

**PROCEEDINGS OF THE
ATLANTIC STATES MARINE FISHERIES COMMISSION
ATLANTIC STRIPED BASS MANAGEMENT BOARD**

**Crowne Plaza Old Town
Alexandria, Virginia
May 4, 2010**

Board Approved November 9, 2010

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Approval of Agenda by consent (Page 1).

Approval of Proceedings of February, 2010 by consent (Page 1).

Move to accept New Jersey's Recreational Striped Bass Proposal for one fish at 24 inches or greater and a second fish at 32 inches or greater, which has been approved by the Striped Bass Technical Committee as being conservationally equivalent to the management plan standard of two fish at 28 inches or greater (Page 7). Motion by Tom McCloy; second by Louis Daniel.

Amendment to the Motion: Conservation equivalency will be re-evaluated three years after implementation (Page 8). Motion by Ritchie White; second by Terry Stockwell. Motion carried (Page 8).

Main Motion: Move to accept New Jersey's Recreational Striped Bass Proposal for the possession limit of one fish at 24 inches or greater and a second fish at 32 inches or greater, which has been approved by the Striped Bass Technical Committee as being conservationally equivalent to the management plan standard of two fish at 28 inches or greater. Conservation equivalency will be re-evaluated three years after implementation. Motion carried (Page 9)

Move to eliminate Option 3 from the document (Page 16). Motion by Pat Augustine; second by Louis Daniel.

Substitute Motion: Move to incorporate the concept of Option 3 under the status quo option (Page 17). Motion by Tom O'Connell; second by Louis Daniel. Motion carried (Page 18).

Main motion as substituted: Move to incorporate the concept of Option 3 under the status quo option. Motion carried (Page 18).

Move to approve the Draft Addendum II for public comment with the changes as noted (Page 18). Motion by Pat Augustine; second by Mike Johnson. Motion carried (Page 21).

Move to nominate John Clark as our representative on the Striped Bass Technical Committee (Page 24). Motion by Craig Shirey; second by Pat Augustine. Motion carried (Page 24).

Motion to nominate Rob O'Reilly to the Plan Development Team (Page 24). Motion by Kyle Schick; second by Pat Augustine. Motion carried (Page 24).

Motion to adjourn by consent (Page 24).

ATTENDANCE

Board Members

Terry Stockwell, ME, proxy for G. Lapointe (AA)	Tom Fote, NJ (GA)
Patton White, ME (GA)	Gil Ewing, NJ, proxy for Asm. Albano (LA)
Sen. Dennis Damon, ME (LA)	Leroy Young, PA, proxy for J. Arway (AA)
Doug Grout, NH (AA)	Craig Shirey, DE, proxy for P. Emory (AA)
G. Ritchie White, NH (GA)	Roy Miller, DE (GA)
Rep. Dennis Abbott, NH (LA)	Bernie Pankowski, DE, proxy for Sen. Venables (LA)
Paul Diodati, MA (AA)	Tom O'Connell, MD (AA)
William Adler, MA (GA)	Bill Goldsborough, MD (GA)
Rep. Sarah Peake, MA (LA)	Russell Dize, MD, proxy for Sen. Colburn (LA)
Mark Gibson, RI, proxy for B. Ballou (AA)	Jack Travelstead, VA, proxy for S. Bowman (AA)
William McElroy, RI (GA)	Kyle Schick, VA, proxy for C. Davenport (GA)
Seth Macinko, RI, proxy for Rep. Sosnowski (LA)	Louis Daniel, NC (AA)
David Simpson, CT (AA)	Bill Cole, NC (GA)
Lance Stewart, CT (GA)	Mike Johnson, NC, proxy for Rep. Wainwright (LA)
Jim Gilmore, NY (AA)	Jaime Geiger, USFWS
Pat Augustine, NY (GA)	Steve Meyers, NMFS
Brian Culhane, NY, proxy for Sen. Johnson (LA)	A.C. Carpenter, PRFC
Tom McCloy, NJ, proxy for D. Chanda (AA)	Bryan King, DC FWD

(AA = Administrative Appointee; GA = Governor Appointee; LA = Legislative Appointee)

Ex-Officio Members

Wilson Laney, Technical Committee Chair	Bill Donovan, Advisory Panel Vice-Chair
Kurt Blanchard, Law Enforcement Committee Representative	

Staff

Vince O'Shea	Chris Vonderweidt
Bob Beal	Nichola Meserve

Guests

Dennis Fleming, PRFC	Arnold Leo, E. Hampton, NY
Patrick Paquette, MA Striped Bass Assn.	Ray Kane, Chatham, MA
Jeffrey Deem, Alexandria, VA	Mike Luisi, MD DNR
Frank Kearney, CCA VA	Sean McKeon, NCFA
Rick Robins, Suffolk, VA	Laura Letson, NOAA
Rob O'Reilly, VA MRC	Adam Nowalsky, RFA-NJ
Ben Martens, CCCHFA	Derek Orner, NOAA

CALL TO ORDER

CHAIRMAN JACK TRAVELSTEAD: Good morning. We will call the Atlantic Striped Bass Management Board to order. We're going to move right along. There are a couple of additions to the agenda that I would like you to take note of. Dave Simpson has asked to give a report on the MRIP issue that was raised at the last board meeting. We will hear that under other business.

You should also expect a couple of nominations to be considered for the technical committee and the plan development team. We will take those up under other business as well. Are there other changes to the agenda at this time? Seeing none, the agenda as amended is approved.

APPROVAL OF PROCEEDINGS

CHAIRMAN JACK TRAVELSTEAD: You have the proceedings of the February board meeting. Bill Adler.

MR. WILLIAM A. ADLER: Mr. Chairman, if you could just have staff check over the minutes, Dr. Gauthier made some comments and I'm not sure – are they talking about Doc Gunther who wasn't there or is this another person that wasn't listed in the people that are in attendance; if they could just check that over in just a couple of places. Page 20 and 21 this person talks and I don't know who that person is, so just check that.

CHAIRMAN TRAVELSTEAD: I think it was one of the guests who spoke to us about mycobacteriosis, but we'll get that spelling corrected. Thank you for noting that. Any other changes to the minutes? Seeing none, any objection to their approval? The minutes are approved with those changes.

PUBLIC COMMENT

CHAIRMAN JACK TRAVELSTEAD: Public comment; has anyone signed up for public comment? Seeing none, we're going to move right along to to Item 4, consideration of the New Jersey Proposal for alternative management.

NEW JERSEY PROPOSAL FOR ALTERNATIVE MANAGEMENT

PRESENTATION OF PROPOSAL

This is an issue of conservation equivalency that is being put forward by New Jersey. We will hear from Tom McCloy first.

MR. TOM McCLOY: Mr. Chairman, I'll try to keep this presentation brief. New Jersey is looking to change our recreational striped bass regulations based on work that the technical committee has done, and we believe they are conservationally equivalent. Just to refresh everybody's memory, back in early 2009 and late 2008 the board asked the technical committee to take a look at a number of different tasks regarding striped bass.

One of those tasks, Task 2, is up there on the board. The charge to the technical committee was to take a look at management options for the recreational fishery that would be conservationally equivalent to two fish at 28 inches that would allow a small fish to be taken as well as a larger fish. These options that you see on the slide there are what the technical committee came up with. They had one caveat associated with these being conservationally equivalent, and that was that any state that wished to try to implement one of these to provide their plan to the technical committee for review, which New Jersey has done.

I believe when I'm done, Mr. Chairman, we will hear from probably the technical committee on this proposal as well as the advisory panel. As we do as a course of events, we always advise our Marine Fisheries Council, like I'm sure all you other states do, regarding actions that have taken place at ASMFC, and they had expressed an interest in pursuing one of these options for alternate management in New Jersey.

As a result of that, they convened their species' advisory committee for the striped bass, which consists of council members as well as for-hire and recreational advisors covering a wide geographic range of New Jersey wherever striped bass are harvested. The council subsequently took comment at two separate public hearings during their meeting on this particular issue.

I would be the first to acknowledge that there was less than total agreement from the public that commented, but nevertheless the council decided to move forward at the commission with the option that you see on the bottom of the screen, which is a 24-inch minimum size limit, one-fish creel limit; and a 32-inch minimum size limit, one-fish creel limit.

Just quickly, there would be no additional restrictions required or anticipated as a result of this. In addition, New Jersey will continue to keep in place all their other regulations regarding seasonal and area

closures. We're currently closed in the estuaries January and February, and we have a spawning season closure in the Delaware in the months of April and May.

There is no additional monitoring required with this. However, we will be reporting on the outcome of it as part of our compliance report. The Striped Bass Bonus Program that we run would remain unchanged as it is today. As far as our timetable is concerned, this went to the technical committee in March, and we hope we're going to hear that they had consensus that it is conservationally equivalent.

Obviously, today I'm seeking the board's approval to move forward with this. I would like to think that if the board approved, that we could go back home and, quite frankly, implement this on a relatively quick basis, but, no, that is probably not very realistic given the fact that in the case of striped bass the New Jersey Legislature has to be involved in the actual changes to the regulations; and, quite frankly, they have their hands full right now dealing with a fairly significant budget deficit for the next fiscal year.

I suspect that they won't be resolving that until about midnight on June 30th; so from a practical standpoint we're probably looking at public comment during the summer, into the fall and then with a little bit of luck maybe having this in place in the first of the year. That pretty much summarizes where we are in the process right now, Mr. Chairman.

I would be happy to take questions, but it might be more beneficial to get the AP and the technical committee report first, and I would like the opportunity to offer a motion at some point in time.

CHAIRMAN TRAVELSTEAD: We will come back to you for that. Are there any questions of a clarifying nature? Yes, Roy.

MR. ROY MILLER: Tom, since I have been out of the process for a while, perhaps you can help me. Was this particular proposal run through the Delaware River Fish and Wildlife Cooperative before being brought before the board today? Now that is not a requirement, obviously, but as a courtesy in the past our member states, as you well know, frequently did that with proposed regulations for striped bass in the Delaware Estuary. Thank you.

MR. McCLOY: I don't believe it was run through the Delaware River Basin Commission technical committee. Craig, do you know?

MR. CRAIG SHIREY: Not that I'm aware of, Tom.

MR. PAUL DIODATI: Is the technical committee going to report on this?

CHAIRMAN TRAVELSTEAD: Yes, indeed.

MR. DIODATI: Okay, so maybe my question is more relevant to them?

CHAIRMAN TRAVELSTEAD: Okay, let's move then to the technical committee report, Dr. Laney.

TECHNICAL COMMITTEE REPORT

DR. WILSON LANEY: Mr. Chairman, just as a reminder to the board, our report is contained in the March 24th report that we provided to you on the disk; it is on Page 3. Briefly, the New Jersey proposed regulations are conservationally equivalent as measured by the percent of MSP. MSP here stands for maximum spawning potential. New Jersey did a thorough analysis of that, and that explanation is on Page 2 of their proposal again for reference, so there was consensus on the technical committee that their proposal meets conservation equivalency.

CHAIRMAN TRAVELSTEAD: End of report? Paul, your question.

MR. DIODATI: My question is more general and not necessarily towards New Jersey, but the range of measures that the technical committee provides; do these measures – 18 to 40 inches, 18 inches minimum size, one fish; 40 inches, one fish, and so forth, all the way up to the 24 and 32 – do these apply to every coastal fishery? Will these be conservation equivalencies that apply to every coastal fishery without additional review?

DR. LANEY: Nichola advises me that I think the answer is, yes, it would have to be done state specifically, but based on the analysis there is no difference between the ASMFC standards in Amendment 6 and each one of these options.

MR. DIODATI: My next question actually is back to New Jersey. I'm curious; can you talk a little bit more about your bonus fishery, which is apparently one fish at 28 inches, but you only land a fairly insignificant amount of fish. I'm curious about that fishery.

MR. McCLOY: For those that aren't familiar with the bonus fishery, it is essentially our commercial quota. In New Jersey the legislature has deemed

striped bass a gamefish. We had a historical commercial which we got credit for as part of the ASMFC plan. That is about 321,000 pounds a year right now.

The bonus fish is used to allow an additional fish in the creel so you could have three fish, but it must be a minimum size limit of 28 inches or larger. Just to give you a brief recap since the bonus program has been in effect I think since the year 2000, we roughly take maybe 10 to 15 percent of that quota on an annual basis.

During a period of time when we had a small fish/large fish, the bonus program was utilized at about the 35 percent level. We're not utilizing all that quota, and in fact the fish that we leave behind in the ocean is of benefit for everybody around this table and their fishermen. Did I address your questions adequately, Paul?

MR. DIODATI: I guess I just don't understand how it is tracked. If you have a fairly robust fishery, you allow one fish at 24 to 32; another fish, 32 and above; and then one fish 28 inches and above, I just don't understand how you're capable of tracking a recreational fishery with any level of precision.

MR. McCLOY: Well, if I can address that, it is a separate program. It is part of the recreational fishery, but you have to pre-register for that program. You get a card or a permit that authorizes you to catch one additional fish a day, but it is only that one fish for that one day that you catch it. You can reapply and get another permit after you reported that first bonus fish.

There is no requirement you have to catch the bonus fish under certain circumstances other than the reporting requirement. The other thing I wanted to mention, I don't know whether you understood the proposal was not for a true slot fish. It is not 24 to 28; it is 24 and above and 32 and above.

CHAIRMAN TRAVELSTEAD: Okay, so you could have –

MR. McCLOY: You could have three fish with the bonus program over 28 inches, which is exactly what we have now.

MR. PATRICK AUGUSTINE: Did the technical committee review what the implication would be if many of the – maybe it is an offshoot from what Paul says – what the implication would be on the various age classes over, say, a five-year period of time? If I

understand this, New Jersey is requesting this on a long-term basis or is it just for one year? So, two questions; the first is what are the implications for impact on the overall status of the stock in those year classes that are to be affected from 28 inches up? Do you have anything on that, Dr. Laney?

DR. LANEY: I don't think that we delved into it in that much detail, Pat. I think all we did was to look at it and see whether or not the proposal was conservationally equivalent to the two at 28 would result in the same amount of biomass being removed, and the answer to that was yes. I don't think we looked at it from an age-structure standpoint.

MR. AUGUSTINE: Follow-on, Mr. Chairman. Are there implications here, then, that we should be concerned with if many of the other states agreed or decided to go the same way? In other words, New York is contemplating a possible change; we're just talking about it. And as Paul had asked, I think the answer from Nichola was that all states could basically do the same thing. I'm really concerned. I know the spawning stock biomass is some 30 percent above the target, single-species management.

I'm concerned about that; are there too many striped bass in the water that are eating down the food chain? There are many implications one way or the other. I would hate to consider or see a group of year classes close together there. We're shifting downward the pressure on those spawning fish and that has I think far-reaching implications. I just wanted to note my concern.

MR. McCLOY: Just to answer your question, Pat, about is this forever or just one year; the intent was until we needed to change the regulations in the future, so it would be for more than one year. Given the cumbersome nature of changing the regulations, unless it was deemed to be a situation in the near future that the stock was in trouble to do things that were more restrictive, we would prefer not to go back to the legislature if we don't have to.

MR. AUGUSTINE: Well, as a follow-on then; based on what you just said, Tom, maybe because your legislative process is so cumbersome, you might want to consider for a specific number of years. Maybe it would coincide with when the next stock assessment is. Whether there are implications having done this for three or four or five years during that period of time, it is possible that the implications of removing those year classes might show up in a stock assessment. Would you consider putting a two-, three- or four-year time period on this to be reviewed

at that time and have the authority from the board to automatically extend it without going through another legislative process? I don't know if that is possible.

MR. McCLOY: A couple of comments; whenever we go through this process for changes in size and bag limits, probably for at the least ten years, if not longer, we have suggested to the legislature to give the division the authority to manage striped bass at least at this level; and for whatever reason, the legislature chooses to keep their cards close to their vests on this particular species. I'm a little concerned about putting a timeframe on it and dealing with them. I think if we had the authority we could move a lot faster, of course, as we do with other species – some not like sharks, but that is another story – well, I can't remember where I was going, so I –

MR. AUGUSTINE: Well, it was whether or not it would be – the question was whether or not it would be advisable to a recommendation from the board to put some kind of sideboards on what it is you're trying to do and to come up for a review again by the board as opposed to by New Jersey.

In other words, give you a carte blanche for X number of years; and if some concerns are brought forward or implications that the stock is getting stressed, or whatever the words we use are, that the board could actually say, hey, New Jersey, we're recommending – through a recommendation from the technical committee, we're recommending that you do the following. Maybe that is too complicated but in my mind to help you with your process to get what your fishermen want and what you'd like to have accomplished, that the board retains the control as opposed to saying, hey, you're out of compliance, that kind of –

MR. McCLOY: Okay, I appreciate what you're driving at, Pat, but I think you're making it more complicated for me than it is already. The other thing I wanted to stress again, I think I indicated in my earlier comments that there is less than unanimous agreement for this proposal in the state of New Jersey, and, quite frankly, the fishermen are going to have to carry the weight on this in terms of getting it implemented.

They're going to have to go to the legislature and they're going to have to convince the legislature that the majority of them think this is a good idea. This is less than a certain deal if the board approves it. Regarding the concern about impact on the stock or if things turn bad, well, we can always fix it. Even

though the legislature has dragged their feet in the past to put more restrictive regulations in, they ultimately have come and done that if necessary.

MR. THOMAS FOTE: I have a comment. I wasn't going to comment on this because, again, the fishermen haven't decided whether they're going along with this, when you start questioning the process, this is what concerns me. We already have states that have conservation equivalency. Pennsylvania, Delaware and Maine have conservation equivalency, followed the same rules we followed.

That is all we're asking is to have the opportunity to discuss this with the fishermen. Some of the discussion was people want the big fish to be released. They like to take the smaller fish. They don't want to take the egg-bearing fish. I tried to explain to them that conservation equivalency is you basically set up the rules and regulations so our spawning stock biomass remains equivalent no matter what size you do because that's where you set up the regulations.

They feel in their head it gives the opportunity for discussion. As Tom pointed out, this is not going to be an easy process to go through because as you sit down with ten striped bass fishermen in a room and you say what the regulations are, you will always get ten different answers, especially, you know, it should be one fish, it should be 47 inches because I want to catch only trophy fish; it should be 18 inches because I only want to take fish home to eat.

It is going to make an interesting discussion, and I love when the legislature gets involved in that discussion because then it takes it out of my hair and they don't have to do it. We're just looking at the process and the process says that other states have done it through conservation equivalency. That is all we're looking for is the approval. Whether we ever get this approved or not in the state legislature is another point. We're just asking for that vehicle to have it done.

MR. G. RITCHIE WHITE: A question for Wilson and then I have a comment afterwards; as I remember going through Amendment 6, there was some input from the technical committee saying it was advantageous if everyone was on the same page with coast-wide regulations size-wise; that that helped the data coming in and it would help the technical committee; do you have any comment on that?

DR. LANEY: I think that is always the case, Ritchie. It makes analysis much easier if everyone is at the same level. Maybe I'll point to the discussion for clarification. The analysis that was done on this particular proposal would in general apply to a given year. To take into consideration the sort of things that Pat was raising concern about to look at a five-year period, for example, into the future, we would have to kind of go back to the drawing board on that and do some projections, which would increase the uncertainty involved in the whole process.

MR. R. WHITE: Did you just say, then, that five years from now this might not be conservation equivalent or did I not –

DR. LANEY: Well, what I said was I don't know what the impact would be five years from now. That is going to depend on the recruitment projections that you use in any model that we might use to make projections as a result of the impact of this proposal. In answer to your earlier question, it is easier – the more things are the same, the easier it is for the technical committee to do the analysis.

MR. R. WHITE: Thank you. The second-most input I get from fishermen in New Hampshire, second to dogfish – and dogfish is overwhelmingly the first – is border regulations with the state of Maine that are different, and we've had this for a lot of years and I still hear about it nonstop, when is New Hampshire ever going to get together with Maine and have the same regulations because it creates of difficulty both in law enforcement and in the fishing public. I would just pass that on as a potential concern because you have a lot more border waters than we do, and it may be a problem that you may be getting into.

CHAIRMAN TRAVELSTEAD: Tom, do you want to respond?

MR. McCLOY: Yes, I'm well aware of that, Ritchie and Doug, and probably the number of species that we have consistent regulations with our neighbors is probably very low; you know, like one or two species, maybe. New York, Pennsylvania and Delaware, we're all out of sync with striped bass now as well as a number of other species. Those are issues that obviously we have to deal with locally and with our fishermen in that regard.

MR. MILLER: Just to follow up on that point, when Delaware and Pennsylvania proposed the slot limit in the Delaware Estuary to fish on primarily pre-migratory male fish, it was a fairly public process

that was vetted through the Delaware River Co-op and also through the commission.

I'm not saying that I have any objections to the New Jersey proposal, but it has followed a different route. Basically our first exposure to it is at this particular meeting. I think if this motion were to pass it sort of forces Delaware and Pennsylvania to take another look at their regulations. I know the Pennsylvania process can be a fairly long process and it has been in the past; and our process is four to six months as well. I just throw that out there as a caveat.

MR. MARK GIBSON: Mr. Chairman, a question for Wilson; on Page 2 of the technical report it says the model results are sensitive to shifts in growth changes in hook-and-release mortality, particularly sensitive to systematic rise in natural mortality, so the first question is what do those do? If growth has been reduced and natural mortality rates going up, how does this thing measure up in terms of conservation equivalency? I might have a followup to that, Mr. Chairman.

DR. LANEY: Mark, the short answer is I can't answer your question. Vic Crecco did the analysis, so I don't know the response to that.

MR. GIBSON: If I could, Mr. Chairman, I would just suggest – I mean, we have a fair amount of evidence building that the population dynamics of striped bass are changing relative to their growth rates, body weights at age, and particularly this increase in natural mortality rates. It seems that the technical committee needs to perhaps modernize their evaluation tools of conservation equivalency proposals to take into account these, if they have a consensus on that, because it is not clear to me that the SSBR equivalency holds any more – the methods we used to use hold anymore in the environment of reducing growth and changing the natural mortality rate.

There was another question about the age structure it affects. It is not clear to me that those are being taken into account in the SSBR equivalent. We're essentially seeing that one kilogram of SSBO is the same as another regardless of its age composition, and that may no longer be true as well. I would just suggest that the technical committee probably try to modernize their package of evaluation tools, anticipating there are going to be more of these types of applications coming forward.

CHAIRMAN TRAVELSTEAD: Thank you. Tom, you had a comment.

MR. FOTE: Well, just in response to Delaware's comments. It was an open process. We basically approached Delaware. I remember approaching the states of Delaware, New York and Pennsylvania to ask if we could get the same size since we have different regulations. Delaware and Pennsylvania decided to go ahead and put in smaller slots, but we basically reached out two and a half years ago – I know I reached out to all the directors of those states to say if you're interested in discussions so we could have the same – have one species that we have the same regulations on, because we don't have it on almost all the other species whether it is summer flounder.

The only one we have I think right now is sea bass because it is a coast-wide regulation, but every other species that is done by conservation equivalency, we have different regulations. It was reached out to Delaware, Pennsylvania and New York whether we could have this, and nobody wanted to go through the process, or nobody at that time because you already had a smaller slot plot in place and we didn't get any response at all, because we've reached out.

CHAIRMAN TRAVELSTEAD: Okay, let's hear from the advisory panel and then, Tom, I'll come back to you for a motion.

ADVISORY PANEL REPORT

MR. WILLIAM DONOVAN: The advisory panel met via conference call last month to discuss these proposals, and in general the advisory panel is supportive. We kind of feel that as Tom Fote suggested there is no way you're going to get anything unanimous come out of New Jersey's anglers. In general it would probably be fairly well received.

Those folks who fish recreationally in a manner where they don't see a whole lot of big fish would certainly appreciate the ability to take one smaller fish home as would those who are a little more conservation minded and would probably prefer to take a smaller fish home as opposed to a bigger fish. We kind of feel that it would probably go over fairly well and the panel is generally supportive. There were a few caveats.

There was some degree of skepticism on behalf of some of the panel members regarding the conservational equivalency of this. Some folks kind of questioned additional mortality on those smaller fish, how that would eventually affect the spawning

stock biomass a year or two from now and whether or not that was properly accounted for in conservation equivalency.

That was brought up by a number of panel members as was I guess the general notion that why would New Jersey want to try to push this through the legislature at this time given everything that is going on there without trying to achieve some sort of more substantial I guess conservation. A lot of anglers in our state are certainly becoming increasingly aware of some of the bigger fish that are being taken out of the fishery.

A lot of folks are wanting a little bit more restrictive measures on the top end, and this certainly would not do that. There was a little bit of a notion there as to does it really make sense for New Jersey to do that now, but, of course, that is not the advisory panel's business to be telling anybody what to do. I just wanted to kind of throw that out there and let you guys know that it was discussed, but in general the panel is supportive and we do feel as though it would probably be fairly well received.

CHAIRMAN TRAVELSTEAD: Thank you. Any questions of the AP? Vince.

EXECUTIVE DIRECTOR JOHN V. O'SHEA: Mr. Chairman, this issue between different regulations and adjacent states; the commission is in court right now over that issue with summer flounder, so did the advisors discuss their acceptance of the idea of one state having different regulations, and how confident are they that difference states would be willing to accept that?

MR. DONOVAN: I believe it was discussed briefly, but, honestly, I think folks are somewhat accustomed to that as Tom McCloy had mentioned with other species. It wasn't really viewed in the context of this discussion. It wasn't viewed as an issue.

CHAIRMAN TRAVELSTEAD: Kurt, did you have a law enforcement report on this?

LAW ENFORCEMENT REPORT

MR. KURT BLANCHARD: Law enforcement discussed this via e-mail. Last week we went through it, and basically the consensus was, especially from New Jersey, Pennsylvania, Delaware and Maryland, that this was enforceable. We all agree that we would prefer to see consistent regulations throughout the jurisdictions from an educational and compliance theory, but we also

recognize it is not always going to happen. The jurisdictions that will be policing that felt it was enforceable.

CHAIRMAN TRAVELSTEAD: Okay, thank you. Tom, I'm going to come back to you for a motion and then we will finish up the discussion.

MR. McCLOY: Move to accept New Jersey's Recreational Striped Bass Proposal for one fish at 24 inches or greater and a second fish at 32 inches or greater, which has been approved by the Striped Bass Technical Committee as being conservationally equivalent to the management plan standard of two fish at 28 inches or greater.

CHAIRMAN TRAVELSTEAD: Is there a second to the motion? Seconded by Lou Daniel. Comments on the motion? Doug.

MR. DOUGLAS GROUT: Mr. Chairman, is there a requirement under our conservational equivalency standards for a state to demonstrate in following years that what they're proposing as conservationally equivalent actually met those standards? It seems to me we had a discussion years ago about the conservation equivalency standard that had something to that effect in it, and I don't know if staff might be help out with that.

CHAIRMAN TRAVELSTEAD: Yes, can staff comment on that? I'm not aware of any such provision.

MR. ROBERT E. BEAL: I think the Management and Science Committee and maybe a subset of some of the technical committee's worked on a document on conservation equivalency and it spelled out how a proposal would move through the process and those of things. In that document I believe there is a statement that the board should evaluate – after a program has been implemented, the board should evaluate whether this did or did not actually achieve what we were hoping, which is conservation equivalency.

It is not written in as a requirement in the FMPs. It's included in that document sort of stating this is the ideal situation and the board should consider this as moving forward, so if something is implemented in one year, a year or two later it should be reviewed to make sure it actually achieved what the board was hoping for.

CHAIRMAN TRAVELSTEAD: Okay, thank you, Bob. Paul.

MR. DIODATI: First, I would just like to ask a question to clarify the proposal so I have an understanding how this slot is intended to work. With the exception of New Jersey having this trophy fishery, take that off the table for now, if a fisherman is out and the fishermen could essentially – they can't have two 28-inch fish on board with this measure; correct? In other words, Tom could have two fish over 32 inches, but you can only have – once you take a smaller fish than 32, your next fish must be over 32 inches?

MR. McCLOY: Yes, that is my understanding of it.

MR. DIODATI: Okay, and I guess I was also confused because at the beginning of our last discussion I asked if the technical committee had reviewed these measures – do they apply to all the states; the answer was yes. But then Mark Gibson raised the point that the information is based on work that was done between 2000 and 2004, making it somewhat outdated given our current understanding of what is going on in the environment and with striped bass in particular. Did the technical committee simply look at these tables and decide that, yes, that analysis was done correctly, but they really didn't update anything relative to biological parameters or anything like that?

DR. LANEY: Yes, Mr. Chairman, that is my understanding. I'm not a modeler so I depend on the guys on the technical committee who are to keep us straight on these things. Basically, Paul, that is what was done. We didn't do any updating. We used Dr. Crecco's methodology for conservation equivalency, and New Jersey's staff took that through the process.

That is what you have on Page 2 of their proposal is basically that this proposal is conservationally equivalent to the ASMFC standard. We haven't done any updating. I think Mark made a lot of good points and those will certainly be taken back to the technical committee and given every consideration by those folks on the technical committee who have that expertise.

MR. R. WHITE: Mr. Chairman, I'm going to make a motion to amend and the amendment is "conservation equivalency will be re-evaluated three years after implementation".

MR. TERRY STOCKWELL: Second.

CHAIRMAN TRAVELSTEAD: We have a second to the motion; "conservation equivalency will be re-evaluated three years after implementation".

MS. NICHOLA MESERVE: I was just looking over Amendment 6, and in the management program's equivalency section it does state that following the first full year of implementation of an alternative management program the plan review team will have the responsibility of evaluating the effects of the program to determine if the measures were actually equivalent with the standards of this amendment. The PRT will report to the management board on the performance of the alternative program.

CHAIRMAN TRAVELSTEAD: Okay, so given that language in the current plan a review would occur at the end of one year; and then if the amendment to the motion passes, there would be another review at the end of three years; just so everyone understands. Craig.

MR. SHIREY: Just a point of clarification on the original motion; there is no sequencing is the first fish has to be 24 and over and the second fish – I know a lot of anglers get confused about that, and they feel that they have to catch their small fish first and then a larger fish second. I just thought I would bring that up.

MR. McCLOY: Yes, I agree, Craig, and I probably shouldn't use the word "second".

MR. PATTEN D. WHITE: While I realize this is explained pretty well in the document, in this motion there is no reference to what is being done with these fish. Are they being caught, landed or possessed, and it would seem to me something should be in there referencing that.

CHAIRMAN TRAVELSTEAD: Well, let's work on the amendment to the motion first and then we'll come back to that. Terry.

MR. STOCKWELL: My support and second for the amendment was based on the fact from the northern perspective there is a fundamental change in the striped bass stock. We're going to be discussing another action following this one, and I think it is just prudent for us to keep looking back over our shoulders. A one-year review is fine but the impact and outfall may not be known for several years. A three-year review makes a lot of sense to me.

MR. A.C. CARPENTER: To the amended motion there, is this to apply to anybody that has conservation equivalency already approved or is this intended to apply only to new conservation equivalency requests? I'm thinking that the

Chesapeake Bay operates under a conservation equivalency that we have been doing for a number of years, and is this intended that we've got to review that after three years or this – can I have an explanation of the intent of the maker of the motion?

MR. R. WHITE: Yes, the intent was just for this motion, for New Jersey's proposal.

CHAIRMAN TRAVELSTEAD: Just for the New Jersey proposal; okay, thank you. David.

MR. DAVID SIMPSON: Yes, I guess based on what Nichola just read, I don't think the amendment is necessary, first of all, because it is going to be required to be reviewed after a year, so that is already going to happen. Secondly, I can't find it now, but I believe I read earlier that Vic's analysis was based on the Thompson-Bell Model, so it is an equilibrium model. I can't envision how you would re-evaluate that after a year or two. It's simply running it through a yield-per-recruit model and not based on precisely what you landed from one year to the next. I just point that out. That's something the technical committee can report back on.

CHAIRMAN TRAVELSTEAD: I think we've had a pretty fair amount of comment on the amendment. Tom, one last comment on the amendment.

MR. McCLOY: Yes, just real quick; I think we're covered with the year review, but I have no problem with the amendment either.

CHAIRMAN TRAVELSTEAD: Okay, let's vote on the amendment. Is there a need to caucus? We'll take a 30-second caucus and then we'll vote on the amendment.

(Whereupon, a caucus was held.)

CHAIRMAN TRAVELSTEAD: Okay, are we ready to vote? All those in favor of the amendment please raise your right hand; opposed, same sign; abstentions; null votes. **The motion carries.** My count was 14 to 2. Okay, that becomes part of the main motion. Back on the main motion as amended; any final comments that we have not heard at this point? Pat.

MR. P. WHITE: I would just like to apologize for being premature on my comments, but I would like to see something in there that says whether they were going to land them, possess them or catch them or whatever.

CHAIRMAN TRAVELSTEAD: Do you want to add the word “possession” after “a proposal for the possession of one fish or to land”?

MR. P. WHITE: It’s not my motion.

MR. McCLOY: Yes, if you want to add in “possession limit of” – I’m sorry, right before “one fish”, right where you have it and if you want to add it again before “second fish” or after “second fish”.

CHAIRMAN TRAVELSTEAD: All right, does that work for you, Pat? Okay, any final comments on the motion? Louis.

DR. LOUIS DANIEL: I voted against the amendment because I’m still unclear on the reporting that they have to do. The technical committee going to review it or the plan development team is going to review it after a year and then New Jersey is going to have to review it in three years, and that is what I understand. If that is the precedent that we’re going to set, I’m a little concerned about that and I would withdraw my second to the motion.

CHAIRMAN TRAVELSTEAD: Parliamentarily I don’t think you can withdraw your second to a motion once it has been discussed and amended.

DR. DANIEL: But it was changed.

CHAIRMAN TRAVELSTEAD: I still don’t think at that point you can change – we’re too far down the process and I don’t think Roberts Rules allows for a second to be removed at that point.

DR. DANIEL: If you’re certain about that; I want to make sure it is certain because I don’t support them having to report twice on that. I don’t think we have done that to anybody else.

CHAIRMAN TRAVELSTEAD: Yes, that’s the ruling of the chair is that you can’t withdraw the second at this point. Any final comments; any comments from the audience on the motion? Gil.

MR. GIL EWING: Mr. Chairman, I don’t like the way that is written, unfortunately. It indicates to me that you can only have a possession of one fish at 24; and the way it reads to me I would just like it to say the possession limit of one fish at greater than 24 and take that “possession limit” out before – there – and just leave it that way because now it indicates that you can have one of each; where before it looked to me like you could only have one of either.

CHAIRMAN TRAVELSTEAD: Tom, any objection to that change?

MR. McCLOY: No objections.

CHAIRMAN TRAVELSTEAD: Louis, any objection to that change?

DR. DANIEL: Does it matter?

CHAIRMAN TRAVELSTEAD: Yes, it does. Otherwise, we vote on it as an amendment. If it is a friendly amendment we don’t have to vote on it.

DR. DANIEL: That’s fine.

CHAIRMAN TRAVELSTEAD: Okay, I appreciate your understanding. I didn’t see any hands in the audience so I think we’re ready to caucus on this. While you’re caucusing, I will read the motion: **Move to accept New Jersey’s Recreational Striped Bass Proposal for the possession limit of a one fish at 24 inches or greater and a second fish at 32 inches or greater, which has been approved by the Striped Bass Technical Committee as being conservationally equivalent to the management plan standard of two fish at 28 inches or greater. Conservation equivalency will be re-evaluated three years after implementation.**

The evaluation, of course, would be by the technical committee and ultimately by the board, if necessary. All right, are you ready to vote? All those in favor of the motion as amended please raise your right hand; opposed, same sign; null votes; abstentions. **The motion carries 15 to 1.** Anything else from New Jersey on that issue?

MR. McCLOY: No, thank you.

DR. JAIME GEIGER: Mr. Chairman, I found Mark Gibson’s comments relating to conservation equivalency and possibly the benefit of asking the technical committee at some time to update those based upon new scientific information related to striped bass stocks would be beneficial, and, again, I would just ask for the technical committee to possibly consider that. I don’t know exactly what the workload is, but I do think it would be beneficial for that to add to their particular tasks in the near future. Thank you.

CHAIRMAN TRAVELSTEAD: Is there any objection to that? I think it is a good idea as well. Not seeing any objection, I would ask that the technical committee add that to their list of work that

they will need to do and report back to the management board. All right, let's move on to Agenda Item 5, Technical Committee Report on the Juvenile Abundance Indices work that was recently completed. Wilson.

TECHNICAL COMMITTEE REPORT ON THE JUVENILE ABUNDANCE INDICES

DR. LANEY: Just as a reminder, we had come to the board at the January meeting and proposed the work plan, and that is in your package in the form of a March 3rd memorandum. To briefly review that, we were supposed to, for each program, validate the JAI as an indicator of future year class strength; look at a complete JAI time series, review it and look at identifying periods of low recruitment; determine a best-suited criterion for the definition of recruitment failure and look at various ways of doing that; determine the probability of two or three consecutive years of poor recruitment and existing time series and evaluate that as an indicator of consistent recruitment failure; look at various lengths of fixed time series and try and determine the most suitable one to use as a reference for future determination of recruitment failure; and the last one was to look at system-specific confidence intervals around JAI values.

We have done that and I think we have a powerpoint presentation. Let me just briefly review for you though before we get into that the answers to each of your questions. Again, these are our March 24th report, which is contained in your package. For number one, we did determine that each JAI can be validated as indicative of future year class strength through correlation to some survey or catch data; some correlations being stronger than others.

Each of the states that has a JAI had staff look at those and run correlations against, in some cases, age one in the subsequent year; in other cases in terms of lagging those values against various and sundry ages into the future. All of the JAIs were valid and the details were validated against future year class strength and the details of those are contained in the report.

With regard to the second question, the use of the 25th percentile appears to be appropriate for defining recruitment failure based on our review of those indices, and we're going to show you some figures for that. Number three had to do with the definition of the JAI management trigger. Based on our review again, it appears that the definition that is in Amendment 6, which is three consecutive years of recruitment failure, appears appropriate based on the

history of the indices. Again, the details are provided in our memorandum.

With regard to number four, shortening the indices time series lengths can greatly affect the quartile and mean values for some data sets. What we did here was to take a look at those, and there is a table in the report on Page 2 that gives you the quartile value for the trigger for each of those.

We recommended that a time series for each data set should be selected and the quartile value for the trigger analysis fixed as the quartile for that data set so as not to have a variable reference. Also, standardization of the survey methodology should be taken into consideration when selecting the initial year of the fixed time series. We have a recommendation for each of the time series for you, and we will go over those momentarily.

I think that is pretty much it for the text part of this; and if we could go to the powerpoint, we have recommendations for you as follows. The technical committee continues to support that the first quartile defines recruitment failure; i.e., the 25 percent level. Three consecutive years of failure should prompt consideration of management action.

The recommended changes are that we select time series start dates appropriate to each survey and that we fix the time series end date at 2009. For the fixed value for comparison to the terminal year index value, there wouldn't be any firing of the JAI trigger if we used 2009 as the end date.

We go a table for a recruitment failure definition; again, just a reminder, the Amendment 6 definition is the index value below the first quartile of all values in the time series, so our recommendation is to take a look at the time series for each one, which we did, and recommend that an index value below the first quartile of a fixed time series appropriate to the index be used. You can see those below the blue values, the values highlighted in blue on my screen – I guess it is gray on the screen – are what we had been using.

What we recommend be used are the ones in the white below that, and there are only two that change; those being New Jersey and Virginia. The reasons for changing the time series to truncate it slightly is because there were some changes in the methodology used for deriving the JAI, and it is appropriate to go ahead and change the time series accordingly to reflect consistent methodology which you achieve if you drop the first six years of the New Jersey JAI and the first thirteen years of the Virginia JAI.

In moving on, we have the actual values of the indices with the confidence limits around those where appropriate, so we can I guess just jump through those one at a time. Here are the series from Maine; the second one is for New York. The reason for putting the upper and lower bounds on there is so the board members, especially, can see that there is uncertainty associated with each of these points.

I think our practice in the past has been sort of to report the point estimates without the confidence intervals around those. I guess it was the consensus of the technical committee that at least for purposes of presentation to the board we should include those so you can see that there is uncertainty associated with them.

The next one is for New Jersey. This is the Amendment 6 time series so this is what you would see if we used the complete time series from 1980-2009, so the next one shows how that changes if we go to the recommended time series, which begins in 1986, and again encompasses the period for which the methodology was consistent.

Then we move to the Maryland time series for which there is no change. Again, all we've done here is to show those points with the confidence limits on them; the upper and lower bound. We go to Virginia; here we have a situation again where we're recommending a change so this is the way it looks as it is at present under Amendment 6 with the full time series in there. The next slide shows you how it looks if we lop those first thirteen years off and go to the period where we know the methodology was consistent after the change had been made.

Then the last one is for the North Carolina time series. They believe that they have the data to be able to put confidence intervals around those points from 1955 up through 1987, but they don't have those entered into their system at present so we could only put confidence limits around the ones from 1988 to the present. Okay, Nichola.

MS. MESERVE: Regarding the paper that was passed out to you, it basically summarizes the information that Wilson just gave and adds in a statement of the problem. Essentially the technical committee has recommended to the management board a revision as to how striped bass recruitment failure is defined. Identifying the periods of recruitment failure is the basis of the juvenile abundance index management trigger in Amendment 6 and adopting the recommendation from the

technical committee would require an addendum to the management plan. That issue paper is set up so that if the board chooses to, it could insert it as a second issue into Draft Addendum II which will be looked at later in the agenda.

CHAIRMAN TRAVELSTEAD: Thank you. Questions of Wilson or Nichola? A.C.

MR. CARPENTER: Given that we've got young-of-the-year indices that run from Maine to North Carolina and each one has its own recruitment failure point recommended here, what happens if just one state falls below and has a recruitment failure; what does that imply to the coast-wide management of the species and how would that be handled?

MS. MESERVE: The plan calls for a technical committee review of the indices annually. When there are three consecutive years of recruitment failure, the technical committee is to consider the cause for the three-year period of recruitment failure and recommend appropriate management action to the board.

CHAIRMAN TRAVELSTEAD: Any other questions or comments? Okay, seeing none, Nichola, are you recommending that the board send this out for an addendum?

MS. MESERVE: If the board wanted to accept this new definition of recruitment failure, it would require a change to Amendment 6 through an addendum, so it could be added to Draft Addendum II.

CHAIRMAN TRAVELSTEAD: Okay, any thoughts on that? Paul.

MR. DIODATI: I would like to make a motion to add it to Addendum II as the second item on that docket.

CHAIRMAN TRAVELSTEAD: Seconded by Mark Gibson. Comments on that motion? Any objection to that motion to add this issue as a second issue in the draft addendum? Seeing none, then that is the way we will proceed on this item. There was consensus that we add that item. Wilson, do you have some other reports from the technical committee?

DR. LANEY: Mr. Chairman, just a brief mention of other topics that were discussed at the technical committee meeting. We have already talked about the New Jersey proposal. We did review Draft Addendum II and our advice is contained in the

document. We discussed our next stock assessment which is coming up in 2012 and will be a benchmark assessment.

There are a number of issues that we need to address prior to completing that assessment. One of those is the otolith scale issue. You may recall that we talked about and we have collected an aged otoliths from Massachusetts and New York to confirm that there is a bias between scale ages and otolith ages. Our plan here is to develop a weighted conversion matrix for use in that 2012 assessment.

We're also looking at age-varying M, developing life history based estimates of age-specific M for the assessment. We're also looking at time-varying M, planning sensitivity runs to address how that affects the assessment. Lastly, we briefly talked about the updates on the National Marine Fisheries Service response to Vic Crecco's paper and that is included on your briefing CD. We talked a little bit about the North Carolina Cooperative Winter Tagging Cruise. If there are specific questions on those topics, I'd be happy to attempt to answer those.

MR. DIODATI: Before we stray too far from the JAI discussion, could I just clarify for the record that under what may be the new definition there is no sign of recruitment failure in any of the systems.

DR. LANEY: Yes, that is correct, Paul. Regardless of how we did the analysis where we tried various and sundry different approaches, there was no case where we had three consecutive years of recruitment failure by either the Amendment 6 definition or the ones we're recommending we change to.

MR. R. WHITE: Wilson, we've collected a number of otoliths in New Hampshire, and I they're waiting to be processed. Could you talk about is there funding needed, what is the program going forward.

DR. LANEY: If Pat Campfield is in the room, Pat may be able to address that more completely than I. I know we've been investigating – well, we've done several things. The first is we have gotten some ages for the otoliths that we had in hand. I think the short answer to your question is that if we elected to – if the board elected to go forward with using an otolith-based approach, then, yes, it is going to take additional funding and we'll have to set targets.

I think we talked about an otolith target, so we may have some numbers for that, but someone would have to be responsible for aging those and then the states would have to be responsible for collecting those –

the states and the federal agencies would have to be responsible for collecting those, so there would be an additional cost. That is not presently factored into our management program, as I understand it.

Nichola is whispering in my ear to remind me that we do have some otoliths, and I understand, Paul, that Massachusetts has volunteered some funding to age some of those. I think we could probably get far enough down the road so that we could come back to you with a recommendation with regard to – well, we could definitely incorporate this into the 2012 benchmark assessment and develop that weighted conversion matrix for the assessment. Now, where we go beyond that we would have to assess.

MR. STOCKWELL: Wilson, could you provide us with a brief update on the winter tagging cruise? I'm wondering if there is any good news.

UPDATE ON THE WINTER TAGGING CRUISE

DR. LANEY: Well, the good news was that the National Marine Fisheries Service did fund the vessel for this year. We got out rather late; actually the latest in the time series. From February 18th through the 25th we did go out using the Research Vessel Cape Hatteras, which is a National Science Foundation vessel that is operated jointly by Duke University and the University of North Carolina, Chapel Hill, Institute of Marine Sciences.

I'll give you the short version. We caught close to 600 striped bass this year, which is way more than we caught last year. It is still way below our annual average, which is just shy of 2,000 fish a year. That is the short version.

We caught one Atlantic sturgeon this year. We were a little surprised by that because we extensively trawled the same hot spot that we had caught quite a few Atlantic sturgeon in the previous two years, and they just weren't there this year. Where they were, I don't know. We're in the process of analyzing those data and take a look at things like temperature, salinity, depth and so forth and so on and see if we can't make more clarity out of what we do have. We saw a whole lot more whales this year than we've ever seen before. We had excellent weather while we were out there so all those things are good.

The one thing that was a little disconcerting – and we had talked about this before the cruise so we had plan – was that we did, once again this year, find the fish considerably further offshore than we have in the

past. We did find some fish inshore. We did find the fish somewhat further to the south than they had been in 2008 and 2009.

We were able to tag and release the ones that we caught inshore inside state waters the same way we've always done in the past. The ones that we trawled from deeper waters offshore, though, were definitely having buoyancy issues. We had decided ahead of time that if we did catch them, despite the fact that there is a recent paper in the literature suggesting that venting doesn't really do a whole lot, that we would go ahead and vent them because that is the only way that we could see that they were successfully getting back down below the surface.

What we did was I think generate a data set that is going to be very useful in the future because about half of the fish that we caught were inshore and were unvented, were released and tagged in the conventional manner. The ones that we caught offshore were all vented, so I think we have about equal numbers of each group and we'll be able to see what sort of differential returns we get back from those in the future. I was glad that we could get out there and do it.

We continue the time series. We tagged a reasonable number of fish although not as many as we would like to. Of course, the reason for that was the funding was kept level at last year's level. We were rather late in the game again getting things put together. The Cape Hatteras had some other scheduled operations that they had to conduct, so our time was really limited. Given the amount of time we had, I think we did pretty good.

CHAIRMAN TRAVELSTEAD: Okay, let's move on to Item 6, Draft Addendum II for Public Comment. Nichola is going to take us through that.

DRAFT ADDENDUM II FOR PUBLIC COMMENT

MS. MESERVE: Draft Addendum II was included on your briefing CD, and I'll provide an overview of the document. The process began with a motion in February to initiate an addendum to increase the coast-wide commercial quota. The motion carried under a roll call vote. If the board approves this document for public comment today, the shortest time line would include a public comment period from June to July, and board review of the public comment and consideration of final approval in August.

I'll just read the statement of the problem directly from the document. Although Amendment 6 established management programs for both the commercial and recreational fisheries based on the same target fishing mortality rate, the implementation of state-specific quotas for coastal commercial harvest (and not for recreational harvest) has prevented the commercial and recreational fisheries from responding equally to changes in the striped bass population size. Options are presented to allocate additional striped bass to the commercial sector through an increase in the coastal commercial harvest quota in order to increase equality between the two sectors.

The document includes some background information on management, the fisheries, and the stock status for striped bass. Basically the management covered begins with Amendment 4 when the fisheries reopened under 20 percent of the historic harvest from 1972-1979, the average of that period. Amendment 5 then increased harvest allowances to 70 percent of the historic harvest. This is when the coastal commercial quotas were established. There were no quotas or caps established for the recreational fishery at that time, and there is still no quota or cap for the recreational fishery.

In Amendment 6 the coastal commercial quotas were increased to 100 percent of the historic harvest. The states are not required to use that quota. Some states opt to be more conservative and not have a commercial fishery. There is also the provision for conservation equivalency, so some states have slightly different coastal commercial quotas implemented in Amendment 6, and this table shows the difference between the Amendment 6 harvest allocation and the current coastal commercial harvest quota in states. Maine, New Hampshire and Connecticut do not have a commercial fishery. New Jersey uses its coastal commercial harvest quota for the recreational fishery through the bonus fish program. The quotas in Rhode Island, New York and Maryland are lower than their Amendment 6 harvest allocation because of conservation equivalency proposals, which included a reduction in their minimum size limit.

The fishery status information mostly looks at 2003 to the present when the Amendment 6 quotas were in place. The coastal commercial harvest has ranged between 2.83 and 3.07 million pounds during that period. The total harvest that is counted against the Amendment 6 quota has been less than the quota in all years as shown in this figure.

Of course, the coastal commercial harvest is a small part of the total harvest of striped bass. The coastal commercial harvest is about 42 percent of the commercial landings from the 2003-2008 average, and the coastal commercial harvest is just 9 percent of the total average landings from 2003-2008, so it is a small portion of the total harvest. Just looking over the period from 2003-2008, the coastal commercial harvest has declined about 3.5 percent, the commercial harvest has increased 1.6 percent, the recreational harvest has increased 13.7 percent, and total harvest has increased close to 11 percent. Since the fishery reopened in 1990, the fishery regulations have allowed the commercial harvest to increase more than eightfold and the recreational harvest to increase more than tenfold.

The stock status background uses the information from the 2009 stock assessment. There is a figure that presents the female spawning stock biomass, which at 55,000 metric tons in 2008 is above both the target and the threshold level. There has been a decline in total abundance from 2004-2007, which is demonstrated in the solid line.

The recruitment values are also shown in this figure as the checkmarks. The estimated coast-wide recruitment has been more modest in the last four years. The fishing mortality rates are below the target and threshold levels. If you look at the fishing mortality rates broken in between the two sectors, in 2008 the fishing mortality on age eight and older fish from the recreational sector is estimated to be 0.18; whereas, the commercial fishing mortality is 0.03.

For your management options there are three. The first is status quo. Option 2 is an increase in the coastal commercial quotas. The exact percent of the increase would be selected by the board under this option. The increase would be applied to the quotas allocated in Amendment 6 and not the quotas that had been modified through conservation equivalency.

Option 3 is an increase in the coastal commercial quotas through conservation equivalency. Essentially what this option is looking to do is to increase the coastal commercial quotas without having an effect on the stock. The method to do this would be through increased recreational regulations which would offset the increased harvest under the increased coastal commercial quotas.

Under this option the board could either select the percent increase to the coastal commercial quotas; states would submit a proposal to implement that percent increase and what recreational regulations

would be implemented to offset the increase in the commercial fishery; or, Option 3B is that the states would propose that percent increase.

The technical committee did review these options at its recent meeting, as Wilson mentioned. The technical committee found Options 1 and 3 to be conservation neutral as designed. To evaluate Option 2 and the risk associated with that option, the technical committee did an analysis, increasing the harvest 20, 30, 40 and 50 percent beginning in 2004 to reflect hypothetical quota increases of 20, 30, 40 and 50 percent.

Assuming that the full quota was utilized each year, and looking at the 50 percent increase example, it is estimated that the 2008 fishing mortality would have increased from 0.21 to 0.29 and that the spawning stock biomass in 2008 under the 50 percent quota increase would have decreased from 55,000 metric tons to approximately 49,000 metric tons. Even under this 50 percent hypothetical quota increase beginning in 2004, the stock in 2008 would not be overfished and would not be experiencing overfishing.

However, the technical committee did point out the abundance projections from the most recent assessment and thought that these should be taken into consideration. This figure shows the age eight and older abundance estimate as the solid line, which has declined from 2004-2007, and the projections is shown as the dotted line and shows a modest increase in 2011 due to the 2003 year class and then a decline for several more years.

Consequently, the catch along the coast, which is mostly age eight and older fish, is expected to follow a similar trajectory. This decline in the abundance is due to the more modest recruitment in the last four years. The projection assumes similar recruitment going forward. The technical committee, on the subject of recruitment, did mention that the recruitment at this point is mostly driven by abiotic and biotic factors, which additional fishery regulations would not likely influence because the management measures have already achieved a high spawning stock biomass, low fishing mortality and expanded age structure.

Last slide, the board would also select the compliance schedule upon approval of the document, if approved.

CHAIRMAN TRAVELSTEAD: Very good, thank you. Are there questions of Nichola as to the content of the proposed addendum? Pat.

DISCUSSION

MR. AUGUSTINE: Good report, Nichola. Go back a couple of slides where you showed the impact of the spawning stock biomass going from about 55,000 metric tons down to 48 and change. It was right near the end but I think the last two or three slides. The only question I had was if you're going to have that reduction in spawning stock biomass from 55,000 down to 49 and change, how does that relate to the total spawning stock biomass above the target?

We're presently somewhere between 30 and something; does that bring us down 20, 25, 15, 18; could you give us the number possibly? How far down will that bring this overall spawning stock biomass if we were to go – let's take the ultimate; 50 percent increase; can you give us a guesstimate on that?

MS. MESERVE: I think it's on the slide. The current estimate of the 2008 spawning stock biomass is 55,000 metric tons.

MR. AUGUSTINE: I understand that.

MS. MESERVE: And if the 50 percent increase had been applied beginning in 2004, it estimated that the SSB in 2008 would be 49,000 metric tons, but that is still above the target level of 37,500 metric tons.

MR. AUGUSTINE: Okay, I was just looking for a percentage conversion estimate, whether it would take it from above 30 percent down to maybe 27 percent or 22 percent. I'm looking for a visual. I've got numbers to numbers and I'm looking percentage to percentage, and I think just a quick conversion. Give us your best guesstimate. It looks like it's going to be probably 25 percent plus, anyway, as a remaining balance.

The reason for my question, Mr. Chairman, is the number of 30 percent above the threshold has been around for quite some time. I was the maker of the original motion to take a look at the possible increase in the commercial quota. A little background quickly – I won't waste a lot of time – I am the governor's appointee from New York State.

I represent all sectors, and back home I've been beat up pretty badly by the recreational community saying you're trying to kill off the striped bass and is it the right thing to do? I've tried to get on the record somewhere to show that if we're doing single-species management and we're trying to balance all these at

one time at the highest level we establish a threshold, we have to be above that and we have established a target

The question is when do we consider above the target as surplus and I always leave the audience with the same question; what do these fish eat above the surplus, particularly when other species of fish that we're managing are not at the rebuilt level. And, again, just for numbers sake, I was trying to get a guesstimate as to are we going to go from 30 percent above the threshold in this particular case down to 20 or 25? My guess is it's going to be somewhere between 23 and 28.

MS. MESERVE: Currently SSB is 183 percent of the threshold. The 50% quota increase may translate to being 163 percent above the threshold.

MR. AUGUSTINE: Oh, my, we have a lot of striped bass.

MS. MESERVE: 163 percent of the threshold.

MR. AUGUSTINE: Yes, I think we have a lot of striped bass. Thank you, I rest my case.

CHAIRMAN TRAVELSTEAD: Any other questions of Nichola on the content of the proposed addendum? Paul.

MR. DIODATI: Well, although it is a name for a good song, I think we want to be careful about suggesting that there are too many fish in the sea. When the technical committee did this risk analysis, did they do it on the assumption what if all the fish allocated to be harvested were harvested or did they use the actual number of fish that was harvested because the number of fish we're harvesting is currently below what is allocated.

DR. LANEY: Paul, if you look on Page 6 – I think I'm looking at the right place – we presumed that everything was harvested. The second sentence there in the last paragraph on that page, "The original catch at age was first modified to simulate full utilization of the 3.5 million coastal commercial quota in place from 2004-2008."

MR. DIODATI: And I guess I'm not sure why we're offering Option 3 because I assumed that was always an option available to states under conservation equivalency. In fact, we have been doing that in New Jersey, which we just talked about, for a number of years where we do the opposite. We take the commercial quota and reallocate it to their

recreational fishery. I always assumed you could always take whatever your recreational estimated quota, if you want to call that, is and reallocate that to your commercial fishery. Why are we even taking that out as something – it suggests that you can't do it now and I was always under the impression that you certainly can.

MS. MESERVE: There was a request to include a third option that would somehow offset the increase in the commercial fishery with a reduction in the recreational fishery, and this is the way that the plan review team thought was best to include it. It might just reinforce the existing ability to put forward conservation equivalency proposals.

MR. DIODATI: But if we go out to public hearing it suggests that you can't do it now and I think we can do that now. If you go out to public hearing and we have discussion about it, we're possibly jeopardizing the options we currently have by removing this from the plan through this addendum if the public opinion is such that – I don't think that was our intent. It is my understanding that a state that wants to reallocate its recreational fishery to its commercial fishery or its commercial fishery to its recreational fishery and could demonstrate the conservation equivalency in doing that, then you're free to do that.

CHAIRMAN TRAVELSTEAD: That is a good point. Tom Fote.

MR. FOTE: If I remember the discussion from years ago when the board made this, they did not allow that because there was an attempt to do that in New Jersey, as a matter of fact, and we looked at the bonus tag program back when, and we tried to allocate from the bonus tag the savings we had made by not harvesting the fish and basically tried to go to a slot limit.

It was decided at that point – the same thing I think happened in summer flounder – that you would not allow the transfer from one sector to another sector using conservation equivalency. In order to make this happen, it has to be part of the plan. Not that I'm agreeing with it or not, but that was the decision that was made under the previous amendment because I remember vividly the discussion of when we tried to do that and were basically not allowed to do that.

MR. BRIAN CULHANE: To the same point, I pretty much agree with Tom. I never contemplated that we could have allocated from the recreational fishery over to the commercial fishery. As far as the option in this plan goes, I'd rather not see it in there because

I think it sets up a strawman and just an unrealistic scenario for us. I would be curious to find out if that really is the case because that is not how I saw it.

CHAIRMAN TRAVELSTEAD: Let me suggest – I think all the hands that are up are on this issue – that the best way to proceed is if you want to eliminate this option from the document, somebody make a motion and then we'll keep going with the discussion. Pat.

MR. AUGUSTINE: I'll make it quick, Mr. Chairman. **I move to eliminate Option 3 from the document.**

CHAIRMAN TRAVELSTEAD: Okay, is there a second to that motion? Seconded by Lou Daniel. Now, comments on the motion? Doug.

MR. GROUT: Mr. Chairman, I have the same recollection that there was a conservation equivalency proposal that was taking an allocation from the commercial and putting it – no, vice versa, from the recreational and putting it into the commercial and that was a specific conservational equivalency proposal that was not approved. I guess I agree with Paul that a state has any option to be able to try and prove a conservational equivalency under this scenario, but I also think, from my own personal standpoint, that it would be a good option to have in here to get public discussion on it, that concept brought up before the whole public as to whether the commission, within its plans, have the ability to do that.

MR. R. WHITE: Mr. Chairman, being one of the commissioners that asked for this to be in, my reasoning is that for some time I have not supported any increase in mortality because I think there are a number of issues going on. I feel for the plight of the New York commercial fishermen, so I see this as a way out and something I would support to allow the New York commercial fishermen to have an increased quota yet not increasing to the overall mortality of striped bass. That was my reasoning for supporting this to be in the document.

To Paul's comment, I think it is important to be in there even if it is allowed so the public – the public may not understand this, so the public in the hearings in the northeast are going to be strongly against this addendum, but with this in it the public may say, yes, let a state make its own decision if it is not going to affect overall mortality. That was the intent of having it in the document.

MR. SIMPSON: I think the important distinction here, the difference from going and taking your commercial quota and reallocating it to the recreational fishery is that there is a state-by-state commercial quota. There is not a state-by-state recreational quota. The recreational fishery simply catches what it catches at 28 inches and two fish so long as the F target is not exceeded. If you want to entertain the idea of moving fish from recreational to commercial, you're contemplating state-by-state quotas, and I don't think we want to do that.

MR. THOMAS O'CONNELL: I'm just wondering if just for clarity it is my understanding that Option 3 as it is written is something that can be done within the current management plan framework?

CHAIRMAN TRAVELSTEAD: Yes.

MR. O'CONNELL: And so to try to put that out there for public discussion, with removing Option 3 from the document, perhaps it should be explained under Option 1, status quo; and if that was something, **I would move to amend the incorporation of Option 3 – the concept of Option 3 under the status quo option.**

CHAIRMAN TRAVELSTEAD: Is there a second to that motion? Seconded by Lou Daniel. That is really a substitute motion, I guess. **It is a substitute motion rather than an amendment.** We're running out of time, folks, and I know a lot of you have raised your hand, but let's hear from a couple of you and then hopefully we can put this to rest. Quite frankly, I think Tom has got a pretty good idea there. Terry.

MR. STOCKWELL: I will be brief. I can support the motion to substitute. I was going to speak against the motion to amend principally underscoring Ritchie's issues, but the motion to substitute is a good one.

MR. AUGUSTINE: Just quickly, Mr. Chairman, it just seems to me that the biggest concern that most folks have had is the high level of mortality rate and discard rate for the recreational folks. It seems that number has stayed about the same. Why would we not want to take a venture along the lines of developing a better communication of some sort with recreational anglers on catch and release techniques and so on? It just seems to me we'll pass this and it will be what it is and there will be folks on both sides, but we have not affected the problem.

We haven't attacked the problem. I know in the Mid-Atlantic we have put together a little brochure on specifics as to how to release striped bass and so on.

Jeff Dean was the sponsor of that; he is in the audience. We might want to take a look at that. There are an awful lot of documents out there and I think as one of our communication tools to the recreational sector we should develop something quite simple that could go out there such as more use of the circle hooks and that sort of thing. With that, I would call the question, Mr. Chairman.

MS. MESERVE: Just very quickly to Pat's point, under Addendum I the commission is in the process of developing some angler education information for our website. It is just a matter of getting it completed.

MR. AUGUSTINE: You're way ahead of me.

CHAIRMAN TRAVELSTEAD: Doug, you had one last comment?

MR. GROUT: Yes, just with this whole concept, and I think David sort of triggered this in my mind that I would appreciate getting some feedback at some point, either now or in the future, from the technical committee on this concept of taking a portion of the fishery that is managed via creel limit/bag limits and then allocating a fixed-amount quota that would be conservationally equivalent.

I'm beginning to see some kind of a potential problem to see if that can occur; if the technical committee thinks that a state could come up potentially with a mechanism to show that reducing their – increasing their size limit or reducing their bag limit would result in this amount of quota that would be conservationally equivalent. If that is clear to Wilson and Nichola what I'm saying, it would be very important particularly when we go out to the public hearing on this.

CHAIRMAN TRAVELSTEAD: Yes, I think assuming that this document moves forward, I would task the technical committee with providing us with that guidance prior to any final consideration of the document. Does that meet your needs? Okay, Wilson, any problem?

DR. LANEY: No, Mr. Chairman, I understand.

CHAIRMAN TRAVELSTEAD: Okay, are we ready to vote on the substitute? David.

MR. SIMPSON: I think, again, this does not fit with our current fishery management plan for striped bass. In order for this to work, in order for you to move fish from your recreational fishery allocation to your commercial fishery allocation, you have to have a

recreational allocation to begin with state by state, and we don't.

What this is doing is suggesting that from now on you need a harvest limit in your recreational fishery; so if you catch over hundred thousand fish, you have exceeded your quota and you have to be cut back. That is fundamentally different than how we manage now, which is you get 28 and 2 and as long as the coast doesn't exceed the harvest target – not even the harvest target; just the F rate, you're okay. This is asking for state-by-state quotas in the recreational fishery.

CHAIRMAN TRAVELSTEAD: I'm not sure that it is. I think it's simply contemplating some type of conservation equivalency approach. I don't it demands that there be recreational quotas.

MR. DIODATI: I think I can offer a quick example. In Massachusetts we have gone from one to two fish and two fish to one fish in the past in our recreational fishery, and we have documented that going from one to two in our recreational fishery results in about a 30 percent increase in the recreational harvest. I think based on that we can easily provide a justification for conservation equivalency to drop from our two fish to our one fish if we chose to and translate some savings over to our commercial harvest. I think it is as simple as that. I think the technical committee would be able to look at that and come to some agreement that either passes or it doesn't.

CHAIRMAN TRAVELSTEAD: Yes, and I think that last point is important. A state may submit a proposal, but it still has to get approval of the technical committee and the management board, so it is not a done deal. Tom.

MR. FOTE: I have to agree with Dave. I mean, you have conservation equivalency because you have in the bay – you have a baywide quota that you basically do under conservation equivalency. Along the coast you do not have a state-by-state quota, so you can only use – it is like trying to do a conservation equivalency on black sea bass.

You can only do it when you have state by – because if you're using conservation measures in one state that decides to have a different regulation or be more conservative or do catch and release, they don't want to count those fish, you are now transferring those fish over to another sector. Well, that is fine to do within a state-by-state quota, but it is not fine to do it on a coast-wide quota, so it is really not applicable except for the bay states that are under – I forget what

they call the model that you're under, but that's how you basically manage in the Chesapeake Bay, which is different from the coast. In the coast we have never managed with conservation equivalency and the board has turned it down.

CHAIRMAN TRAVELSTEAD: Let's solve the debate by voting on the substitute motion.

MR. AUGUSTINE: Call the question, Mr. Chairman.

CHAIRMAN TRAVELSTEAD: We'll caucus for 30 seconds and then vote.

MR. R. WHITE: Roll call.

CHAIRMAN TRAVELSTEAD: You want a roll call vote, okay. Staff will be prepared for a roll call vote.

(Whereupon, a caucus was held.)

CHAIRMAN TRAVELSTEAD: Okay, are we ready to vote? The request for roll call was on the final vote that we'll take on this and not on this one, so we'll do it by a show of hands. All those in favor of the substitute motion please raise your right hand; opposed, like sign; abstentions; null votes. **The motion carries ten to six.** Okay, so that becomes the main motion. Bob.

MR. BEAL: This is not the motion to approve the addendum for public comment. This is simply on modifying Options 1 and 3.

CHAIRMAN TRAVELSTEAD: That's right.

MR. R. WHITE: The final vote is what I wanted the roll call vote on.

CHAIRMAN TRAVELSTEAD: Okay, so you want a roll call on this?

MR. R. WHITE: No.

CHAIRMAN TRAVELSTEAD: Okay, **is there any objection to the motion? Okay, so that is now adopted; we're going to move Option 3 into the status quo option.** All right, now we need a motion that Pat Augustine is going to make.

MR. AUGUSTINE: Mr. Chairman, **I move to approve the Draft Addendum II for public comment with the changes as noted.**

CHAIRMAN TRAVELSTEAD: Is there a second to the motion? Seconded by Mike Johnson. Comments on the motion? Mark.

MR. GIBSON: Did we by an earlier action add an item to this addendum, the JAI, and does that complicate the timing of this in any way? It doesn't? The board hasn't seen any language or anything on that so we're going to draft it and send it out to hearing with that item in it?

MS. MESERVE: The language from the issue paper that was circulated would just be inserted as a second issue.

CHAIRMAN TRAVELSTEAD: Okay, David, did you have a comment?

MR. SIMPSON: Yes, I guess it's easy to approve an addendum to go to public hearing. My only concern would be raising false expectations. We've visited this in a much smaller way in the form of quota rollovers and we rejected that, so I'm not sure why we would move to a much larger, more formal process for reallocating quota, but I also understand that if we want to adjust the JAIs we need to do that through an addendum, so this is a nice little reason to take home to say that is why I voted yes. Thank you.

CHAIRMAN TRAVELSTEAD: Well done. Louis.

DR. DANIEL: Well, just as the alternate opinion there, I think the numbers that we saw in the technical committee report and in Nichola's report that we're 170-80 percent, an increase would still keep us at 160-some percent; the recreational fishery is increased by 10-13 percent while the commercial landings have declined, to me it is a parity issue.

MR. FOTE: I wish the JAI was a separate addendum going out because it is difficult for me because I'm going to have to look at maybe voting against this, and we would like the JAI to go out, anyways, so if this motion fails hopefully we'll send a different addendum with the JAI out.

CHAIRMAN TRAVELSTEAD: I would make a point of that, of course. Steve.

MR. STEVE MEYERS: NOAA Fisheries Service is opposed to the addendum moving forward. This is different from the JAI part. Given the current interest in protecting the resource, NMFS is concerned about any options that could lead to an overall increase in mortality. Any change to resource utilization should be stock neutral. Thank you, sir.

MR. R. WHITE: I'm thinking about splitting the juvenile abundance out of this because it might change the vote. I guess I don't want to make that motion without discussing a little.

CHAIRMAN TRAVELSTEAD: Let's hear from staff on this.

MR. BEAL: I think the comment earlier from the technical committee and from staff was that if the addendum moves forward to consider changing the commercial quotas, we would tack on the JAI issue. If that doesn't move forward, then the JAI issue can wait until the next addendum comes down the line.

I don't think we need to start a separate addendum or initiate a JAI addendum right now. I think that is an issue that is not urgent and can wait until whenever. If folks are considering pushing forward with Addendum II just for the JAIs, I don't think you need to do that. We can address that in another way down the road.

CHAIRMAN TRAVELSTEAD: The sense I had from the board earlier, when we were talking about the JAI issue, was that there was consensus that we move forward with that in an addendum. I think regardless of how you vote on this other addendum, that is going to move forward at some point in time. I guess my own view would be that you're voting today to send the quota issues out in an addendum. Any further comment on the motion? Doug.

MR. GROUT: I just want to give folks an idea of why I'm going to oppose moving this forward. It is based on the comment that we're trying to make things equal, that things have been increasing. Yes, that is true in the past, things have been increasing and probably something should have been done at that point.

Right now I'm reading the technical committee saying that the projections indicate that under current exploitation and recruitment levels the catch will decline between 2011 and 2014; that the JAI and the recruitment indices were usually high recruitment and they cannot be sustained at these levels. We're looking at things that have sort of gone up. We have overshot potentially our biological carrying capacity and it looks like we're going to be coming back down to a lower level, which may have been a level that we were experiencing around the implementation of Amendment 6.

MR. JAMES GILMORE: My motivation for this was primarily from the percentages that Nichola had presented before along with what Louis had said. The numbers are so high and, really, what it comes down to – I don't want to say there are too many fish in the sea, but there are too many fish of one type in the sea.

Unfortunately, there are some researchers at Stony Brook that are very close to getting some information about impacts to other species such as winter flounder, weakfish, whatever, that are all getting related back to the excessively large population of striped bass. That is really my motivation in this is I think we need to like reduce the numbers down so we can start building those other fisheries back up again. Until we do something about these excessively large populations, we're never going to get there.

MR. AUGUSTINE: Kind of as a follow-on, I always have to reiterate that we do have single-species management. It seems to me with 23 species that we're managing, we are not trying to keep these species on balance. Somewhere in time and space I think we've got to wake up and realize that we've got to get that spawning stock biomass level, which are the big ones, that number down.

Whether we have the JAI index, it looks as though we're going to have a population hit somewhere in 2011 and 2014, we've still got a very, very extremely high population of spawning stock biomass. I know it is not popular to go back home and enjoy taking a hundred lashes tied to the post, but in reality we are here to make a hard decision that somebody has to make.

It is awful easy to walk away and say I didn't make that decision and I didn't put my reputation on the line, but let's face reality. This is one of these cases where it just seems to me we are either are going to lean forward and go toward ecosystem management – and we don't know what that means, let alone when we're going to be there.

We did the grouping of species of fish and interaction in the Chesapeake Bay and where are we after five years? Yes, these big fish eat a lot of things and so do other fish, so everything is interrelated. It just seems to me when you're going to have single-species management like with spiny dogfish, take an action to bring things back in control as painful as it may seem to make that decision. Mr. Chairman, when you're ready I'd like to move the question.

CHAIRMAN TRAVELSTEAD: We've got a couple more to go and then we're going to vote.

DR. DANIEL: I go home and talk about this and I'll get creamed on the recreational side and praised on the commercial side and sometimes it's vice-versa. I look back at what we just did with black sea bass where we needed a 21 percent reduction and we took a 26 because of uncertainty in the assessments on a data-poor stock, but here we're sitting on a situation where we've got – we're not overfished, we're not overfishing.

We're at tremendous levels of biomass. We think there may be a decline in the stock but that is three to four years down the line. If that does manifest itself, then we can take action then, but it just doesn't make sense to me that we continue to tout the success of striped bass; and unless there is a bonafide, justifiable technical committee argument not to give something back, I have to support it.

MR. KYLE SCHICK: I definitely don't see this issue as too many fish in the sea. There might be not enough sea for the fish, environmental reasons, food resource reasons, but in any case whichever side of the fence you come down on, this is not an issue that commercial harvest has made this situation as an overharvest issue.

The commercial sector has not had its justified quota. They should get his increase and it is the right thing to do. Whether you want to increase biomass or not is a separate issue. The overharvesting for those that say that there is overharvesting comes from the recreational side, especially in discard, and not from the commercial side. I think that this is an issue of fairness; and if there is a side issue of biomass, that should be taken in a separate issue.

REPRESENTATIVE DENNIS ABBOTT: I'm opposed to this also. I think that using a commercial quota increase as a proxy for multispecies management isn't what we should be doing in that sense. I think at some point we should be looking at making a decision if we do have too many fish in the sea, if we have too many stripers, then I think this board ought to so declare; and then at that time figure out your course of action.

I don't think anybody is ready there so I think that we shouldn't be talking about ecosystem management by increasing commercial quota, especially those of us in the northeast who have a much different view of the striped bass fishery for the last few years and aren't seeing a whole lot of fish coming our way. Thank you.

CHAIRMAN TRAVELSTEAD: We have a lot of discussion on the motion and I think we're quickly reaching to a point where everyone's mind is made up and that we can just solve this by voting and see where it ends up. I did see one hand in the audience. Mr. Leo, if you'd come up, we'll hear from you and then we'll caucus and vote.

MR. ARNOLD LEO: Arnold Leo, consultant for commercial fisheries, Town of East Hampton. Just very briefly a couple of points; one is to expect that a stock should always be at the level of its most maximum recruitment success, in the case of striped bass 2004, is manifestly absurd. It can't always be at the maximum level. It has got to be somewhere at a healthy level, but it is not going to be the maximum. That is just pie-in-the-sky management.

The other thing is just in terms of equity and the statement of the problem is that we need to increase equality between the two sectors, recreational and commercial, leaves out a sector and that is namely the consumer who is provided with this resource through the commercial fishermen. It would also increase economic business in restaurants and seafood shops to have more striped bass for sale. I just put a word in also for the consumer as a sector who could benefit from this addendum. Thank you.

CHAIRMAN TRAVELSTEAD: Thank you. Tom, did you have a final comment?

MR. FOTE: I just was asking for a roll call vote.

CHAIRMAN TRAVELSTEAD: We're going to do that. All right, you need to caucus for 30 seconds and then we'll call the roll.

(Whereupon, a caucus was held.)

CHAIRMAN TRAVELSTEAD: Okay, we're going to have Nichola call the roll.

MS. MESERVE: Maine.

MAINE: No.

MS. MESERVE: New Hampshire.

NEW HAMPSHIRE: No.

MS. MESERVE: Massachusetts.

MASSACHUSETTS: No.

MS. MESERVE: Rhode Island.

RHODE ISLAND: Yes.

MS. MESERVE: Connecticut.

CONNECTICUT: Yes.

MS. MESERVE: New York.

NEW YORK: Yes.

MS. MESERVE: New Jersey.

NEW JERSEY: No.

MS. MESERVE: Pennsylvania.

PENNSYLVANIA: No.

MS. MESERVE: Delaware.

DELAWARE: Yes.

MS. MESERVE: Maryland.

MARYLAND: Yes.

MS. MESERVE: District of Columbia.

DISTRICT OF COLUMBIA: Yes.

MS. MESERVE: Potomac River Fisheries Commission.

POTOMAC RIVER FISHERIES COMMISSION: Yes.

MS. MESERVE: Virginia.

VIRGINIA: Yes.

MS. MESERVE: North Carolina.

NORTH CAROLINA: Yes.

MS. MESERVE: Fish and Wildlife Service.

U.S. FISH AND WILDLIFE SERVICE: Yes.

MS. MESERVE: National Marine Fisheries Service.

NATIONAL MARINE FISHERIES SERVICE: No.

CHAIRMAN TRAVELSTEAD: **The motion carries;** the vote was ten to six. All right, we're

going to move along. Kurt, are you giving Mike's report on poaching?

PROGRESS REPORT ON DEVELOPING POACHING ESTIMATES

MR. BLANCHARD: I will make an effort at it. Mr. Chairman, back in February the technical committee and the law enforcement committee was tasked or a question was posed to the technical committee on whether poaching estimates were taken into consideration with the stock assessment, and the answer to that was no.

The TC and the LEC were tasked to come up with some type of model to incorporate poaching estimates in the stock assessment. We met on a phone conference call back in March. We discussed some of the issues that the technical committee needed. They identified three items at a minimum they would need to put together a model of fish weights – actually a minimum of age for an aged-based model, fish weights, number of fish poached and length of fish poached.

The LEC looked at it from a different perspective and we looked at the need to identify violation rates per offense per fisherman, number of fishermen in the resource, random sampling of fishermen who do not know they are being monitored. One of the big issues that the LE identified were the methods that preclude attempts to estimate violations.

Some of these were based on some of our practices. States target enforcement in areas that are more likely to be involved in violations such as concentration of fish, areas where undersized or oversized fish are present, closed areas and closed seasons. Persons are also targeted in specialized enforcement based on violator history or other intelligence received by the conservation officer.

These investigations range in complexity from simple stakeouts, from undetected sites, to deep undercover operations that take years. Only a few percent of striped bass fishermen are currently inspected. Records are not routinely kept on inspections resulting in no violations. State enforcement efforts attempt to deter violations through primarily high visibility patrols and education.

During high visibility patrols and subsequent routine checks some apprehensions are made but compliance is generally high due to fair apprehension, high sanctions and penalties. The TC and the LEC agree that neither one of us have the resources to put

together this model on our own. We have recommended or suggested that if there is some type of grant opportunity or funding source to hire possibly an independent person or vendor to try to put together a model, that both groups would be willing to work with them and to accomplish some type of estimate to be incorporated.

Our next step from the LE's standpoint is to work with our state representatives and to come up with some information and provide that to whomever the vendor or the TC would need that information. There was a suggestion that the TC and LEC sit together in a workshop and go over some of these topics. The LEC is willing to do that and we would encourage it. The issues there are what are our objectives and what would you be looking for as a board?

CHAIRMAN TRAVELSTEAD: In the interest of time – we're beyond our scheduled time – I would ask that the states simply contemplate the report you just heard and proceed accordingly. If you have concerns on this perhaps we can bring them up at the next meeting that we'll have, but I think for today we're just going to have to move along. Thank you for the report and we'll have further discussion of it at the next meeting, so if you would add that to the next time we meet, Nichola.

I want to go back to the addendum just very briefly and ask staff for their recommendations on timing of this. I'm quite certain that every state around the table is probably going to want to have a public hearing on this and that probably means we probably would not vote on a final version until the annual meeting?

MR. BEAL: Yes, I agree; I think there is going to be a lot of public interest or I know there is going to be a lot of public interest in this. The allocation of striped bass brings the public out. I assume, as you said, that there are going to be a lot of public hearings and I think it would be a pretty condensed timeline to have all those hearings, summarize that comment and get it back to the management board in August. If there is not an urgency, I would suggest the annual meeting. If the board did take action to modify quotas at the annual meeting, it could be implemented January 1, 2011, if that's the course the board chose.

OTHER BUSINESS

CHAIRMAN TRAVELSTEAD: Any objection to proceeding along that timeframe? Seeing none, thank you, Bob and Nichola. Other business; Dave, you were going to give us an update on the MRIP issue.

MR. SIMPSON: I will, thank you. I will try to be brief. Back in August of 2009 Dr. Crecco produced a paper suggesting an approach to correcting for systematic bias in recreational catch and effort statistics of striped bass that he believes exists in the current MRFSS estimates. I asked Dr. David Van Voorhees with the MRFSS Program to provide his comments on this paper.

I promised a report on that review that the MRIP staff provided to the Striped Bass Board in February. I received the comments from Dr. Van Voorhees on March 8th in an e-mail. I want to thank him and the MRIP staff for the time they spent on that review. It was very thoughtful and well done and I appreciated it.

I'll just summarize a couple of the highlights of the comments as I see it. First, they said they feel strongly that a broader review process is more appropriate for this paper. My feeling on that is that it is not needed. If Dr. Crecco would like to publish this in the peer review literature, in the Journal of Fishery Management or something, that would provide a review, but I see no need for the commission to pay for a review.

The MRFSS folks do not agree that the paper that Vic produced provides evidence for bias in the MRFSS estimate of either fishing participation or effort. They go to say they share Vic's concerns, however, about the possible biases in the current MRFSS estimation methods and the MRIP Program is currently conducting several pilot studies to rigorously test hypotheses about potential sources of bias in the methods that are currently used.

I'll just comment that I agree that this is the appropriate course of action. What we need to do is to change the estimation methods through the MRFSS process. Quickly, one of Vic's concerns has been that the number of licensed anglers in several states does not compare well with the estimated number of anglers from the MRFSS Survey, and he proposed a simple correction to account for the percentage of unlicensed anglers.

NMFS has also been working on this to collect reliable data on the number or proportion of marine anglers that participate that fish without a license. They have done that in several states. Very interestingly, they have found that between 20 and 75 percent of anglers, depending on state and mode, fish without a license.

CHAIRMAN TRAVELSTEAD: Say that number again.

MR. SIMPSON: Between 20 and 75 percent of the anglers out there are fishing without a license, depending on state and mode. I found that to be sobering in the context of the movement we have just made to license everyone so that we had a sampling universe. I am not holding my breath for tremendous improvements in the MRFSS survey estimates. This is troubling to me.

The National Marine Fisheries Service expects to be able to get information on both fishing participation and fishing effort from both licensees and non-licensees, and this will allow measurement of the proportion of – they're using North Carolina in particular – residents fishing recreationally without a license as well as the proportion of recreational fishing trips made by non-licensees.

Our experience with marine licensing is pretty new. We have had the license since July of last year, and I would suggest the population of anglers who get a license and those who don't is very different and the catch rates are probably very different, and so the implications are significant. Another of Dr. Crecco's concerns has been that the telephone survey is becoming increasingly biased as the exclusive use of cell phones in households and technology such as Caller ID and the screening of phone calls that proliferates.

The logic here is that there is a bias in that younger, more urban demographic groups, to use an example, are using these technologies more often than groups that are not, and that anglers tend to be an older, more suburban or rural population who more frequently have traditional land lines and are therefore accessed by the MRFSS telephone survey and that this leads to an overestimate of trips and catch.

The comment that they provided relative to that is that the assumption – well, I covered that – and they say there are a couple of very reasonable hypotheses here that are worthy of testing and the National Marine Fisheries Service plans to test them with real data. That concludes my report.

CHAIRMAN TRAVELSTEAD: Thank you for that update. Doug.

MR. GROUT: Dave, could you provide the board members with a copy of that response from Dave Van Voorhees or was it provided?

MR. SIMPSON: I believe Vince mailed it to everyone on earth, but maybe you missed a copy and I'll send you one.

CHAIRMAN TRAVELSTEAD: Can you send Doug another copy, please. Roy.

MR. MILLER: Mr. Chairman, in that regard I think I printed out that particular report. There is no author shown on it, Dave. Was Dave Van Voorhees the author or whom?

MR. SIMPSON: I took it to be the MRIP Group, but my communication was with Dr. Van Voorhees, but, you're right, it was sort of the MRIP Group that provided the response.

DR. DANIEL: Yes, because North Carolina keeps being mentioned in this, I want to address that. Well, no, this wrong what is being said. We had about 500,000 people buy licenses, but what they failed to recognize is that we have thousands of blanket licenses. For folks that have to fill out – we get the numbers of folks on piers and we found out that 83 percent of the patrons to piers don't have a license; 85 percent of the folks that go on charterboats don't have a license; 90 percent of folks on headboats don't have a license; and folks that go with guides, a lot of them don't have licenses, so 2 million numbers is pretty daggone close.

You take out the under 16 year olds and you really calculate it, and you use the correct information, and North Carolina shouldn't be used as an example there in my opinion. The other issue that I thought was interesting is we intercepted 58,000 people last year and had 99 percent compliance with the license, so something is screwy. From our perspective, I don't get it.

CHAIRMAN TRAVELSTEAD: Thank you, very interesting. David.

MR. SIMPSON: They state that NMFS is looking at this issue in multiple states, North Carolina, Florida, Louisiana, Alabama and Mississippi. I think the 20 to 75 percent is the range of all those states, and then it just mentioned that they're doing a pilot study basically in North Carolina, and so they're looking at the particulars in North Carolina. I didn't mean to imply that non-compliance rates were out of whack in North Carolina in particular.

DR. DANIEL: No, I understand, I'm just saying the 400,000 to 2 million range, there is a reason why the number of license sales is different than the actual

estimated number of trips. As you all know, North Carolina pumps a lot of money into our MRIP Program – we call it now our Coastal Angler Program.

We just pumped another million dollars of coastal recreational license money into that program to get nighttime sampling and other things to increase our estimates. We feel like we've got a pretty good handle on the number of anglers compared to the number of licensed anglers, and there is a reason why there is a disconnect there. That is the main point I was trying to make.

CHAIRMAN TRAVELSTEAD: Thank you. Any further comments on this? All right, we have a couple of nominations; one to the technical committee and one to the PDT. Craig, did you have a motion for us on the technical committee?

MR. SHIREY: Yes, **Delaware would like nominate John Clark as our representative on the Striped Bass Technical Committee.**

CHAIRMAN TRAVELSTEAD: That's a motion; second to the motion by Pat Augustine. Any comments on the motion? Any objections? Mr. Clark is added to the TC. Kyle.

MR. SCHICK: **Virginia would like to nominate Rob O'Reilly** to the plan development team.

CHAIRMAN TRAVELSTEAD: Is there a second to that motion; seconded by Pat Augustine. Any comments on the motion? Any objection to the motion? Seeing none, Rob O'Reilly is added to the PDT. Is there anything further to come before the board? Paul.

MR. DIODATI: Real quick, Mr. Chairman, I just want to mention that late last month the Northeast Fish and Wildlife Association Conference was held and there was a one-day seminar or session devoted to striped bass research. I know there were a number of people here that presented. I wonder if staff, when the proceedings become available, if those could be distributed to this board. Thank you.

ADJOURNMENT

CHAIRMAN TRAVELSTEAD: Certainly, we will ask staff to do that. I appreciate it. Thanks for bringing that up. Anything further? Is there a motion to adjourn? We are adjourned.