

SPORT FISH ADVISORY COMMISSION MEETING
Monday, November 19, 2007
Tawes State Office Building, C-1
6:00 pm – 8:30 pm

Commissioners present:

Diane Baynard
Dr. James Gilford
John Marple

Ed O'Brien
Bill Carrier, III
Rich Novotny, for Bill Windley

Michael Critzer
Brenda Foster

Welcome/Announcements:

Chairman Jim Gilford called the meeting to order at 6:00 pm. Commissioner Ed O'Brien asked if the observers in the room would introduce themselves. The introductions went around the room.

Chairman Gilford told the Commission that there were requests for additions to the agenda from two of the observers.

NRP Update:

Sergeant Beth McVeigh had no cases that required comment from her. Commission Bill Carrier asked about the status of the new Fines and Bonds Schedule. Sgt. McVeigh had no knowledge of the status. Commissioner Carrier asked if the Fisheries staff could email the Commissioners on the status of that schedule. Commissioner Diane Baynard told him that the Judge sent the proposal back to the Department with questions. She said it languished in the Department, waiting for answers.

Task Force on Fisheries Management Update:

Senate Bill 1012 created this taskforce. There are 15 members with 2 peer review members (waiting to add a third). This taskforce will meet for the first time on November 20, 2007 from 3:00 pm – 7:00 pm at the Doubletree Hotel in Annapolis. It will meet monthly from January through November until the required report is submitted in December 2008.

Dr. Houd is the Peer Review Committee Chair; Dr. Ray Morgan has been confirmed as one of the three peer review members. The Department has offered the third position to Dr. Lee Anderson.

Inland Fisheries:

Don Cosden, Assistant Director of the Fisheries Service, gave a handout of the chronology of Whirling Disease in Maryland. He gave a brief rundown of events of the past year regarding Whirling Disease and the coldwater hatcheries, then gave a Power Point presentation of the 2007 Plan for Whirling Disease Testing and results.

Mr. Cosden told the Commission that there is no production plan for 2008 for Bear Creek hatchery. The raceway resurfacing is complete; the disposal of the pond sediment will be completed by the end of November. The sediment will be moved by dump trucks to a deep mine site near Frostburg; DNR Engineering and Construction will do the moving. The reconstruction of the pond is necessary for full production.

Mettiki/Net Pens will remain closed indefinitely; multiple tests of these facilities have come back positive over time.

Albert Powell Hatchery and its satellite facilities are clean and in full production.

Spring Stocking Program for 2007 and 2008: Mr. Cosden told the Commission that the 2007 Spring Stocking totaled 325,200; a 93,050 reduction from 2006. Inland Fisheries expects the 2008 numbers to remain the same as 2007. Commissioner Brenda Foster asked if the stocking schedule will be available electronically; Mr. Cosden told her it would be available on the website.

Youth Rodeos: There were 53 events, 10,000 trout stocked and approximately 6,470 participants in 2007. For 2008, some trout will be available, although sunfish may be substituted for some events.

In summary, Mr. Cosden told the Commission that Whirling Disease impacted the trout production and it will be down for quite a few years. It has been very expensive for the Department, both time and money wise. There is good news, though 1) Whirling Disease was found only where it was known to already be; 2) the control measures for this disease will likely help control other organisms and diseases that may surface later on.

Commissioner John Marple asked if any Brook Trout tested positive. Mr. Cosden told him that those tested right below Bear Creek did, but after Bear Creek was cleaned up, there were no positives found. Chairman Gilford asked how it got into the North Branch. Mr. Cosden said they aren't sure; they tried to keep it isolated, but it was inadvertently transferred to the Mettiki facility.

Commissioner Foster stated that angler awareness has been one good outcome. People have become aware of the dangers of moving gear from stream to stream without thoroughly cleaning it first.

Chairman Gilford asked the likelihood of cleaning up the North Branch and the other places it occurred. Mr. Cosden said they aren't sure; the Department will continue to sample for the next 5 to 6 years in sensitive areas.

Trout Unlimited Mid Atlantic Division:

Neal Jacobs, of Trout Unlimited Mid Atlantic Division, had asked Chairman Gilford for time to speak to the Commission. He told the Commissioners that the Western Maryland TU was disappointed when they heard of the Whirling Disease outbreak and immediately offered to help. They told the Department they 1) would bring in scientists to consult with Department staff and 2) would join the Department in angler education. They, in turn, engaged Dr. Bartholomew from Oregon State University, one of the foremost experts on Whirling Disease and helped with a website and educational material.

He said TU is pleased that the crisis seems to be in control, and feels they had a good working relationship with the Department and the Inland Fisheries staff.

On November 6, 2007, the National TU announced a merger with the Whirling Disease Institute to help with invasive species. TU continues to support the Brook Trout Management Plan.

Mr. Jacobs then asked that the Department place water allocation at Jennings Randolph Lake for beach access on a higher priority. This is something anglers are against; it reduces summer flows in the North Branch.

Chairman Gilford complimented the Inland Fisheries staff on their response to the Whirling Disease outbreak. He said the Commission would like to send a letter to the Secretary complimenting the Inland Staff.

Upper Gunpowder River Tree Cutting:

Theaux Le Gardner, who owns the *Backwater Angler* in Monkton, MD, asked to bring a problem to the attention of the Commission. He told the Commissioners that in the past two weeks, Gunpowder Park has deteriorated greatly. On November 4, 2007, an angler witnessed illegal activity in the park. The angler saw three individuals with chain saws clearing trees in the river. On November 5th, photos taken at that time were passed to the Natural Resources Police, but the responding officer was unable to capture the individuals, who were believed to be members of a canoe club.

Mr. Gardner said he spoke to both the NRP and MD Department of the Environment Waterway Management. MDE indicated that this activity could be construed as un-permitted construction in a state waterway.

As of November 15th, witnesses had not been contacted by the NRP. Mr. Gardner expressed concern that there appeared to be reluctance on the part of DNR Parks & NRP personnel to pursue this matter. He asked the Commission to consider where enforcement of this activity lies; he would like to see this investigation continue unchecked. He then presented Chairman Gilford with letters from local guides that are concerned about this activity. This group may have manipulated twelve to sixteen miles of river way, and according to information found on the Internet, plans to continue the illegal clearing.

Chairman Gilford explained to Mr. Le Gardner that the function of the Commission is to advise the Secretary, and they certainly would, after they hear from all parties involved. (NRP and MDE). He asked Marty Gary to have people from Gunpowder State Park, MDE and NRP attend the December Commission meeting.

Commissioner Brenda Foster was very concerned that this activity would continue, and asked that someone write a letter to this group asking them to stop the illegal clearing. Don Cosden, Director of Inland Fisheries, said he sent an email to Neal Herrick, of the Park Service, to tell him that this activity was a serious concern and needed to be addressed by the Park Service. He received no response from the Park Service.

Commissioner Foster felt that the Commission needed to advise the Secretary immediately. An email is casual; a letter is more formal and legally binding; a phone call indicates urgent action.

Chairman Gilford asked Mr. Le Gardner to provide a timeline of events to Fisheries Service and promised it would be the only thing on the December agenda if need be.

Commissioner Bill Carrier asked to hear from NRP. Sgt. McVeigh told the Commission that NRP is aware of what is happening in the Gunpowder. She advised that email is the wrong way to go about dealing with incidences and strongly urged that NRP Dispatch be called with infractions. She was unable to comment on what will happen pertaining to surveillance. At that time, she left the room to confer with NRP. Upon her return, she told Mr. Le Gardner and the Commission that there would be resolution of the current investigation in one week. NRP will ensure that members of the canoe club have been/are notified that clearing these streams is illegal, and enforcement will be taken. She thanked them for their interest, and encouraged their contact on any illegal activity.

Upper Jones Falls Agricultural Practice Impact:

Bosley Wright, a landowner on the Upper Jones Falls, came to the Commission expressing concern about habitat manipulation on the Upper Jones Falls. On October 5, 2007, his wife brought it to his attention that farmers on the land adjoining his were clearing the cornfields with combines and shooting deer along the way. He showed the Commission photos of damage done to the waterway by the farmers. He came to the Commission to find out what could be done to clear it up.

Commissioner Mike Critzer asked if MDE had been notified. Don Cosden told him that the Central Region Inland staff responded that day and immediately contacted MDE. MDE say there are agricultural

clearing provisions and the most they can do is require the farmer clear the stream and stabilize the streambed.

Jim Gracie told the Commission that he has a call in to the landowner and is waiting to talk to him. His chapter of TU is meeting to work with the landowner to rectify this situation. Commission Carrier suggested that Mr. Wright call the Army Corps of Engineers. He said his experience with the Corps is that they act swiftly and take these matters very seriously. Commissioner Critzer, who works for the Corps, assured Mr. Wright that the Corps would take jurisdiction in this matter and asked him to contact the Corps.

Striped Bass:

2008 Spring Season -- There will be a 28" minimum size; one fish per day from April 1st to March 15th. The hard quota on Maryland has been removed for 2008. Chairman Gilford told the Commission that Howard King had a tremendous amount of support from the State's fishermen in getting this cap removed. He also acknowledged Commissioner Ed O'Brien's role in garnering the needed support. Dale Weinrich, Fisheries Service, said it is imperative that the Department gets support on creel data and asked that the Commissioners please pass the word to their constituents. The ruling will be reviewed each year, and data is crucial in calculating the catch.

Marty Gary commended the Charter boat captains and the guides (MSSA) on the great job they did this year.

Commissioner O'Brien felt that the Fisheries personnel need to be on the water to see what is really going on and offered to take staff out with charter boats.

Mr. Gary promised to check on the exact wording of the season dates and possession to clarify any questions that may arise.

Commissioner Critzer asked if the Conservation Certificate applications would be sent to the Charterboat captains this year. Mr. Gary explained that there were technical problems with the old artwork, which has been solved. He agreed to send information to guides and charterboats; standard citations would be on hand as well.

Secretary John Griffin made an unexpected visit to the meeting. He wished the Commissioners Happy Holidays, and took a few minutes to thank Chairman Jim Gilford for his dedicated service to the State of Maryland and to the Department of Natural Resources. Dr. Gilford will be leaving the Commission in December.

National Saltwater Angler Registry:

Marty Gary gave a presentation that was presented to the ASMFC by Gordon Colvin. States have until 01/01/2009 to get their own system in place, or use the model provided by NOAA. AQ fee would be imposed no earlier for use of a Federal system in 2011.

Rich Novotny asked if the license would be reciprocal up and down the East Coast; Mr. Gary said it implies that it will be. Mr. Novotny then asked if MD would push for a State license in Atlantic waters.

Mr. Gary indicated that there are concerns about that type of license.

Commissioner O'Brien said that the National Charterboat Association is having a meeting in Chesapeake Beach and Gordon Colvin is on the agenda to speak on this subject. He invited any interested Commissioners and Fisheries staff members to attend.

Artificial Reefs:

Marty Gary gave an update on the Artificial Reef Program.

- To date, three artificial reefs have been created and they are now moving to a new site adjacent to The Summer Gooses.
- The Board of Public Works & MDE steered a \$417,000 mitigation fund to MARI for reef monitoring.
- November dives on 2 different reef sites saw growth of mussels, oysters, etc. and striped bass after approximately one year.

Commissioner O'Brien commended Mr. Gary on the excellent job he has done with Artificial Reefs. He expressed his appreciation for all of Mr. Gary's hard work and dedication to this project.

2007 Fishing Challenge:

Mr. Gary told the Commission that he has gotten positive feedback from this year's sponsors on the results of this summer's contest. They even obligated prizes for next year's Tournament. He asked for feedback from any interested stakeholders. A planning meeting will be scheduled for sometime in December.

Chairman Gilford asked about the status of fishing license sale increases. Mr. Gary told him that almost half of the letters sent to license holders were returned for inaccurate addresses.

Commissioner Carrier, who is a member of that workgroup, said that the methodology is in place for a marketing program as soon as data is in place. The current COIN system used for licensing is useless for these purposes. Until that problem is resolved, efforts are at a standstill.

Sherman Baynard, an observer, asked if this would be a problem that will surface with the National Angler Registry; Mr. Gary responded that it would.

New Business:

Commissioner Diane Baynard asked if the NOAA presentation on ghost pots would be presented to the SFAC. Chairman Gilford promised to put it on the December meeting agenda.

Commissioner O'Brien brought up a motion that was made at ASMFC to open up the EEZ. He said it was tabled until the February meeting, but felt that Maryland should be prepared to take a stand on this.

Chairman Gilford made a move to adjourn. Commissioner Baynard seconded. The meeting was adjourned at 8:30 pm.