up to those meetings that was held. So thank you for bringing
10 that up. And we hear you loud and clear. We still feel
11 strongly at the department that the leasing program was not
12 intent on taking functional oyster bars out of the public
13 fishery and there may be areas in the past when we were not
14 required to survey those areas that have been leased but we
15 are going to be looking into that.

16 MR. POWLEY: And they all set their bottles (sic)
17 down there, we got so many trotlines in the Hunga River. And
18 we do that cage lease, what do you call it --- lease, then you
19 can't trotline no more. So that is taking up the bottom too.
20 And crabbing is essential to us.

21 MR. SCERBO: And follow up to that too, I can tell
22 you that when we review lease applications, submerge land
23 leases and water column applications both, we more highly
24 scrutinize water column applications because of the potential
25 impact associated with other users on the resource. So we do

1 look at issues and even though it is not specifically stated
2 in law, we look at those impacts to other individuals and not
3 just individually but cumulatively like what is in that one
4 five acre lease versus ten five acre leases in that area. And
5 make decisions based on those evaluations. So just want to
6 make sure that --

7 MR. LAY: Billy?

8 MR. BLACKWELL: I just wanted to make a comment on
9 this process that we are about to embark on revisting --
10 revisiting the conflict with aquaculture leases and watermen.
11 It is looking like we are going to try to address some of the
12 problems somehow even though a lot of it has to be taken up
13 through legislature but I know when counties every ten years
14 or twenty years, they have a comprehensive rezoning where they
15 are required to review zoning practices within their county.
16 And when those comprehensive rezoning process takes place, the
17 county usually slow down applications for getting upzoned or
18 down zoned property because people start to panic and want to
19 see you know, want to make sure they get what they get before
20 something changes.

21 And I think that is part of what is getting ready to
22 happen here with state re-evaluating some of the aquaculture
23 regulations. I think the State in this process moving forward
24 is going to have to periodically review because this
25 aquaculture thing got rushed in so fast, and having you know

1 the State of Maryland for 100 years staying away from
2 aquaculture because they saw what took place up in the north
3 of us, up in Long Island, I think the State is going to have
4 to put the word out that when we review the process, we are
5 going to slow down the applications because otherwise you are
6 going to end up getting an onslaught because people are going
7 to be panicking saying well I better do it now or things might
8 change.

9 So I mean, but any kind of process you got to
10 continually re-evaluate how it is working and not be afraid to
11 address issues. And so there is going to have to be a
12 mechanism built into this going forward to deal with this.
13 Whether it is leap -- adding extra time to this meeting or
14 creating a couple of other committees or having DNR have a
15 special lobby group to try to sell the legislature, how big a
16 problem this really is because the big problem is, most of it
17 has to be addressed through legislature and none of it is
18 going to get done. It is not. It is not going to happen. I
19 mean DNR's hands are tied because the rules are already
20 written down.

21 So until somebody really gets to pull somebody by
22 the shirt collar and says you got a big problem out here. You
23 know, we -- in some respects we probably are going to be
24 wasting a lot of hair.

25 MR. LAY: Hopefully this work group will be able to

1 get started in the right direction and see where we need to go
2 with this. And we will have a report from them each meeting.
3 And if we need to go in a different direction, form another
4 committee and have another meeting. But this is what is
5 important to you and then that is what we will do. And I will
6 apologize for not realizing that this was such an important
7 issue here at this meeting. I will try to do better in the
8 future to allow time for lengthy discussions if needed. And I
9 would appreciate if you could let me know which issues we need
10 to spend more time on and we will make time to have those
11 discussions that is why we are here. Thank you. Lynn?

12 ***Work Group -- Striped Bass Commercial***

13 ***Lynn Fegley, MD DNR***

14 MS. FEGLEY: Yes, thank you, Mr. Chairman. I can
15 try to move through this very quickly. I am here now to
16 provide an update of the striped bass commercial work group
17 which met on April 10. We had a very productive meeting,
18 several of you were there and we needed to get some
19 recommendations from the group on some nuts and bolts
20 administration of the fisheries.

21 So I am actually going to be looking for a couple of
22 motions and if you will indulge, Mr. Chair, I actually did
23 draft those for you. And I am going to take them a little out
24 of order from our presentation in the interest of time. So as
25 you are all aware, we have had at the end of March,

1 regulations go into effect that allow partial end of season
2 transfers of striped bass quota. We did not allow that
3 previously. We do now.

4 So one of the things that we needed from the work
5 group was to understand and get a recommendation of the dates
6 within which these transfers can happen. We have obtained, we
7 have public notice authority to set these dates so I want to
8 make you aware that the dates can be set annually by public
9 notice. The transfer dates you will notice all start May 1.
10 Which is a little bit late but that is just because the
11 regulations didn't go into effect until the end of March.

12 So those dates will likely start later next -- I am
13 sorry, start earlier next year. So the first thing that we
14 are looking for, the work group approved by consensus, they
15 did not make a motion, they had no issue. They recommended
16 that the following dates be set for the transfers. And so I
17 will wonder -- I will stop there and wonder if anybody has any
18 disagreement and I am going to go ahead and post a motion
19 there. If anybody would care to discuss it or -- Mr. Chair?

20 MR. LAY: Yes, well we will have some general
21 discussion before we go to the motion. We want to make sure
22 that everybody understands the motion that they are reading
23 there. Seeing now questions, would like someone like to make
24 the motion to adopt these dates?

25 MOTION

1 MR. BROWN: I will make the motion to adopt the
2 dates.

3 MR. LAY: Do I have a second?

4 MR. SCERBO: I will second.

5 MR. LAY: Billy, thank you. All right, all those
6 approve the motion please signal by raising your hand.

7 (Show of hand)

8 MR. LAY: It is unanimous and we need not go any
9 further. The motion has been adopted.

10 MS. FEGLEY: Okay so the next one -- thank you, so
11 now our action at DNR is that we can go ahead and put that
12 public notice out so that those dates will be set.

13 MR. BLAZER: That is for one year, right Lynn?

14 MS. FEGLEY: Yes. That is for this year. So like I
15 said next year it is likely that those dates will begin
16 earlier and that is just the time line that we ran into. The
17 next item that we went back to the work group with, you may
18 remember, we had this conversation here about what can be the
19 transfer -- how many pounds can you transfer? Among these is
20 seasoned transfers and I think we -- we also -- this
21 conversation at the last tidal fish got a little conflated --
22 conflated is the wrong word but there was some issues of Tag
23 accountability.

24 So we went back to the work group and what the work
25 group recommended was that there be a 350 pound minimum

1 increment for permanent transfers. They had some really good
2 reasons for that and one was that it is a transfer at that
3 lower level is more attainable for a young person, wanting to
4 get into the fishery. Because it is not as expensive as a
5 1,000 pound increment. They also pointed out that if you are
6 trying to build -- build up your quota to the cap that you can
7 own to the piece -- because we have a cap on how much each
8 individual can actually have. It is easier to work your way
9 up to that cap with those smaller increments than with the
10 bigger increments.

11 The work group will recognize that on temporary
12 transfers, the smaller increments would possibly leave the
13 door open for a little more -- I will use the word
14 shenanigans. So what they came up which is we thought was very
15 thoughtful was to recommend a 350 pound minimum increment of
16 permanent transfers on a 1,000 pound minimum increment for
17 temporary transfers.

18 And that motion that is there was the motion made at
19 the work group and I have a motion for you as well after
20 discussion. Which -- and again I am sorry to be clear that
21 this needs to be set by public notice. And it can be changed,
22 it can be set on an annual basis.

23 MR. LAY: Do we have any general questions?

24 MR. IRELAND: I want to go on record to having
25 opposed this at the work group. The 1,000 pound because 60

1 percent of the licensed holders do not have 1,000 pounds of
2 quota. So they would have to transfer all or nothing and some
3 of them do like to go out and try to catch a fish on their
4 own. So I think the 350 would be more appropriate since it
5 affects at least 60 percent of the licensed holders. And I
6 stated that at the work group.

7 MR. LAY: Okay, are there any other comments
8 generally?

9 MR. SCERBO: You said something about this being
10 annual? Or it could happen anytime or does it have to -- when
11 you are doing licenses? How does that work?

12 MS. FEGLEY: So the transfer can happen within those
13 dates that we just -- that I just showed. But I probably
14 confused you when I said -- so for these increments, 350
15 pounds and 1,000 pounds, those are not written down in a
16 regulation. We release a public notice and that is like
17 studying a catch limit. So for example, this year if we go
18 through the process, and it is something doesn't work there is
19 a big problem with one of these increments. It can be changed
20 next year after discussions with the work group and this
21 group.

22 MR. LAY: Are there any other questions? Dave?

23 MR. SUTHERLAND: Tom, what was the dynamic of that
24 conversation? What drives it from 1,000? What was the
25 discussion?

1 MR. IRELAND: The discussion was from 350 to 1,000.
2 A lot of guys don't have a 1,000 pounds. Some of them don't
3 even have 350. If you can't transfer a 1,000 pounds you have
4 to transfer your complete license. That gives you the ability
5 to not catch any of it yourself. Wherever you had 700 or 800
6 pounds and you went out and you caught half of it, you
7 wouldn't have to wait until the end to see if you know you can
8 catch 350 pounds then you can transfer 350 pounds. That is
9 the thick of it.

10 MR. LAY: Any other clarification questions? Okay
11 understanding the motion, does anyone want to make a motion to
12 make to approve the 350 pound minimum transfer and the 1,000
13 pound minimum transfer for temporary --

14 MR. : Is this recommended by the rock
15 fish committee?

16 MS. FEGLEY: It was. And I will flip back and it
17 was a --

18 MR. LAY: It was 10 to 2.

19 MS. FEGLEY: I think it was 10 to 2. Yes, 10 in
20 favor and 2 opposed. So we did have -- we did have two
21 members oppose this. I will say that you know, this was a
22 very thoughtful detailed conversation. I actually thought
23 that the group made some excellent points on either side and
24 when they got to this point of splitting between the 350 for
25 the permanent and the 1,000 for the temporary to really make

1 sure that the people who wanted to do this permanent
2 transfers, have this business flexibility and the 1,000 pounds
3 recognizing that if you are going to temporarily transfer -- I
4 thought they came to a very thoughtful conclusion. But it was
5 healthily debated and it was ---

6 MOTION

7 MR. CARSON: I make a motion to accept the 350 on
8 the permanent and the 1,000 on the temporary.

9 MR. LAY: Thank you, Buddy. Is there a second to
10 the motion?

11 (No response)

12 MR. LAY: Maybe we don't want to take this up.

13 MR. SCERBO: I have a question.

14 MR. LAY: Wait a minute we are on -- we are not
15 quite at discussion.

16 MR. SCERBO: Well if it is not seconded --

17 MR. LAY: It is not seconded yet. Well we are going
18 to see if anyone wants to second it and then we will move on.
19 I am going to give everybody -- okay, nobody wants to second
20 it. So go right ahead.

21 MR. SCERBO: Why was the minimum of the temporary
22 transfer set at 1,000 pounds and not when -- what did the
23 fellow down there say that the majority or a good portion of
24 the licenses are 350 or less?

25 MS. FEGLEY: Yes, the majority of the fish -- there

1 is only -- there is a small proportion of the fishery that
2 actually has more than a 1,000 pounds so that they -- so the
3 way that it works is that if you are going to transfer less
4 than that, you have to transfer everything that you have left.
5 So really it is the minimum increment is a 1,000 pounds or
6 everything that you have left. So to back this up -- to back
7 up -- to just to go back with the history initially the work
8 group had recommended a 350 pound increment across the board.

9 If you remember, that is where we went. We came
10 here to get your approval and the -- it was interesting, there
11 was another healthy debate and we were a little back on our
12 heels by that because the work group you know, had made a
13 recommendation. It wasn't unanimous but there was a -- there
14 was a vote. So we took it back to the work group to revisit
15 and this is the compromise if you will that they came up with
16 and I will also say -- I will say two more things is that this
17 was paired with information that we provided to the work group
18 about one a tag audit that we conducted and also -- and I was
19 going to go over this with you in a minute, we will also be
20 implementing tighter tag tracking procedures during these
21 temporary transfers.

22 So it won't -- during all transfers -- Carrie is
23 here and she is helping me remember. So during all transfers
24 and I will just hold these up right now, so you all are aware,
25 you have a form for transferring striped bass quota and

1 permits and there is now another form that goes with that
2 where you need to enumerate by number, the tags that are going
3 from one person to the other.

4 So this information -- the audit information
5 combined with their thoughtful conversation took us back to
6 this recommendation from the work group. And I will say the
7 final thing is that if we don't get approval from this group,
8 the Department has to do something because the fishery is
9 going to start, we have to do something about public notice so
10 with that, I will --

11 MR. CARSON: Maybe everybody that can understand
12 that these figures can be changed next year without any
13 problems whatsoever according to whatever demand is from the
14 fisherman.

15 MS. FEGLEY: Very good point, yes. So and that is
16 again because we are setting this by public notice, if there
17 is a -- some sort of cataclysm or serious problem, we can set
18 it at a different level for the next season.

19 MR. IRELAND: If it doesn't change, will it remain
20 at 350 across the board and --

21 MS. FEGLEY: There is nothing right now, there is no
22 increment set. That is the issue -- as of right now, this is
23 what our regulation says. It says something to the effect of
24 that the Department will set by public notice a transfer
25 increment and we haven't -- that is what we need to do before

1 June 1. Because there is none.

2 MR. IRELAND: I would like to make a motion then.

3 MR. LAY: We have a motion the floor, we will get to
4 you in a minute.

5 MR. : It was seconded --

6 MR. LAY: It wasn't seconded but we wanted some more
7 clarification.

8 MR. : Can someone amend that?

9 MR. LAY: Yes we can amend that, we certainly can.

10 MR. : It hasn't been seconded?

11 MR. LAY: Has not been second, or if we want to pass
12 on this and make a new motion we can do that.

13 MR. IRELAND: Either way if this group originally
14 recommended 350 across the board, I would like to see that
15 happen.

16 MR. BLAZER: Well I don't think that was the
17 recommendation out of --

18 MS. FEGLEY: This group recommended 1,000 across the
19 board.

20 MR. IRELAND: This group recommended 1,000 and what
21 was the thinking there if I can ask?

22 MS. FEGLEY: I think there were -- the way that I
23 interpreted the conversations so I will say it again the
24 striped bass work group forwarded a recommendation to the
25 Tidal Fish commission for a 350 pound transfer increment.

1 This group then debated it and said no 1,000 pounds and I
2 think that part of that conversation had to do with this issue
3 of accountability. It became a conversation about the
4 department's ability to track tags through a transfer from one
5 person to another to another to another.

6 And so that is what -- okay and we conducted this
7 tag audit and we implemented these tighter tag tracking
8 procedures. We took those concerns -- our audit results and
9 our tag tracking procedures back to the work group and started
10 the discussion again.

11 MR. IRELAND: I don't want to belabor this issue
12 because we are running out of time, but if 350 was good for
13 permanent why isn't it good for a temporary? That is I guess
14 where I am hung up.

15 MS. FEGLEY: I think that it really had to do with
16 this idea of the temporary transfers I think there was and
17 Carrie just help me if I need help, but they really were
18 concerned about temporary transfers a lot more sequential
19 flipping of small amounts of tags. And --

20 MR. BLAZER: And that is what it was.

21 MS. FEGLEY: So if you are temporarily transferring,
22 it just results in this rapid sequential flip of tags and
23 quota across a lot of people which becomes very difficult and
24 administratively burdensome to keep track of. If it is a
25 permanent transfer, it is a commitment. It is not going to do

1 this sequential flipping. And that was the conversation that
2 the group had.

3 MR. SCERBO: But if a lot of the licenses are small
4 how are they going to get flipped? You are kind of leaving a
5 lot of licensed holders out aren't you?

6 MS. FEGLEY: But they can permanently --

7 MR. SCERBO: But why would they want to permanently
8 do it? I mean, that is -- I don't think too many people that
9 own a licensed want to permanently transfer. I don't think
10 that is --

11 MR. LAY: Moochie?

12 MR. GILMER: What we discussed in our meeting here,
13 if I remember correctly was, let's just say that I got 400 and
14 some pounds. So if I want to lease 350 -- if 350 is all I can
15 lease then there I am sitting there with extra tags and a 100
16 pound fish or whatever. So that I am left in the ballpark of
17 not being able to temporary transfer part of mine. And what
18 we discussed was with the 350 being the minimum but if you had
19 400 or 500 or 600 pounds, you can just go ahead and
20 temporarily transfer it all and --

21 MR. SCERBO: So at a 1,000 pounds you can still
22 transfer your whole 300 pound license?

23 MR. GILMER: Yes, yes. So that was part of the
24 discussion, wasn't that right Buddy? Wasn't that what we
25 talked about was people with the 400 or 500 or 600 pound, this

1 left them almost with a split license. The 350.

2 MR. : Okay makes sense.

3 MR. GILMER: Under that -- okay.

4 MR. LAY: Tom is your card up again or --

5 MR. IRELAND: No, I just never put it down, thanks.

6 MR. LAY: Okay.

7 MR. GILMER: So when reflecting back on that, I will
8 second Buddy's motion. I had to reflect a little while.

9 But that is how it is --

10 MS. FEGLEY: That is a good clarification.

11 MR. LAY: Yes, glad we got through that. All right,
12 time to vote. All those in favor of the motion please raise
13 their hand.

14 (Show of hands)

15 MR. LAY: Anybody opposed?

16 (Show of hands)

17 MR. IRELAND: For reasons stated.

18 MR. LAY: Thank you, Tom. Motion carries. 14 in
19 favor, 1 opposed.

20 MS. FEGLEY: Okay so I have one more. Everybody
21 take a deep breath. The last thing and this does not -- I
22 don't believe that this necessarily goes to where we need to
23 go forward and draft public notices. This last one doesn't
24 require any particular immediate action on our part. So it
25 doesn't necessarily require that motion. But there is an

1 issue and it would be good to have a motion. So there is this
2 issue for people with individual transferrable quotas in the
3 ITQ fishery. There are some folks who have exceeded the ITQ.
4 So the question was and some of them exceed by 50 pounds and
5 some of them exceeded by quite a bit more than that. And I
6 want to be really clear that I am talking about an individuals
7 quota, not the state quota. So we are in line, we are under
8 the state quota and we just have individuals who exceeded
9 their piece.

10 So our question was to the work group, how would you
11 recommend that we deal with this? And should we treat the
12 people who have a 50 pound overage the same as the people who
13 have a 500 pound overage? The unanimous by consensus thought
14 of the work group was that if a person is over, it is a pound
15 for pound payback. And that payback would happen in the next
16 possible fishing year which would be two years.

17 So in other words, the example that I have up there
18 is that if you are over by 100 pounds in 2017, in 2019, your
19 quota would be 100 pounds less only for that year and you
20 share will not change. So it is just -- if the quota goes up
21 and your share goes up and you have more pounds, you may break
22 even but you just have to payback that 100 pounds pound per
23 pound. They said treat everybody the same that is the way to
24 do it. So that is the recommendation before you.

25 And I have taken the liberty if you care to --

1 MR. : I think you said you had one guy
2 over 600 pounds and it was something --

3 MS. FEGLEY: Yes, that is correct. Yes.

4 MR. GWIN: So you are saying if I go over my quota
5 600 pounds, you are going to take 600 pounds the next year.

6 MS. FEGLEY: Yes, it would actually functionally
7 work out that it would be two years because we don't -- we
8 can't reconcile all that until the next fishing year has
9 begun.

10 MR. GWIN: So theoretically I could go three years
11 quota in one year and just not go fishing the next three
12 years?

13 MR. POWLEY: Well, you are not supposed to go over
14 the 50 pounds but if that accidentally happens, it was in
15 the --- but you are not supposed to go exceed 50 pounds.

16 MR. GWIN: Not supposed to but it is no penalty, so
17 theoretically I could go over my quota and then just for one
18 year and then not fish for the next three years.

19 MS. FEGLEY: Yes, I mean, if you have the tags right
20 to catch --

21 MR. GWIN: I am just asking the question
22 theoretically.

23 MS. FEGLEY: Theoretically.

24 MR. POWLEY: Yes and we were also worried about that
25 too. If you were going to sell your license and you -- and

1 how much quota are you selling to --

2 MR. : I don't think that is why the
3 question come up with the -- in our family fishery and I think
4 there is a penalty now for black sea bass fishery.

5 MS. FEGLEY: Yes.

6 MR. GWIN: So I just wanted to put that on the
7 table.

8 MR. BLAZER: And maybe that is something that we
9 need to look into.

10 MS. FEGLEY: Point taken.

11 MR. CARSON: If that is intentionally done which it
12 would have to be intentionally done, then I feel that the
13 State should flag that license so that it can't be sold.

14 MR. BROWN: Well, you know, if a number of people
15 decided to all go catch three years of quota and we happen to
16 be close to our quota to start with, that could put us over
17 our total poundage and I have a big problem with that.

18 MR. : Yes. Yes.

19 MR. : And we are out of clients.

20 MR. LAY: Lynn, do we have enough answers to all of
21 these questions to actually move on this?

22 MS. FEGLEY: I believe we do. I believe we do. I
23 think that we could spend a little more time exploring
24 consequences for a blatant egregious abuse and --

25 MR. CARSON: Well you get the cards from the seafood

1 house plus the individual card if there is a transfer done. So
2 you would be able to look into it and see that this is
3 happening.

4 MS. FEGLEY: Yes. And the transfer -- the
5 conversation that we had at the work group was you know,
6 remember all of these transfers come through us. So you know
7 if we -- if somebody does something egregious and has seen
8 that there is a problem with this, we will have the ability to
9 pick that up and let you now, let the involved parties know
10 and as somebody in the work group said, I -- that person said
11 that they never moved quota without checking in with us
12 anyway.

13 MR. POWLEY: Well, we shouldn't intentionally let
14 anybody go over 50 pounds over quota anyway. You know, we
15 shouldn't open the door and say hey we will go ahead and
16 catch 200 pounds and just take it off next year, no. I think
17 it should be 50 pounds is all you can over your quota. If you
18 didn't go over that little bit for whatever, take it off the
19 next year.

20 MS. FEGLEY: Right and just to clarify that and that
21 is one of the reasons we asked this question is that we have a
22 50 pound tolerance on your vessel right? And so if you come
23 in on a day and you are 50 pounds over, you can't be cited for
24 that. But that is a little bit of a difference issue than
25 reconciling at the end of the year. So --

1 MR. GWIN: One more question. This is a clerical
2 question is there any way to blow that up a little bit? I
3 know I am --- I do have an eye appointment next week but --

4 MR. SUTHERLAND: So is this a one time shot? I
5 mean, just to correct a past situation?

6 MS. FEGLEY: This would happen at the end of every
7 fishing year we reconcile and we look at who is over and what
8 is where and so this is just a recommendation of how we handle
9 that. Every year at the end of the year you know we
10 reconcile everybody's harvest relative to their individual
11 quotas.

12 MR. : But if you are over, you are over
13 right?

14 MS. FEGLEY: Right. That is exactly right. If you
15 are over, you are over.

16 MR. CARSON: I know you don't like to hear this but
17 in Virginia if you fish your quota and you have gone over it,
18 they allow you to go ahead out and temporarily lease that from
19 someone else to make up that difference so that the fishery
20 stays in order. I don't want to complicate this, believe me
21 but here is another --

22 MS. FEGLEY: Yes, that is probably another
23 conversation for another day but that is probably within the
24 same fishing year, right?

25 MR. POWLEY: But also don't Virginia just issue so

1 many tags. You don't ---

2 (Whereupon, the parties are speaking simultaneously)

3 MR. POWLEY: --- tags on the taxes.

4 MR. : -- to your poundage.

5 MR. POWLEY: -- difference. You can go -- you don't
6 know how -- it is a complete different. It is oranges and
7 apples.

8 MR. BLAZER: Yes.

9 MS. FEGLEY: So just to be clear this is --

10 MR. POWLEY: And he is going to target all big fish
11 because he is the one with so many tags and whereas in
12 Maryland, we won't sell by --- but for this year, we went in
13 another category because New York went to a 28 inch fish, so
14 now we got 4 categories of fish. We got 2x4, 5x8 and 8 and up
15 and 10 and ups. So we had to go to a different category.
16 Which really killed us. We need to get on New York and get
17 that 24 inch fish back. Because it killed the fish market.
18 Especially the 5x8, believe me, they cost us big time. But it
19 is in a different ballpark in Virginia with so many tags.

20 MR. GILMER: Right, Virginia and --- are completely
21 different.

22 MR. POWLEY: Right, we go by so many pounds.

23 MR. GILMER: I know, oh yeah.

24 MR. POWLEY: I target the big fish too because he is
25 more prosperous.

1 MR. LAY: Okay is there any more questions on
2 understanding the motion?

3 MOTION

4 MR. POWLEY: I make the motion that we adopt if we
5 go 50 pound over the year that you pay it back next year. It
6 is just that simple.

7 MR. LAY: As worded here?

8 MR. POWLEY: Yes.

9 MR. LAY: Okay, thank you. Do we have a second to
10 the motion?

11 MR. BROWN: Second.

12 MR. LAY: Robert, second to the motion.

13 MS. FEGLEY: So I just I have to -- Mr. Chairman,
14 may I?

15 MR. LAY: Yes.

16 MS. FEGLEY: So what this motion is saying is that
17 everybody is treated --

18 MR. POWLEY: The same way.

19 MS. FEGLEY: Okay, good as long as we are clear.
20 Okay.

21 MR. POWLEY: Pound by pound. Whatever they are,
22 subtract on the next year's quota. Or the second year's
23 quota. It won't be the following year.

24 MS. FEGLEY: That is correct. All right, perfect.

25 MR. GWIN: It doesn't say 50 pounds, where are you

1 getting the 50 pounds from? I don't see that --

2 MR. : 50 and over -- over 50.

3 MS. FEGLEY: No, no, if you are 10 pounds over, you
4 pay back 10 pounds. That is why there is no numbers up here.
5 Whatever you are over --

6 MR. POWLEY: Whatever you are over, you take it
7 over. But we don't put a maximum on it of like 50 pounds
8 because we don't want nobody intentionally over catching the
9 quota because like Robert said, we are liable to have to pay
10 and go over the quota.

11 MR. BLAZER: I think what I would like to do with
12 that recommendation, Boo is send that back to the work group
13 and bring up the issue that Sonny brought up about going over
14 the quota by a certain amount. One there is an enforcement
15 issue that can address that. But I think the work group
16 should deliberate over that and maybe bring a recommendation
17 back to you all since we brought it up and talked a little bit
18 about it.

19 MR. POWLEY: Well, you can't go over a daily catch
20 because you can catch as many as you want because you got your
21 own ITQ. Because it says daily catch and don't make any
22 difference how many you got. It is coming off your poundage
23 but you don't want to go way over board because then we will
24 be over our quota.

25 MR. BLAZER: So let's send that back to the work

1 group and they can come back with a recommendation to you all.

2 MR. LAY: Okay let's take a vote on this if we could
3 please. All those in favor of the motion before us, raise
4 your hand?

5 (Show of hands.)

6 MR. LAY: All opposed?

7 (No response)

8 MR. LAY: Any abstentions? One. The motion carries.
9 14 approved and 1 absentia. Thank you. Lynn was there --

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

11 MR. LAY: Okay, thank you. Okay, Robert?

12 MR. BROWN: Yes, I would like to -- you know how
13 our market gets flooded quite a few times during the year with
14 these big fish. And we are not allowed to send something --
15 we used to be a 24 inch lull in New York and they moved it up
16 to 28. Okay but so we are not allowed to send them there
17 because they are illegal when they get into that state.

18 However, on our --- here is 36 inches. New York can
19 send fish in 40 inches, 42, 45 inches. Needs to be looked
20 into.

21 MR. LAY: Okay is that something that the rockfish
22 work group --

23 (Whereupon, the parties are speaking simultaneously)

24 MR. BROWN: --- those large fish and they send them
25 down here and they sell right in Jessup which is I took one

1 out of my net that size and carried it up there --- in Jessup.
2 Why can they -- how can they ship something into our state
3 that was illegal? That trans -- it is on a truck and they
4 transfer right straight through the state and that is one
5 thing, that is interstate commerce but when you put it on that
6 market it is supposed to be a legal size.

7 MR. POWLEY: And maybe that will bring them back to
8 the floors -- bring our fish back to 24 in their state.

9 MR. BROWN: Either that or the big fish won't be in
10 there.

11 MR. LAY: Is that an issue, Robert, that you would
12 like to see brought up at the next rockfish work group
13 meeting?

14 MR. BROWN: Yes, yes, yes.

15 MR. LAY: Okay. Lynn?

16 MR. : We were jotting that down as an
17 action.

18 MS. FEGLEY: Yes. So -- just to be clear, we are
19 working on this issue now. The work group was very concerned
20 about this. So we are following up on this issue. Carrie has
21 been --

22 MS. KENNEDY: Yes, and just to leave you the bit of
23 complicating factor with this is the Department of Commerce
24 has rules that allow or disallow what different states can
25 prohibit in terms of importing or exporting across state lines

1 and we have to make sure that we don't get crosswise to the
2 Department of Commerce rules. So I have to talk further with
3 our Attorney General's office and understanding a little more
4 before I understand what we can and can't do and what the
5 process would be. But we are actively following up on it.
6 And I believe you all on the work group received an e-mail
7 from me that gave you that update.

8 MR. LAY: Is there any other rockfish questions?

9 MR. IRELAND: If I may, Mr. Chairman?

10 MR. LAY: Yes?

11 MR. IRELAND: This is strictly related to the
12 charter boat industry through our commercially license as well
13 as the recreational. Can we get some kind of input from the
14 Department anybody here on what is happening with this trophy
15 fishery at this point and the status of the migratory stock?

16 MR. : We can wait and do that --

17 MR. IRELAND: That is fine, I don't care when.

18 MR. LAY: Yes because it is part of what you going to
19 do later, Mike. That is fine, yes we will get to that, Tom.

20 MR. IRELAND: Thank you.

21 MR. LAY: Okay, fisheries management updates. Mike,
22 were you going first or was Lynn going?

23 MR. BLAZER: Well if I can Mr. Chairman, we are
24 going to skip the weakfish status update in the --

25 MR. POWLEY: I guess I killed that --

1 (Laughter)

2 MR. BLAZER: No, because there is no action
3 associated with that. At the Sport Fish Advisory Committee,
4 their commissioner and some of their chairman and some of the
5 commissioners, wanted some educational aspects of some of the
6 fisheries that go on. So we had provided them with a ten
7 minute update about weakfish. But there is no action items
8 with it but we just thought it would be a good 10 minute
9 informational piece for you all so that you know what the
10 status of the stock is, what management is going on right now,
11 what research is going on, so you would get some of that
12 information.

13 But I plan on keeping those in the agenda for you
14 all that we will try and do that with you all as well. So
15 that when and if weakfish issues come up in six months, a
16 year, you have got some back foundation that maybe will help
17 as we go through. So we can skip that today. I thank Harry
18 for coming over and really appreciate that. He has a got
19 presentation and we will make a copy of it and send it to you
20 all anyway.

21 MR. : He can e-mail it to us?

22 MR. BLAZER: Yes. You will get it e-mailed with a
23 lot of the information that is there but we will try and carve
24 out a 10-15 minute time frame out of the agenda to provide
25 information about a species that we normally don't talk about

1 or just provide an update or education on it for you. So that
2 is where we are. Thank you, Mr. Chairman, sir.

3 MR. LAY: Okay, Mike.

4 MR. LUISI: Okay thank you, Mr. Chairman.

5 ***Fisheries Management Updates***

6 ***Michael Luisi, MD DNR***

7 ***and Lynn Fegley, MD DNR***

8 MR. LUISI: And thanks to Harry for coming over. I
9 know for certain that if there is an aquaculture position
10 available, he is not going to apply. That is the one thing
11 that I know for certain after sitting through a discussion
12 that he is not normally privy to. So let me -- so Lynn and I
13 are going to tag team a little bit here. But I thought I
14 would start with updates on the ASMFC and I included the
15 MidAtlantic council in this update because next week the
16 MidAtlantic council will be meeting jointly with the Atlantic
17 States Marine Fisheries Commission to take up a number of
18 actions.

19 There are no final actions being taken up at this
20 time but they did have some commercial significance and so I
21 thought I would take a moment to explain where we are in the
22 process with the two species that are being considered for
23 upcoming amendments. The first is summer flounder and I have
24 mentioned to you a number of times that throughout the last
25 few years, there has been a concern raised by the states in

1 the MidAtlantic as well as New England regarding the shift in
2 population distribution as it relates to the effects of ocean
3 climate change.

4 What is being seen is that the hub of summer
5 flounder where the central focus of biomass used to be off of
6 the Chesapeake Bay is no longer there. It has moved north and
7 east out towards Long Island and the northern part of New
8 Jersey. And when that shift happened, the allocations that the
9 states received back from data from the 80s, no longer
10 correspond with where that hub of the population is. And so
11 basically Virginia, North Carolina they hold about 50 percent
12 of the overall commercial allocation.

13 And the population now is in a place that is
14 different from where it was back in the 80s. So there has --
15 they have raised the issue. The council and the ASMFC are
16 working through a process to come up with -- and they have
17 come up with four viable allocation alternatives. Each one
18 set up a little differently and each one deals with how we
19 would shift allocation between the states to account for the
20 newer information about where these -- where summer flounder
21 are.

22 And it is not that summer flounder aren't still in
23 the south but the shift is clear and you can't deny it, the
24 data that is collected annually is really strong in that
25 shift. So, what we are going to discuss next week is are

1 these alternatives -- these different ways of allocating
2 through the states based on a number of different scenarios.
3 Some of those scenarios for us in Maryland would take away
4 small but significant amounts of quota.

5 Other scenarios if the ball were to bounce that way,
6 were to provide Maryland with quota. Some of the-- because in
7 some cases, it is a complete shift from south to north. And
8 in other cases, it is a shift from the big players which are
9 Virginia, North Carolina, New Jersey, Rhode Island to the
10 smaller players and it takes some of that North Carolina. So
11 each one of these alternatives does something a little
12 differently.

13 And what the board and the council are going to do
14 next week is to approve those alternatives to go to the
15 public. And the public process will happen over the course of
16 the summer. There will be opportunity for public comment. We
17 have a number of summer flounder fishermen in the state. We
18 have 7 permit holders that hold the vast majority of the
19 quota. But there are others that land summer flounder as a
20 bycatch and all of them would be effected by any change to
21 allocation that we get from -- as a result of this amendment.

22 So it is an important thing to keep on your radar if
23 you are interested in flounder quota. And the final decision
24 is being planned for December of this year and the council
25 meeting will be here in Annapolis at the Westin down the road

1 from here. So, you know, the next few months will be
2 important and we will continue to work as a state with out
3 other council and board members to try to get what is best for
4 your fishermen with the understanding that a fairness issue
5 has been -- is being discussed about where those fish -- where
6 the quota currently resides.

7 Any questions on flounder? Okay, another issue that
8 the board and council are going to take up jointly next week
9 on the 30th, is a bluefish amendment. We haven't had a
10 bluefish board meeting for about six years I think, so it is
11 not one of those species that we deal with often. But what we
12 are seeing with bluefish is that there is a disconnect between
13 the recreational and commercial fisheries. The recreational
14 fishery for bluefish along the coast holds a significant
15 proportion of the quota which 83 percent of the quota is held
16 by the recreational anglers.

17 The commercial quota holds the remaining 17 percent.
18 And each and every year what has been happening is that the
19 recreational fishery isn't catching its quota so that we as a
20 unit are shifting recreational quota to the commercial
21 fishery. So there is a question out there, is this feasible
22 that we continue with the current plan or should we make some
23 adjustment so that shift doesn't always -- so the commercial
24 industry wants to make sure that shift is more -- they would
25 like it to be more permanent, so that they don't have to wait

1 each year until the end of the year to find out if the rec
2 guys are going to catch their quota so they get the shift at
3 the end of the year.

4 That is one element of this. The other one is how
5 do the states hold their commercial quota? It is just like
6 flounder. All the states get a specific quota for bluefish
7 and our state in particular has been one of those states that
8 for whatever reason, has not been harvesting its quota.
9 Significantly under its quota for years. And we even have
10 been part of a transfer process for which we give our quota to
11 other states at the end of the year just so that they can
12 catch the optimal yield from the stock.

13 And so we will be under consideration likely to have
14 reduced our overall quota for bluefish and as a commercial
15 quota but how it all plays together will yet to be determined.
16 We are a very early stage in this. But it is something to
17 keep in mind for maybe a year or two from now, final decisions
18 will be made on that. Any questions on bluefish? Sonny?

19 MR. GWIN: Just to make a point that a quota hasn't
20 been caught but I know at this point that there are a few
21 fishermen rigging(sic) up to go bluefishing this spring and I
22 don't want to go back and tell them, look out we are going to
23 great a big quota decrease. So I just want to put on the
24 radar that they are rigging up to go bluefishing because the
25 spiny dogfish, the money in it is bad so there is a few guys

1 rigging up bluefish.

2 MR. : Bluefish brought good money last
3 year.

4 MR. GWIN: I don't want to see the state -- I just
5 want to put it on the radar so when the time comes, that we
6 don't lose a bunch of quota and these guys are rigging up to
7 go and then all of a sudden come down to go fishing and say
8 what happened to our quota? So I just wanted to make you --

9 MR. LUISI: Thanks, Sonny. And Sonny will be as
10 close to this as anyone since he sits as a representative on
11 the MidAtlantic Council for the State of Maryland and so we
12 will work closely Sonny to --

13 MR. GWIN: I am going to stay as close to you as I
14 can.

15 MR. LUISI: All right, seeing no other questions. A
16 couple of more from me and then I am going to turn it over to
17 Lynn. I will hook circle hooks right at the end. So striped
18 bass will be discussed at the upcoming ASMFC meeting. It will
19 be a discussion about the bench mark stock assessment that we
20 have been just talking about that is being conducted this
21 year. I was part of a working group along with Alexi from our
22 staff who is our lead stock assessment scientist. We
23 participated in a guidance working group on what kind of
24 biological reference points we would want to set for the bench
25 mark assessment as options for how we manage striped bass.

1 Think about biological reference points as being
2 those lines that we always show and where the stock is in
3 relation to those lines. And fishing mortality and how the
4 line jumps around those fishing mortality reference points.
5 The higher the reference points, the more conservative you
6 would be, the lower the reference points, the less
7 conservative you would be.

8 And so we talked -- we had a long debate over the
9 last few months and it has been -- it is pretty clear to me
10 and the point I am going to make to you, is that this guidance
11 working group is going to be reporting out to the Board and
12 all of the things that we have talked about over the years
13 that we think are important to our fishery here in Chesapeake
14 Bay, which might be Chesapeake Bay biological reference points
15 might be reference points that allow us the optimum yield or
16 the optimum harvest rather than developing in our bay some
17 form of a trophy fishery.

18 I think the mentality of the Chesapeake Bay
19 fishermen is much different than what you have on the coast.
20 And so it is pretty clear in the guidance here and we have
21 helped steer that guidance to making sure that there is a
22 consideration for what we call migratory or coastal portions
23 of the stock and then the resident portions of the stock.
24 Residents would be the smaller fish that live in the bays and
25 not just our bay but Delaware Bay, the Hudson River. Those

1 are resident -- they live there, they stay there, they grow
2 there and then they move out to the coastal stock. So there
3 is a clear understanding that -- not only we but other states
4 that have these estuaries for developing the spawning stock
5 are very interested in making sure that we have some control
6 over that mechanism in the future.

7 And so we are still at the beginning stages but for
8 now, we are comfortable in that these things that we have
9 talked about now for years since the last changes that we have
10 made are being considered by the Board. And we hope -- we are
11 going to urge the Board to just -- to continue working in that
12 direction for striped bass. Any questions on that?

13 MR. POWLEY: Yes, five years ago, we met at
14 Chesapeake College and we were told that it was going to be a
15 7 percent reduction for so many years and a 10 percent
16 reduction for so many years or a 20 percent reduction for
17 three years. That is five years ago that we have had this
18 reduction. Why haven't we gotten our 20 percent back? This
19 was for -- we took the brunt of it when we got 20 percent cut.
20 I hold 20,000 pounds, you take a 20 percent cut and that is a
21 dag on good chunk of money. I want to know why I haven't
22 gotten my fish back if ASMFC said we were going to reduce you
23 for 20 percent for three years and it has been five years.
24 Why don't we got it back? Go to ASMFC? What is the problem?
25 This was your option that we had -- we had three options to

1 pick from at Chesapeake College.

2 And we took the brunt of it -- we didn't want to
3 take it but we had to take the 20 percent for three years
4 because that is what we voted on. And five years and we are
5 still at -- don't have our 20 percent back.

6 MR. : Good question, go ahead Mike.

7 MR. LUISI: It is a good question and I think part
8 of the question has to do with it was five years ago and the
9 other part of the question is I think that throughout all of
10 the discussion that we had surrounding the drop in quota, I
11 think there was some misunderstanding and miscommunication
12 whether it was between our agency at the time with you all or
13 between ASMFC and us and the stakeholders because there is
14 nothing written in the plan that puts a sunset in any way on
15 the quota that was reduced by.

16 And we -- so I will just say that first. It might
17 have been an understanding that we were going to reduce for
18 three years but there was nothing in the plan. The year
19 following the reduction, I asked the Board chair at the time
20 at a meeting in Connecticut, when do you envision us having an
21 opportunity to correct this reduction if we see a growth in
22 spawning stock? And we went through the process of thinking
23 about when the next assessments were going to be.

24 And it wasn't until 2019 or 2020 is when they said
25 that. And so from that point in time until now, we have

1 fought I mean, as hard as we can fight, we have gone to the
2 bat and I mean, not just me but our team has gone to bat to
3 try to get quota back for you guys in the face of ASMFC
4 telling us no.

5 But now this is -- we are passed all of that. We
6 are now at the point where this benchmark assessment is going
7 to direct the next at least five years worth of quota setting,
8 recreational regulations and management for striped bass on
9 the east coast. So we want to work through the process over
10 the next year and try to get some control back to what we lost
11 when they took it from us five years ago.

12 If we can get that control back, and we can start
13 fishing again when the year class strengths are strong and we
14 can take more when the years are strong and take less when the
15 years are weak or more weak. We will have that ability to do
16 what we used to do which was kind of fluctuate around a mean
17 for over time. That is what we would like to get back to this
18 year.

19 Now I will tell you that the 2019 fishery is very
20 much going to be exactly what you have now. There is no
21 mechanism to change it between now and next year. So you guys
22 are going to have to fish 18 like you are, 19 under the same
23 regs, under the same quotas but we hope for 2020 is that there
24 will be some change or modification of that. And the change
25 will only go up if the benchmark assessment shows that the

1 stock is healthier than it was five years ago. And that is
2 what we expect. So that is --

3 MR. POWLEY: I will tell you, Rhode Island last year
4 when --- they don't have that many fish like we do. Usually
5 they will flood the market for like 2 or 3 or 4 weeks. They
6 started in August last year and they flooded the market until
7 October. And it kept the price of our fish down and we only
8 got so much quota to work with and you are taking a dollar a
9 pound less under quota, that hurts. Plus you have already
10 lost 20 percent.

11 And I don't know how they are getting away with it
12 or how many pounds we are catching, but when you flood the
13 market that long with that many fish, we had questions about
14 it and we brought it up at the striped bass work group
15 committee. Something is up. I couldn't figure because our
16 price was down last year. A whole year because they will
17 flood the market.

18 MR. LUISI: Okay, in the interest of time --

19 MR. LAY: Does Robert have a comment?

20 MR. BROWN: Just, Mike, I want to thank you for what
21 you have done for us in the rockfish. Maybe you remember it
22 was like you came out of the gate fighting for us down in
23 Florida and at the United States Marine Fisheries Commission.
24 And then we went -- I think the next day we went up to
25 Connecticut. And before we went there, when they were coming

1 around with their proposals, they were saying I think it was
2 somewhere --- and I can be wrong on my figures and so maybe
3 you all can remember -- I think it was like 25 percent and it
4 would be like maybe one year and then it would be like 10 or
5 12 percent for two years and 7 percent for three years. And
6 that is what we were going for for the 7 percent for 3 years.

7 So we go in. And all of a sudden then when they
8 three 25 percent on us and we got it down to 20.5 and you know
9 just with the amount of fish -- if you started adding up these
10 percentages of 20.5 --- every year, if you go four years, that
11 is 82 percent of our fishing. That is almost one year. This
12 year it will put is into one entire fishing season if we
13 had --

14 MR. : Exactly.

15 MR. BROWN: If we go through this, if I am correct
16 on my timing. So I mean, the Atlantic States Marine
17 Fisheries Commission they had dealt us a hard blow on this.
18 And like you said, from now on when they put -- if they had so
19 much faith into their biologist on what they were doing and
20 the information is so great. The should have a sunset close
21 on it. Now what a sunset close would do that would stop it at
22 the end of three years or whatever time period you put on it.
23 And if the biologist said you had to go on, you would at least
24 have to come up and be able to fight it again.

25 And the way it is right now, with the United States

1 Marine Fisheries Commission, we have been raked over the coals
2 on these rockfish. But I do thank you for everything that you
3 have done for us.

4 MR. LUISI: Okay, thanks Robert T. In the interest
5 of time since our lobster fishery is in this room, I am going
6 to go ahead and I will talk with Sonny. He knows what is
7 going on but we are going to move on. We don't need to go
8 over the lobster -- the regional comment to the Board and so I
9 am if it is okay, Mr. Chairman, I will go to Lynn for a few
10 updates and then I will finish up with circle hooks right
11 before the end of the meeting.

12 MR. LAY: That will be fine. Lynn?

13 MS. FEGLEY: Yes. And I think this can be really
14 quick. I said that last time but just a couple of things from
15 my end on the South Atlantic Federal Fisheries Management
16 Board, at ASMFC. This one is an emphatic heads up because
17 cobia which was a previous unregulated species in Maryland
18 waters is no longer. There were some pretty severe actions
19 taken by the South Atlantic Fishery Management Council which
20 has authority over this species.

21 The commission was asked to enter into cooperative
22 complimentary management with the council which the commission
23 has done. So we now have cobia regulations in Maryland. They
24 are effective now. So for the commercial fishery, you guys
25 have a minimum size limit on cobia of 33 inches and that is

1 fork length. You have a possession limit of two fish per
2 person per day, not to exceed six per vessel. So in other
3 words, you have to have three people on your vessel and I want
4 to be clear that that is people not licensees. Three people
5 on your vessel, you can have six fish. And if you are
6 catching these out on the coast, they have to be sold to a
7 Federally permitted dealer like black sea bass and those other
8 species.

9 In a way -- and just so that you know these
10 regulations for the commercial fishery are consistent from New
11 Jersey as far north as we go. So from New Jersey through
12 Florida, they are consistent for everybody. We are all being
13 monitored by the National Marine Fishery Service, so when they
14 project there is a coastal cap of 50,000 pounds. So when that
15 50,000 pounds is projected to be reached by NOAA they will
16 close the fishery and we will issue a public notice --
17 actually we don't -- an our fishery will close.

18 And last year, because these regs have been in
19 effect from Virginia south prior to this year, this year just
20 brought in Maryland, Delaware and New Jersey. Last year the
21 fishery closed September 5. Just to give you an idea of when
22 that seems to be -- about when that happens. But the season
23 is open now. That is cobia.

24 Also new rules for recreational as well. These will
25 be on the website. Recreationals get one person -- one person

1 per fish per day. One cobia per person per day up to three
2 per vessel. And then -- but they have to have three
3 individuals on the vessel to get that and they have a minimum
4 size of 40 inches total length. Which is about equivalent to.

5 MR. GWIN: No season on commercial?

6 MS. FEGLEY: No season. So it opens now and then
7 you will be closed when that 50,000 pounds --

8 MR. GWIN: Just the 50.

9 MS. FEGLEY: -- gets hit, yes. Recreational is June
10 1 through September 30. A little different. So that is cobia.
11 That is in, it is done. Black drum. Finally, finally -- we
12 have -- we anticipate next week that the commission, the South
13 Atlantic Board will approve this addendum I. It is a Maryland
14 specific addendum to reopen our historical Black drum fishery
15 with the constraints that we can harvest up to 10 fish per
16 vessel, per day and a minimum size of 20 inches. So just to
17 be -- what this means it that should the commission approve
18 this next week, that means that we have the green light to
19 begin the regulatory process in Maryland.

20 It doesn't mean that what is in the plan is
21 automatically applied here, it means that now we have a green
22 light, a go and we can allow the harvest of up to 10 fish
23 minimum 28 inches and we will proceed with the regulatory
24 process. I will say that the public comment -- this is very
25 good heads up, there were about 14 recreational fishermen who

1 come into an opposition and we only had one commercial
2 fishermen comment in favor.

3 I don't think that the commission is going to pay
4 that much mind but I would just throw that out to you. I
5 would always encourage comment on these things because it is
6 read, they are read by a lot of people besides us that don't
7 know our fishery and if they wonder -- if they don't see the
8 comment and they wonder do you really want this? We just need
9 to --

10 MR. POWLEY: Could give just more than a little bit
11 of education on this fish. We tied I don't know how many
12 thousand of these fish to get a survey on the --- I had 296
13 that one day and we tagged them up and threw them all -- they
14 received one tag back from Florida. So that told us that the
15 fish that I was throwing overboard, there was nobody catching
16 them in the State of Maryland.

17 So why take something away from somebody that nobody
18 was catching? So that is why we have been begging for these
19 fish back if we only got one a day. They is a pain in the
20 butt to grab them. Ask Morty Gary and he will -- that
21 throwing them suckers overboard every day is a pain. I am
22 telling you. I hate them -- if I sell 10 a day, you know, it
23 gives me a little something. Pays the --- anyway. But the
24 science is all for it.

25 MR. LAY: Sonny?

1 MR. GWIN: I swear when I came here I said I wasn't
2 going to say nothing just watch. But I have a couple of more
3 questions on the drum. As with the flounder, Global warming,
4 they are all moving up north and with change in the quotas up,
5 how much quota are we going to be able to get from the South
6 Atlantic region, whether it be drum, mackeral, all of this
7 stuff should be moving up off of Ocean City now that the
8 flounder and the sea bass are going up to Canada and this
9 probably is a prime example.

10 And as I am looking at this paperwork, I am looking
11 at -- I can't see nothing but -- Jersey 6,500 -- thank you
12 very much.

13 MR. : 65,000.

14 MR. GWIN: 65,000. Let's see -- New Jersey, 65,000.
15 There was Virginia 120,000. Where was Delaware, it was on
16 there too. I have to find that. 65,000 and then we got
17 Maryland and am I seeing that right? 1,500? And are we going
18 to change the quota -- Oceanside is still going to keep that
19 1,500.

20 MS. FEGLEY: Yes, so the rules in the coast are a
21 little bit different. You guys -- that -- nothing is changing
22 in the coast. And thank you for that clarification.

23 MR. GWIN: I understand that but we are back to the,
24 I think the question I am going to ask is has these states
25 caught their quota of black drum?

1 MS. FEGLEY: It is a good question. Not every state
2 I believe has the hard quota.

3 MR. GWIN: Let's just call it the Delmarva state.

4 MS. FEGLEY: So they are --

5 MR. GWIN: Delaware, Virginia --

6 MS. FEGLEY: Yes and I honestly don't know -- I
7 don't know the answer to that. I don't know if Virginia had
8 the --

9 MR. GWIN: I wonder if that is information that we
10 can find out. And especially Maryland. I am pretty sure
11 Maryland is on the seaside has caught there.

12 MS. FEGLEY: Yes, we can -

13 MR. GWIN: I mean, it just doesn't -- the numbers
14 just don't look fair to me. I don't know how the process was
15 -- I wasn't here when the process was done and these fish were
16 divvied up but it just doesn't look -- it doesn't look right.

17 MS. FEGLEY: Yes. We can look -- I will tell you
18 that black drum is a very data poor species. There is not a
19 lot known and I suspect that the catch limits which for the
20 quotas were probably set more based on harvest history.

21 MR. GWIN: And the reason I am even bringing this up
22 is because I know that talking with fishermen, they are seeing
23 a lot of black drum.

24 MS. FEGLEY: Seeing a lot more and this is going to
25 be an issue with cobia too. Cobia because they are coming

1 north. So. Yes. So that is black drum. Any other? And then
2 the final one is eels and this is a worthy slide.

3 (Slide)

4 MS. FEGLEY: There is not an eel meeting next week
5 at the commission but it is very important for everybody to
6 recognize that we have been working closely with the eel
7 industry work group. There will be an ASMFC hearing here in
8 Maryland on June 11. I think that is a Monday from 6:00 to
9 9:00 to take public comment on a new eel addendum. So there
10 is a few things with eels as you all know. There is a coast
11 wide cap that is set just over 907,000 pound. We do not have
12 a state specific quota for eels.

13 But the way this works is that if that quota is
14 breached by more than 10 percent in a single year or by any
15 amount in two consecutive years, it automatically assigns each
16 state a state specific quota. And it is rough. So the -- we
17 came -- we are coming really close to firing that trigger and
18 so the board wanted to re-examine several things. They wanted
19 to re-examine the cap. That 907,000 pounds. There is a
20 couple of options in this addendum that increases that cap
21 slightly.

22 There is one option that decreases it. The board
23 was -- nobody likes the fact that if we exceed the eel quota
24 by 10 percent in year one, you can be over the quota by half a
25 pound in year two and bang. And that just struck us all as

1 absurd. So there are options in the addendum to change those
2 triggers -- the option that the eel group is leaning toward
3 would be if we exceed the cap by 10 percent in two consecutive
4 years. So you have to go over by 10 percent in two years.

5 And then the third option -- the third thing that
6 the addendum is addressing is to revisit that allocation. The
7 state of North Carolina for example, got an extremely high
8 quota and some states got very low quotas. So this just
9 redistributes the quota and one of the options there is not to
10 do state by state quotas. Just not do that.

11 And what that would mean would be that everybody
12 would go together so if we exceeded the cap, after the trigger
13 was fired that every state would have to work to find a way to
14 reduce and we would all try to reduce together. There is pros
15 and cons and the eel work group was leaning toward that option
16 as well.

17 So I just wanted you to know that that is in the
18 words, there is a hearing on the 11th, it is on our calendar
19 now, it is here in this room. Probably worth attending if you
20 eel or if you are interested in eels.

21 MR. BROWN: Is it -- is Tidal Fish going to make any
22 suggestion on the eel? Or is that in order or -- will we put
23 some kind of comment into it?

24 MS. FEGLEY: I think that that would be -- that
25 would be something that we would do I would suggest that that

1 be done before the August meeting.

2 MR. BROWN: Are we going to have a meeting before
3 the August meeting, correct?

4 MS. FEGLEY: Yes. We always have these meetings
5 beforehand and so at that point, we will have had the public
6 hearings. That would be a really good time -- and what -- I
7 am going to write this down as an action. We will get back to
8 you with is when the comment -- the public comment is due on
9 the addendum. So you know what the -- and we can work --
10 because the eel work group, you guys had a recommendation on
11 which options.

12 MR. LAY: Yes, we did. We discussed -- there were
13 several options for three different categories of change, that
14 would -- when we voted to help Maryland in all of those
15 obviously and they were all very reasonable requests because
16 Maryland catches most of the eels. And it would be better for
17 instance to share on a coast wide basis. If we went over the
18 quota, each state could say, well I will shorten this season a
19 little bit to do my part rather than have a hard cap for each
20 state.

21 We did go over those at the eel committee meeting
22 and we made recommendations for the Maryland eel industry.

23 MR. BROWN: I would like to commend people in the
24 eel industry for making those sacrifices that they did last
25 year to try to help -- to avoid from going over two years in a

1 row. And I don't like nothing that has got a trigger because
2 it is -- just like you say, you see you move maybe just say
3 10,000 pounds the first year and 10,000 on 900,000 is nothing.
4 And you go over say 50 pounds the next year, then you then set
5 the trigger off. Something has got to be better than that.

6 MR. LAY: We are trying to address that in the best
7 way we can working with what we have been offered. Any other
8 questions on eels?

9 MR. GILMER: So you are going to have a meeting in
10 June? Another eel meeting? Am I reading that correctly?

11 MS. FEGLEY: That is a ASMFC hearing, so I think
12 what we would do is --

13 MR. GILMER: Okay.

14 MS. FEGLEY: Yes, that is the ASMFC hearing to take
15 the -- so they have not yet published the draft addendum. It
16 is not yet on the website. And so I think once that is
17 published, we will get in touch with the eel workgroup.

18 MR. GILMER: And if they want to meet before we come
19 back in July with what happens then that would be good to come
20 to us with.

21 MS. FEGLEY: Right. But August -- so August would
22 be the time that we would be -- the Board would be approving
23 the addendum. So the August -- August ASMFC meeting is going
24 to be when the board chooses what actually happens. So any
25 comment should go in for that meeting. Which is why the

1 hearing is going to be in June.

2 MR. LAY: Any other eel questions?

3 (No response)

4 MR. LAY: Did you have anything else, Lynn?

5 MS. FEGLEY: I am done.

6 MR. LAY: Mike, did you want to talk about circle
7 hooks?

8 MR. LUISI: I have one more issue. Just a quick
9 update and there are two more based on Tommy's question. But
10 I just wanted to give you a quick update on where we are with
11 the circle hook requirement.

12 (Slide)

13 MR. LUISI: I will first say that even though Robert
14 T. has been urging me for months to make sure that commercials
15 and hook and line fishermen have to use circle hooks, we
16 decided not to do that. For the record, I was just joking.
17 But this is a recreational and charter boat issue right now,
18 it is not anything that is being implemented or would be
19 implemented to the commercial industry based on the proposal
20 that we made to ASMFC.

21 But the update is through a number of different
22 attempts and iterations of a plan to -- which we were approved
23 by the commission to do which was get bait fishermen
24 essentially to use circle hooks in the Chesapeake Bay for
25 striped bass. And if you can do that, if you can implement a

1 plan to get all of the bait fishermen using circle hooks, then
2 we will allow for you to drop your minimum size from 20 inches
3 to 19 inches for that group. And that would be recreational
4 charter boats.

5 So we went forth with a plan that captured all bait
6 fishermen because we said if you are chumming or chunking or
7 live living, you have to use a circle hook. But then we also
8 said originally that the only way to capture all of the bait
9 fishermen was to have a maximum size on a J hook that you can
10 use in the state when you are bait fishing. Something small.
11 So you can perch and croaker fish and spot fish but if
12 anything was larger you likely are going to be targeting a
13 striped bass or we wanted that to be part of the rule.

14 When we did that, a number of different groups, user
15 groups such as catfishermen, other fishermen that fish for
16 other species mostly in the southern portions of the Bay. We
17 had tackle shop owners that had concerns regarding the fact
18 this new rule which was focused on striped bass, was capturing
19 too many what we were calling kind of the fringe fisheries
20 plus the tackle shop owners who had walls of inventory of J
21 hooks that weren't going to be able to be used anymore in the
22 Chesapeake Bay.

23 So after some consideration with the comments that
24 we received, we re-formulated our plan only to include
25 fishermen who are chumming and live lining. So if you are and

1 chumming is defined and live lining is defined in the new
2 rule. So chumming just think of it as if you are putting
3 anything else in the water other than the hook with the bait
4 on it, you are chumming. Watermelon, whatever you are
5 chucking over the board, fried chicken, it is chumming. If
6 you are fishing with just one piece of bait and you are not
7 throwing anything else over board, you are not chumming. And
8 that would be considered just bait fishing. And you are
9 allowed to use a J hook for that.

10 And live lining is just the practice of using a live
11 fish to catch another fish. So anything on a hook that is
12 live would be considered live lining. So we propose that
13 rule. We modified from the original and it is currently in
14 process. We proposed it both emergency and through our normal
15 regulatory process. We have been informed that the committee
16 that would take action on the emergency regulation, AELR has
17 pulled for the question as to whether or not we would go
18 forward with an emergency rule.

19 So they are in consideration as of we heard -- we
20 got word yesterday from our legislative liaison. It has been
21 a little over 24 hours. We haven't heard anything more. So
22 AELR is considering this as an emergency action. If they were
23 to implement this new rule as an emergency action, it would be
24 go -- it would be effective immediately but we would make it
25 effective on May 16, when the season dropped from the trophy

1 fishery down to the summer fall fishery.

2 If AELR does not action on this proposal, we are
3 still going to follow along with our regulatory proposal
4 process. Which is a much longer process and it includes the
5 public hearing that we have scheduled for May 17 I want to say
6 it is. We are working to get that information out. So that
7 is -- you will get notice when -- if we have a public hearing
8 on this or when we do. But if we end up going -- not doing
9 emergency and going all the way through our own process, that
10 rule won't become effective until early July. Which means
11 that we would start the summer fall fishery at 20 inches and
12 in early July it would change to 19 inches under the new
13 provisions.

14 That would cause in my mind and I think all of us
15 believe there would be a lot of confusion if that were to be
16 the case. We are hoping that the emergency is acted on and we
17 can get all of this tied up and nice and neat for the first --
18 for the start of the season in May. But it is yet to be
19 determined. We hoped to have some information more for you
20 today but that is as much as we have at this point.

21 We did add a sunset based on comment that we
22 received as well. So this rule will be effective for two
23 years and then the Department would need to thoroughly review
24 the proposed action and consider whether or not we would
25 continue on as we have proposed in this action to modify it do

1 something differently.

2 We do have to make a report to the commission next
3 year based on what actions we have taken. And that report we
4 are working to figure out what type of information we are
5 going to put into that report about compliance. Essentially it
6 is based on -- the commission wants to know -- were fishermen
7 compliant with the rule? Did they listen to it? Did they put
8 circle hooks on their lines when they needed to? And they want
9 to know how well it was enforced if at all. If there was any
10 enforcement.

11 We will have to work on which will be a challenge in
12 forming the commission that we didn't necessarily capture all
13 fishermen under the bait provision that we discussed at the
14 board meeting. But we have time to think about how we will
15 craft some messaging to the commission on that. And it will
16 all be at the same time that the bench mark assessment is
17 going to become part of the picture. So maybe they will be so
18 distracted by all of that that we will be able to kind of get
19 through and show -- we want to show that we have done and
20 taken an active role in conservation based on the issues that
21 we have heard about -- about the dead discards, it has just
22 been tremendous the last few years and we want to show them
23 that we are actively working to conserve the fishery.

24 That is all I have for the circle hook. I know Tom,
25 had your question but are there any questions or

1 clarifications on the circle hook?

2 MR. BLAZER: Dave if I can -- Mike just one thing, I
3 wanted to also say, you know circle hooks if you are chumming
4 and live lining, you can only use circle hooks for that. You
5 can't use a treble hook. So even though it doesn't say no
6 treble hooks, that is kind of eliminated because it says you
7 can only use a circle hook when chumming a live line.

8 MR. LUISI: And even if you are bait fishing without
9 chumming and live lining, this takes away the treble hook from
10 people that may have been using cut bait with treble hooks,
11 you no longer are allowed to use the treble hooks which was
12 becoming a problem from what we understood from fishermen in
13 the -- that are actively fishing. Any other questions about
14 that?

15 MR. MANLEY: To -- this was to try to save fish,
16 right? Well if I am paying 6 or 7 cents for a little -- and
17 he swallowed it, I am going to cut it off and let him go and
18 if I use steel hooks. I pay 75 cents a piece for that -- what
19 do you think I am going to do that? If he swallows it. I am
20 going to pull it out of him.

21 MR. LUISI: The circle hook?

22 MR. MANLEY: Yes, I am going to pull it out of him.
23 And I just don't think it is getting at what you are getting
24 at or trying to achieve. We may have -- Chuck and --- talking
25 about it this morning, the most logical thing to us would be

1 to drop the size and then if you want to cut the head(sic) off
2 and take what you get and go home. Don't sit there and keep
3 getting them out no matter what you are using. Because I have
4 guys that are using these circle hooks and --- not as bad as
5 the J hook but they still swallow them.

6 Now I think you are really not addressing what could
7 be. Like Chubby said this morning, grow 16 inches if that is
8 all you can catch. Get your two fish per person and get off
9 of them. No matter where you are at.

10 MR. SUTHERLAND: Unfortunately recreational
11 fishermen aren't doing that.

12 MR. MANLEY: They don't what?

13 MR. SUTHERLAND: Unfortunately recreational
14 fishermen and I agree with the whole --

15 MR. MANLEY: I am a charter boat captain, I am not
16 a --

17 MR. SUTHERLAND: I know but I am just saying -- so
18 the what I am saying is the recreational fishermen that are
19 out there and I have talked to Ken Jeffries and a whole bunch
20 of people there to complain, I agree with the complain. They
21 are not leaving after they catch their two fish. They are
22 catching and catching them and releasing them, releasing them,
23 releasing them. And that is -- in my opinion is a big issue.

24 And you can't force them to leave. But hopefully
25 they take away -- when I catch mine I leave, I don't want to

1 sit there and --

2 MR. MANLEY: Right but I got another problem where I
3 am at up there, a lot of times I go across the bay in the
4 holes where they dredge oyster shells out of and I will catch
5 rockfish and catfish right there together. Using the same
6 bait, using the same hook and same rig. But I have to take
7 the hook off the circle every time I want to catch a rockfish,
8 it is all legal and then take it back off and try to catch a
9 catfish.

10 MR. SUTHERLAND: Yes, I was trying to make a point
11 that I would leave -- I think it is a good point but there is
12 also studies that show that the circle hook is actually more
13 effective and so you are -- not to argue.

14 MR. MANLEY: No, that is all right, I mean.

15 MR. LUISI: Well the thing about it is, we will be
16 reviewing how the season -- it is part of what we are going to
17 be -- this is a plan that we are enacted, we are putting in
18 place to help with the dead discard issue. We are hoping to
19 gather information and review that annually to determine if
20 this is something that we can continue with. So I do
21 appreciate your comment but I know that we need to get going.
22 I hate to -- it is always fun to be the last person on the
23 agenda when you have a chairman who is a stickler for time.

24 But to Tom's point, we have been getting a lot of
25 calls about the fact that the trophy season did not start off

1 as a season which people are very -- they are just not pleased
2 with the amount of fish available. And we have had -- there
3 is concern and I think in a few different -- it is kind of
4 tracking in a few different ways. There is concern by the
5 charter boat industry that their clients are unhappy.

6 That is understandable. They are not catching the
7 fish right now. But there is also the concern which is even a
8 greater concern that we are getting from the public that maybe
9 the stock -- maybe there aren't any striped bass out there and
10 that is why we are not catching them. And so you guys chuckle
11 about that but there is a growing concern on the coast that
12 these fish just -- the spawning stock has declined to such a
13 point that we are going to be facing a moratorium in a couple
14 of years.

15 And I am here to tell you that is not the case. We
16 are not -- we are in what I would think and what I know to be
17 a healthy stock, just the spawning stock biomass is strong and
18 healthy. We have no reason to believe that there is anything
19 or that it is declining to the point where we are going to be
20 in any type of threat for moratorium. And not only am I
21 referencing the spawning stock, but we have had a number of
22 years in the past 5 to 7 years of pretty strong year classes.
23 So there is a calvary coming to whatever is out there.

24 And so you know, the concern that the anglers have
25 about why aren't the fish here? And what can you do to make

1 that better? There is not a thing that we can change. This
2 is a mother nature acting as mother nature acts. And the
3 water is much cooler this time of year than it has been in
4 many years and these stripers act on cues of temperature which
5 they are waiting for the right temperatures to get to the
6 places where they need to go to spawn. And I will tell you
7 that our staff that are out in the field, are sampling in the
8 upper regions of the bay and the Potomac River, they are
9 catching -- their fisher here, they are catching me in their
10 survey work. The anglers just aren't interacting with them
11 yet as much as they would like to.

12 But I have no answer for that. I couldn't tell you
13 why.

14 MR. BROWN: Mike, the answer is, there is a line
15 across every river that if you can't catch the trophy fish
16 during spawning season and the fish up there spawn just
17 because of the weather. And they haven't spawned. You might
18 have a couple in my creek that I am on -- St. Patrick's
19 Creek, I am sitting spat on shells and I got --- the other day
20 when I drew water out of the creek, it was like 51 degrees.
21 Sun came out for a day and a half and it was up to 60. The
22 next day it was back down to 52 degrees again.

23 And when that water keeps dropping like that, those
24 fish aren't going to spawn until it gets exactly to the
25 temperature that they want and it has to sustain there for a

1 certain amount of time before they will spawn. Because it is
2 just mother nature being mother nature. So just tell them
3 that the fish are doing their thing.

4 MR. POWLEY: I had a charter boat captain call me a
5 couple of days ago. He said are you seeing any rock in your
6 net? I ain't catching nothing. I said plenty of them, come
7 here all you want. And he said why aren't I catching them? I
8 said because you got the other lines and they want to eat and
9 eat and he ain't going to bite your line. And that is a -- I
10 can't sell bait. There is so much bait that you get -- a
11 little boy and a crabpot down on the ocean side had 52 L
12 wise(sic) in one crabpot. Why are they going to bite the hook
13 when they got all they want to eat?

14 MR. : Seen --

15 MR. POWLEY: I am throwing them a water line for 50
16 to 60 inches. I have seen a many thing but they got all
17 those --- like that. I hit that channel from that channel to
18 the western region of 40 feet of my screen and do not deal
19 with bait. And it shows them rockfish right in that bait ---
20 there is something in the bay.

21 MR. LUISI: So Mr. Chairman, that is what our unit
22 has to off for the explanation, I don't now if --

23 MR. LAY: Tom, are you happy with that answer or at
24 least satisfied that you got an answer?

25 MR. IRELAND: I just wanted to hear that we got some

1 stock. That we are going to see eventually. And I hope the
2 signs that he is talking about proves fruitful somewhere down
3 the road. Because I am tired of postponing parties. I am
4 better off with saying that than a lot of people. These young
5 kids trying to make a living, they don't have the luxury of
6 postponing their trips. They are in there beating themselves
7 to death. And I talked to a couple of them today and one or
8 two fish were caught in the entire bay that they are aware of.
9 On the --- so Kenny didn't have any on his trip and Danny
10 Pritchett who is a very good fisherman down there didn't have
11 any fish.

12 MR. : I think one or two crabs were
13 caught in the whole bay.

14 MR. LUISI: It is just a strange year.

15 MR. IRELAND: It is a good thing that fisheries
16 aren't managed by anecdotal evidence.

17 MR. GILMER: Saturday was neither chartboat in
18 Kentmoor caught a fish. 31 boats.

19 MR. LAY: Did you say that that was it for your
20 presentation, Mike?

21 MR. LUISI: That is all I have.

22 ***Public Comments***

23 MR. LAY: Okay. Moving on to public comment. We
24 have got a couple of visitors I believe are still with us.
25 Bobby, did you have anything?

1 MR. : No I have heard plenty.

2 (Laughter)

3 MR. LAY: Captain Ed O'Brien, did you have a comment
4 for us this evening?

5 CAPTAIN O'BRIEN: It was covered very well.

6 MR. LAY: Okay, thank you.

7 ***Closing***

8 ***by Steve Lay, Chair, TFAC***

9 ***and David Blazer, MD DNR***

10 MR. BLAZER: I have nothing. Just to thank you all.
11 Great discussions today. We will try to do better with the
12 agenda of timing and everything but good stuff. And oh sorry
13 just a reminder, penalty work group, Billy Rice was on that.
14 So I don't know -- we are not sure if he was on as the chair
15 or just a volunteer. So since Billy is off, do you want to
16 take that Steve or do we want to get somebody from the work
17 group or the commission?

18 MR. LAY: Would someone like to take Billy's place
19 on the penalty work group?

20 MR. BLAZER: If you are interested in another person
21 on the penalty work group --

22 MR. LAY: We can talk to Billy and see if he wants
23 to continue --

24 MR. BLAZER: And we can take it up at the next
25 meeting if anybody is interested.

1 MR. LAY: Okay and this has been a learning
2 experience for me. You will never see this book again. And
3 there will be no time constraints on discussion. Thanks
4 everybody. Meeting is adjourned.

5 (Whereupon, the meeting adjourned at 5:28 p.m.)

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