



CHESAPEAKE TIDE



Breaking News

Volume 11 • Number 1

Symposium to Chart New Course for Fisheries Management in Maryland

In order to explore some new and creative options for fisheries management that have proven successful in other states, the Coastal Conservation Association Maryland is organizing a symposium of national experts to discuss setting new goals for the management of the state's fisheries.

The symposium will gather interested parties to include elected officials, their staffs, DNR personnel, news media, commercial fishermen, tackle shop owners, charter boat captains, and recreational anglers. The four main speakers will cover their topics and then join together for an open forum with questions from the audience.

Over a century ago, commercial hunting and fishing were outlawed throughout Maryland with the exception of the saltwater fishery, the importance of which shaped the state's development particularly on the Eastern Shore. The Department of Natural Resources and its predecessor agencies were formed to promote the commercial fishing interests and manage the stocks for maximum commercial harvest.

Over the past 50 years, people increasingly looked toward the Bay for recreational activities such as fishing and boating. This has created a challenge for DNR fisheries managers; how to manage the resource in a way that satisfies user groups with divergent needs? Recreational anglers, fishing with rod and reel, require more abundance for success than commercial fishermen armed with efficient gear such as nets. Recreation-

Fisheries Management for the 21st Century

Loews Annapolis Hotel, Main Ballroom

126 West Street, Annapolis, MD 21401

Tuesday, October 3rd, 2006


from 7:00pm—10:00pm

Admission Free

See details on page 4

al anglers also seek quality fish. This requires a more natural age structure of a population of fish providing anglers with the reasonable expectation of catching larger fish, something not required to satisfy commercial interests.

The traditional watermen's livelihood has become increasingly difficult with dramatic increases in the cost of living and expenses while the prices of seafood remain low with the growth of aquaculture and globalization of the seafood market. Declining fish, oyster and crab stocks exacerbate the problems for commercial fishermen as well as the ecology of the Bay.

It has become increasingly obvious to concerned anglers that the DNR's management of our marine resources is stuck in the practices of the last century and a better balance of priorities is needed to satisfy the growing recreational and environmental interests of our residents and economic benefits for the state. The symposium will help all participants gain a broader understanding of the issues and to approach these issues in a problem-solving manner for a smoother transition in the management of our common marine resources. 

The symposium will gather interested parties to include elected officials

DNR Withdraws Plan to Increase Commercial Exploitation of Yellow Perch

Congratulations! Twice in six months, the Department of Natural Resources (DNR) withdrew a proposal to increase commercial exploitation of the public's resources after public opposition generated by you and your CCA MD. The DNR's decision to withdraw an ill-advised proposal to expand commercial exploitation of yellow perch in February came in the wake of their withdrawal of a regulation to expand power dredging for oysters last September.

CCA MD is pleased that the restoration of yellow perch in the Choptank and Nanticoke Rivers can continue for another year without the pressure of a commercial netting fishery. However, we are concerned about the restoration of yellow perch to their historical range and age structure throughout the state for next year and beyond. That is why CCA MD is calling for gamefish status for yellow perch. No-sale status would make it illegal to sell yellow perch caught in Maryland, including exporting yellow perch which accounts for almost all of the commercial catch today.

continued on page 5

CCA MD is calling for gamefish status for yellow perch



Yellow Perch Management - DNR Still Not Listening – Maybe the Legislature Will

by Ken Hastings

A handful of bureaucrats don't have the right to give public resources away to any special interest group

It was such a small thing to ask for. After two years of restocking yellow perch fry into local streams, the CCA MD Southern Maryland Chapter was starting to see traces of small yellow perch in places where they were virtually unknown before. A request was made to DNR asking them to close the restocking areas to commercial fishing for yellow perch to protect the restocked fish until they had a chance to establish a viable and sustainable stock. While the DNR gave lip-service to the concept, they stalled and stalled until, two years later, it was too late to protect most of the restocked age classes.

Since there wasn't a commercial yellow perch fishery there before the CCA MD restocking efforts, it was hard to imagine how anyone would be hurt by this request. It should have been a win-win for everyone in the long run but each regulatory opportunity and public hearing went by with no proposal to protect anything. Each time CCA MD asked, we were promised that something would be done later but later never came. Now, the bureaucrats have even stopped promising – they don't care what we want or about our restocking program.

Yellow perch are unique in that there is no fishery of any kind in most of the State except during the early spring when they return to fresh water streams to spawn. The recreational fishery is limited by a five fish creel limit with a minimum size limit of 9 inches. Even in alleged "hot spots" like Grays Run, most of the fish are too small to keep and very few of us look forward to catching 6" fish all day and not occasionally catching one big enough to keep or at least brag about.

In a State with over 700,000 recreational fishermen, 30-40 commercial netters are allowed to catch 95% of the legal fish and ship them out of state. The commercial fishery is "managed" with an 8.5 to 11 inch slot size limit, no harvest limit, and no limit on the number of nets that can be set. Many believe the nets are so efficient that very few larger fish ever get past the slot limit.

If you wait for DNR to be concerned about the recreational fishery, you may as well find another passion. There are no criteria by which the regulators judge the value of the fishery even though their own angler surveys support the dismal picture I painted. DNR thinks the fishery is in good shape because their graphs say so and there were hundreds of fish caught at Grays Run, their premier "hot spot" for yellow perch. In fact, on the best day of their survey, there

were hundreds of small fish but 30 anglers only caught 45 keepers. Some recreational fishery. Just who is DNR managing the public's resources for?

At public meetings late in 2005 to discuss white and yellow perch stocks DNR once again promised to help the resource with closures of areas restocked by CCA MD. CCA MD announced that they wanted no sale status for yellow perch to improve the stocks and the recreational fishery. A week later, out of the blue, DNR announced a proposal to open up the Choptank and Nanticoke Rivers to commercial exploitation. Our request for closures was not included in the proposed regulation change. I guess it just slipped from their minds again.

Fortunately, we live in a democracy and a handful of bureaucrats don't have the right to give public resources away to any special interest group to the exclusion of the rest of the stakeholders. While defeating the proposal to allow commercial exploitation in the Nanticoke and Choptank was gratifying (see page 1, *DNR Withdraws Plan to Increase Commercial Exploitation of Yellow Perch*), CCA MD has decided to take aggressive action to protect the interests of the majority stakeholder groups. Our goal is gamefish status for yellow perch. We are tired of supporting DNR with our license fees and getting little in return. If the DNR won't do its job, maybe the legislature will. 🐟

ChesapeakeTide/Breaking News is published by the Coastal Conservation Association Maryland, a non-profit organization of recreational anglers dedicated to marine resource conservation and science-based fisheries management.

Chairman Don Silliman
President Bill Curry
Executive Director Robert Glenn

To contact the editor or staff email
communications@ccamd.org

CCA Maryland state office
101 Ridgely Ave., Suite 12A, Annapolis, MD 21401
888/758-6580 • 410/280-8770 • 410/280-1432 (fax)
info@ccamd.org www.ccamd.org

Newsletter design and production by
Gene Hansen Creative Services, Chester, Maryland



Changing the Landscape One Legislator at a Time

by Robert Glenn, Executive Director

With the defeat of the DNR's proposed yellow perch giveaway (see page 1, *DNR Withdraws Plan to Increase Commercial Exploitation of Yellow Perch*), the landscape continues to change. Sure, we've had our share of victories over the years; ending the practice of extending the commercial gill net season into March, no-sale status for black drum, and banning of grass destroying crab scrapes to name a few. But none of these things dissuaded the DNR from their next attempt to giveaway the public's resources to greedy commercial interests.

The proposals kept on coming; allowing crabs to be harvested by pound nets (see page 7, *Nets in the Patuxent*), more power dredging of oysters, an attempt to roll back crabbing restrictions. One proposal after another, all aimed at increasing commercial exploitation. So when we learned of the DNR's plans for yellow perch netting on the Choptank and Nanticoke, it shouldn't have come as a surprise.

In the months leading up to the DNR's latest example of bias towards commercial exploitation, we had made a big push for no-sale status for yellow perch (making it illegal to sell commercially). We had also been hitting on a theme over the last couple years that recreationally important finfish should be managed for recreational fishermen since the state has more to gain socially and economically from healthy recreational fisheries. Yellow perch was just the low hanging fruit, or so we thought.

Upon learning of DNR's plan in late December, we warned DNR about awakening the sleeping giant on the eve of an election year. We told them that not only were we going to work to defeat the netting proposal, but that we were going to spotlight DNR's institutional bias against recreational anglers. When the DNR proposal went public, we carried through on our promise.

We launched an education campaign using Action Alerts, press releases, and handouts at fishing shows. The outdoor writers were great, bringing this outrage to the attention of fishermen throughout the state. Before we knew it, yellow perch was a mainstream news story, no longer confined to the sports pages. Recreational anglers and organizations united against the proposal and successfully defeated it. While it's not the first biased DNR proposal we've defeated, it was the resounding manner in which we defeated it that we should learn from.

First, recreational anglers got a glimpse of what they can accomplish. It's understandable that Maryland's recreational fishermen are cynical about their ability to protect the resource from commercial fishers and their supporters at DNR. It's the most common reason I hear for recreational anglers' apathy, "I can't make a difference" or "the fix is in".

But this time was different. Instead of accepting defeat, recreational fishermen did make a difference. In the face of thousands of letters to the Governor and DNR and large turnouts at two public hearings, DNR was unwilling to advance the commercials' agenda and backed down. The

lesson here is that recreational fishermen do have influence, especially when they unite and organize. That's why your support of CCA MD matters. We're your watchdog in Annapolis, educating and organizing anglers like yourself to protect our resources.

The second thing we should take away from this experience is the importance of the legislature. If there is anyplace we should be heard, it's the legislature. Recreational fishermen have far greater numbers and are spread out through many more legislative districts than commercial special interests.

Part of our plan included urging recreational anglers to contact their legislators to educate them about the DNR's institutional bias using the yellow perch netting proposal as exhibit A. The legislature doesn't just pass bills, it has oversight, and the last thing a bureaucrat wants is a legislator on the phone wondering why they've upset their constituents.


Before the DNR knew what happened, there was a bill introduced to ban fyke nets in the Bush River and DNR officials were being summoned to legislative offices and hearing rooms to explain themselves. Let's just say there was a lot of squirming and wiggling going on.

The lesson here is that despite the stereotype of politicians as beholden to special interests, most are conscientious public servants dedicated to constituent services. Consumed with many important public policy matters from education and health care to taxes, we can't expect them to know about issues that concern us if we don't reach out and educate them.

If you want change you have to be proactive. Here's what you can do. Schedule a meeting with your representatives to discuss the merits of managing the state's fisheries to benefit recreational fishermen and businesses in their districts. Invite them to join you at our symposium in Annapolis on October 3 (see page 1, *Symposium to Chart New Course for Fisheries Management in Maryland*).

Our goal is to make the matter of managing our fisheries a high profile public policy debate. We can't do it without you enlisting the support of your legislators. If you would like assistance in beginning this dialogue with your legislators, don't hesitate to contact me at info@ccamd.org or 888.758.6580. We can also help you contact other members in your district so you can go forward as a group.

We can't be satisfied with our yellow perch victory. While DNR might be quieter around the sleeping giant from now on, their bias remains. We have to change the philosophy of managing our resources for commercial exploitation to protecting them for the benefit of all Marylanders, and during an election year and in the wake of our yellow perch victory there's never been a better time to capitalize.

Thanks for your continued support of conservation. 

**We warned
DNR about
awakening
the
sleeping
giant on
the eve of
an election
year**



Buddy Harrison, Jr. draws the winning ticket for the 2006 Raffle Boat at the Mid Shore Chapter's annual Super Seminar.



Ehrlich Award: Gov. Bob Ehrlich receives an award at the Maryland Legislative Sportsmen Foundation's annual banquet in appreciation of his administration's leadership on menhaden conservation in the Atlantic States Marine Fisheries Commission management process.



Kim Simmerer shows the winning chip for the Hat Raffle at the Greater Washington Chapter's annual banquet. Since all 50 hats were sold, the winner, James Fox, went home with \$1,000 cash.



Sherman Baynard (L) delivers the 2006 Raffle Boat to lucky winner Mark Duszynski of Baltimore.

Informational Series 2006

Presents

Saltwater Fisheries Management For The 21st Century

A symposium to address the challenges of changing times

All are invited

Tuesday, October 3rd, 2006 • 7:00 pm to 10:00 pm

Loews Annapolis Hotel
126 West Street, Annapolis, Maryland

Program – 7:00pm to 9:00pm

Open Forum for Questions and Answers – 9:00pm to 10:00pm
Moderator: Sherman Baynard, Coastal Conservation Association

Moderator: Bruce Mathews, President, Recreational Boating and Fishing Foundation

Sherman Baynard, Chairman, Fisheries Committee, Coastal Conservation Association

Changing times in Maryland fisheries

Brad Gentner, Economist, National Marine Fisheries Service

Economics 101: Using economics for allocation decisions

Steve Early, Assistant Director, Fisheries Service, Maryland Dept. of Natural Resources

State fisheries management: *How did we get here, where are we going?*

Dick Brame, Atlantic States Fisheries Director, Coastal Conservation Association

The fisheries reform process-How it worked and didn't work in North Carolina

Russell Nelson, PhD, Fisheries Scientist, Nelson Resources Consulting, Inc.

Affecting the process: Increasing angler influence on fisheries management

SPONSORS

- American Sportfishing Association • Campbell Foundation
- Maryland Legislative Sportsmen's Foundation
- Theodore Roosevelt Conservation Partnership • Coastal Conservation Association Maryland

All are welcome

If you plan to attend please call 1-888-758-6580 and leave message or e-mail info@ccaamd.org



In Memory of Donna Davenport Judge

On March 17, 2006, Donna Davenport Judge lost her 15 month battle with pancreatic cancer. Donna will be remembered for her energy, optimism, determination, and that infectious smile. A Life Member of CCA Maryland, Donna was part of the Kent Narrows Chapter and served on the Executive Board and Government Affairs Committee. Donna was 56.

In August 2000, the 1st Annual Joe Judge Kids Fishing Derby, started by Donna in memory of her late husband Joe Judge, was held on Capt.

Jim Brincefield's charter boat, *Jil Carrie*. The derby was a half day of fishing on the Chesapeake Bay for kids grieving the loss of a family member. CCA MD provided the volunteers to assist the young anglers and Harris's Crab House at Kent Narrows provided everyone with lunch. The kids fishing derby has taken place every year since and will carry on later this summer in memory of Donna and Joe Judge.

Donna's contributions to her favorite causes including Hospice of Queen Anne's, Inc., CCA MD, and her beloved politics were extraordinary. She will be missed by all. 🐟

Time Has Run Out on DNR's Oyster Boondoggle

By Larry Jennings

What seems certain is that after 45 years of DNR's oyster repletion program, the end is in sight. Attitudes are changing, science is quantifying the problems, and the politicians are becoming more aware of the financial folly.

Over the past ten months, CCA MD has been deeply involved in Oyster Steering Committee (OSC) meetings, much to the chagrin of the defenders of status quo. Along the way some interesting facts have surfaced about just how large a role oysters once played. Perhaps the most stunning was that in the mid-1800's, Maryland led the world with 39% of the oysters harvested worldwide. It's no wonder that the oyster harvests were responsible for the pattern of development and population growth on the eastern shore. It was against this backdrop that power dredging was outlawed and skipjacks were in their heyday.

It's commonly noted that oyster harvests are just 1% of what they used to be. Historically, this may be a gross overstatement when a look back at harvest landings indicates that 14-16 million bushel harvests occurred just over a hundred years ago. We're actually running as low as .001% of what the Bay once produced. That 1% number is frequently cited because that's since the diseases MSX and Dermo hit Maryland waters hard in the early 1980's. There is no question that these diseases have had a tremendous impact, but overfishing preceded disease.

So why has CCA MD devoted so much time and effort on oysters? It's the negative ecological impact of DNR's repletion program for one. For the last 45 years, DNR has contracted for hydraulic dredges to strip mine several areas in the upper bay, east and south of Pooles Island. This dredging each summer churns up more mud and silt than fossil oyster shell and the plume runs on the tides for miles and continues to re-suspend long after the summer dredging has ended. Turbid water degrades the ecosystem in that area for all fish, submerged aquatic vegetation, crabs and other inhabitants.


Although the current rate of dredging is down to 2.6 million bushels a year, the total over the 45-year period of dredging (according to DNR) is 194 million bushels. That would cover a football field to a depth well over one mile. So is it balanced by a positive gain? Hardly, since DNR focuses only on the economic value of oysters and not the ecological value, which means that most dredged shell goes toward the "put & take" oyster program and not true restoration efforts.

Oyster restoration is what DNR often calls this program because that term is more palatable to the public. The sanctuaries are only getting about 10% of the shell being dredged. And because buoys cost money to be placed and maintained, those sanctuaries often go unmarked, making them targets for poaching. To some commercial oyster fishers, that's fine, because the penalties for poaching are a pittance if and when they get caught. With DNR's budget and staff cut 30% under Governor Erhlich, enforcement of the laws and regula-

tions has not been a priority. But change is here.


The Board of Public Works (BPW) recently granted what everyone agreed will be the final fossil shell dredging contract at its meeting on July 26. CCA MD successfully brought scrutiny on the cost of dredging and distributing fossil oyster shell, which is more than the total revenue the 580 commercial oyster fishers earn before expenses, to the BPW. This combined with the undeniable failure of the program to substantially benefit oysters while degrading fish habitat and water quality has made it impossible for Maryland's oyster management to continue to bamboozle the public while putting off meaningful restoration.

So what can we hope for now that we've killed the shell dredging boondoggle? We want transparency and an outside economic study of the oyster program. We also want a large increase in commitment to sanctuaries. These sanctuaries must be better protected and better analyzed to properly direct future efforts to restore oysters in the bay. DNR studies on sanctuaries have already shown that spat actually will set in higher numbers on slag or recycled concrete rubble than on fossil shell.

As recreational anglers, we do have a stake in this fight. When DNR's fisheries service wastes its scarce resources on subsidizing an economically extinct industry, it takes away from other worthwhile programs and enforcement. When DNR strip mines essential fish habitat, it harms our fishing. And when DNR pursues a failed oyster restoration strategy, it puts off the day that we can actually pursue true oyster restoration. Now that shell dredging is dead, hopefully that day has come. 

DNR Withdraws on Plan to Increase Commercial Exploitation of Yellow Perch from page 1

The yellow perch has become a symbol and rallying point for a bigger cause. With the help of you, your CCA MD is beginning to have an impact on the public policy debate about the future management of the public's fisheries. Recreational fishermen want the public's fisheries managed first for what is best for the resource and second for what is best for the public. CCA MD believes that the public and the state have more to gain from healthy recreational fisheries than from sustainable commercial fisheries.

Recreational fishermen judge the health of a fishery by the abundance and quality of fish in the water. Commercial fishers judge the health of a fishery by the pounds sold with no concern about the lack of quality sized fish. The resource can not be managed for what each group desires. Your CCA MD will continue to educate the public, managers, and elected officials about the need to change management philosophy throughout this election year and until we accomplish our goal. 

The Board of Public Works recently granted what everyone agreed will be the final fossil shell dredging contract

The yellow perch has become a symbol and rallying point for a bigger cause

What You Should Know About Mycobacteriosis


A lot of hysteria and misinformation has resulted in the wake of news stories earlier this year about strange bacteria infecting striped bass in the Chesapeake Bay. The mycobacterial infections that sparked the panic were first diagnosed in 1996 and have been widely reported in various publications for about 5 years now. Unfortunately, the reporting focused almost exclusively on public health concerns, handling and eating diseased fish, rather than the unknown impact of disease mortality on striped bass populations.

Not to suggest that a public health threat does not exist from fish with mycobacteriosis, but the number of reported human infections from handling striped bass is low when considering the number of fish handled by recreational and commercial fishermen. Just to be safe though, it's not a bad idea to have an antibacterial soap onboard to use after handling fish, especially fish with external signs of infection or in case you get "spined" by a fish. Furthermore, there are no known cases of infection from ingesting diseased fish. The bacteria that cause mycobacteriosis are easily killed by heat so don't eat sushi rockfish. To be cautious, it is also advisable to not eat fish with lesions on the body or filets with signs of hemorrhage or darkened patches.

Mycobacteriosis is a bacterial infection that has been described as a wasting disease due to loss of body mass and emaciation. It first attacks internal organs, causing inflammation, tissue destruction, and formation of scar tissue. In severe cases, this spreads to the skin causing the external lesions that have gained media attention.

This has led to a lot of the confusion surrounding mycobacteriosis. With reports of 60-70% of the Bay's striped bass being infected, many expect 60-70% of the fish they catch to have lesions. It's important to understand two things; first, a fish can be infected with mycobacteriosis and not have external lesions, and second, a fish with lesions does not necessarily have mycobacteriosis. There are many things that can cause fish to have external lesions.

What has been underreported is the unknown fate of the documented 60-70% of striped bass infected with mycobacteria. There is no dispute that mycobacteriosis can result in the premature death of fish. What has not been quantified is the impact on natural mortality to the striped bass populations. What percentage of infected fish die from the disease? What is the expected lifespan of a fish once infected? Does it affect the spawning potential of infected fish? Do infected fish fight off disease and recover and if so, what percentage?

It is tempting to be sympathetic to charter boat operators and commercial fishers who have been harmed by the largely unwarranted hysteria over mycobacteriosis on public health grounds, but this issue can't be swept under the rug either. With a serious and deadly disease infecting such a large percentage of striped bass in the Bay, the nursery for as much as 90% of the Atlantic striped bass population, the future viability of the fishery depends on a better understanding of the disease and what can be done to keep striped bass populations abundant. 

What percentage of infected fish die from the disease?

Fisheries Management Act Clears Committee

Angling community unites for conservation effort

May 16, 2006, WASHINGTON, DC – Recreational anglers applaud passage today of HR 5018, the American Fisheries Management and Marine Life Enhancement Act, out of the House Resources Committee. Key provisions of the Act ensure anglers freedom to fish while strengthening conservation of our nation's fisheries.

Richard W. Pombo (R-CA), chairman of the House Resources Committee, introduced the *Act* with **Rep. Barney Frank** (D-MA) and **Rep. Don Young** (R-AK). The bill reauthorizes the Magnuson-Stevens Act, the paramount law governing American fisheries and fishing-related activities in U.S. waters.

"Science, intertwined with U.S. Ocean Commission recommendations and a rational approach to managing fisheries, are at the heart of this bill," said Rep. Pombo.

Coastal Conservation Association has worked with a coalition of conservation-minded groups, including other recreational angling groups, to ensure that provisions in the Act will utilize solid scientific data to achieve healthy fish populations for recreational anglers to pursue.

"Chairman Pombo did an excellent job of pulling together a diverse set of interests to produce this bill," said Fred Miller, chairman of CCA's Government Relations Committee. "It is absolutely essential for recreational anglers to participate in the debate on how our nation's marine resources are governed. As a direct result of that participation, this bill contains key priorities including improving allocation of fish stocks for recreational harvest and establishing guidelines before marine protected areas can be created. This is a bill that is good for conservation and good for recreational anglers."

Rep. Pombo's bill, as amended in the Committee, emerged more closely resembling Sen. Ted Stevens' (R-AK) version of the bill, which has already passed the Senate Commerce Committee.

"We look forward to working with both chambers to obtain final passage of this vital legislation," said Bob Hayes, CCA general counsel. 

Coastal Conservation Association has worked with a coalition of conservation-minded groups

Nets in the Patuxent - DNR Turns a Blind Eye to Illegal Netting

By Ken Hastings

For years, some commercial fishers in Maryland illegally kept crabs caught in their pound nets. The practice was so wide-spread that some may not have realized that pound and fyke nets were not listed as legal gear for harvesting crabs, even as bycatch associated with “legitimate” activities. However, most saw a way to get over on the regulations and took their chances with lax enforcement. Business as usual.

Finally, a couple of netters were cited by the Natural Resources Police (NRP) for their illegal activities and the Department of Natural Resources (DNR) immediately changed the regulations to legalize the keeping 2 bushels of crabs caught in pound nets. This effectively presented an impossible enforcement issue for the NRP because there is no way to tell where a crab came from after it is in the boat. Anyone operating a trot line or crab pots could claim those 30 bushels of crabs they just scooped out of their nets were caught legally in the other gear types. The NRP had enough trouble enforcing the regulations they already had before DNR intentionally added more loopholes you could throw a live cat through. It's almost like they did it on purpose. Let's see now – how can we word this to keep the illegal operators from getting caught?

The advertised intent of this change in regulations was to help the guys with large, expensive nets traditionally used to catch finfish mitigate some losses on days when all they caught were a few crabs. Why the DNR tried to slip fyke nets into the equation as well is a complete mystery but that is what they did. CCA MD testified against the fyke nets portion and cautioned against the loopholes being used to illegally target crabs. DNR put on the blindfold again, threw another dart at the wall, and pulled the fyke net portion but kept a two bushel per day limit of crabs for the pound netters. None of it was enforceable anyway. All they did was make things worse for everyone – except the netters, of course.

It was a disaster. The shores of the Patuxent River were lined with the sloppiest assortment of tiny pound nets and fyke nets imaginable. Everyone, including DNR, agreed they were set to illegally target crabs. The pound nets were only about 100' long and ran right up to the shore. They were much smaller than the regulation minimum size of 16' by 16', had mesh sizes way under the legal size, and some weren't marked with the owners name and license number or the required reflective tape. Unless the NRP officer was present when the crabs were caught, mere possession wasn't going to make a case against anyone, even the fyke netters who just thumbed their noses at the new regulations, even though DNR dismissed our prediction that the new regulation would prompt a directed crab fishery using nets.

There were fyke nets everywhere at a time of year when they had traditionally been pulled after the perch

runs. They were set in places where fyke nets are not traditionally set at any time of year. Most of these nets lacked any air space at




high tide and the incidental air breather bycatch drowned in them. Fish and crabs got trapped by the dead carcasses and, when the tide went out, they died as well. When crabs weren't running, the nets were abandoned and some were a disgusting mix of drowned, rotting marine life.

CCA MD provided GPS coordinates and descriptions of the illegal nets but no significant enforcement action was apparent so we asked DNR for an explanation. They gave us the bureaucratic shuffle and told us they couldn't comment on an ongoing “criminal” investigation. There were also illegal “traps” in Breton Bay and the St. Mary's River but they wouldn't comment on those either. A year later, the nets and traps were still there in spite of the obvious violations of the new regulations and the pound netters were still catching way over the allowable two bushels of crabs per day. Some criminal investigation.

The agency that bent over backwards to give the netters whatever they wanted refused to require air spaces to protect air breathers in the fyke nets or to make it illegal to run the pound nets right up to the shore. However, they had all the ammunition they needed to stop this mess at any time. The illegal mesh sizes, pound dimensions, and missing markings were more than enough if they really wanted to stop the illicit pound net crab harvest. Even after they added the new loopholes, they still had most of these tools if they really wanted to stop the illegal nets. They seemed content with and even protective of the loopholes they had created. They gave the netters what they wanted and then blamed the NRP for doing a lousy job of enforcement. Some things never change.

Those who remember the bank trap battles in St. Mary's County may notice some similarities. The lax enforcement, poorly written regulations, finger-pointing and deaf ear for citizen complaints have defined DNR's mode of operation for decades. The bank trap problem was finally resolved in the legislature with a ban of these devices in St. Mary's County. I doubt that citizens will allow fyke nets and pound nets to replace bank traps or wait decades for DNR to do the right thing. We may be headed back to the legislature again.

We need to change the way DNR does business. Just because we aren't commercial fishers, we shouldn't have to use the legislature to protect the public's resources or to get the regulators to do something besides help minority stakeholders get an even larger share of our already over-exploited resources. DNR's job is to manage our public resources for all stakeholders, not just a handful of greedy special interests. It's time DNR started doing their job. If they don't, maybe the legislature will. 

Fish and crabs got trapped by the dead carcasses and, when the tide went out, they died as well

We shouldn't have to use the legislature to protect the public's resources



CCA MD

101 Ridgely Ave.
Suite 12-A
Annapolis, MD
21410



Non-Profit. Org.
U.S. Postage
PAID
Permit # 273
Annapolis, MD

The date appearing on this mailing label reflects the status of your CCA Membership.
Your membership is important – please renew if expired!

Renew on the Web at www.joincca.org

Membership Application/Renewal

(Please cut out and send to CCA MD, PO Box 513, Easton, MD 21601-0513)

Name _____ New Renewal

Street _____ City _____ State _____ Zip _____

Home Phone _____ Fax _____ Email _____

Check or Money Order payable to CCA MD enclosed Visa/MC Account # _____

- \$25 Basic Membership- 6 issues of *Tide Magazine*, 3 issues of *Chesapeake Tide*, 2 decals, and a bumper sticker
- \$100 Membership- CCA print, 6 issues of *Tide Magazine*, 3 issues of *Chesapeake Tide*, 2 decals, and a bumper sticker
- \$200 Sponsor- Bronze Lapel pin, CCA print, and member gifts
- \$500 Patron- Silver Lapel pin, CCA print, and member gifts
- \$1000 Life Membership- Gold Lapel pin, CCA print, and member gifts; payable in \$250 installments
- \$15 Associate Membership- for each additional family member; all member privileges except extra copies of *Tide*
- \$10 New Tide Membership- all individuals 17 and under receive member benefits and *Rising Tide* magazine
- \$ _____ I would like to make an additional donation in the amount indicated to CCA's Maryland Chapter

How did you hear about CCA? _____

