

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

**The Francis Marion Hotel  
Charleston, South Carolina  
November 10, 2010**

**Approved March 2011**

## TABLE OF CONTENTS

<b>CALL TO ORDER, CHAIRMAN JACK TRAVELSTEAD .....</b>	<b>2</b>
<b>APPROVAL OF AGENDA .....</b>	<b>2</b>
<b>APPROVAL OF PROCEEDINGS, MAY 2010.....</b>	<b>2</b>
<b>PUBLIC COMMENT.....</b>	<b>2</b>
<b>FMP REVIEW AND STATE COMPLIANCE REPORT .....</b>	<b>2</b>
<b>LAW ENFORCEMENT REPORT.....</b>	<b>5</b>
<b>DISCUSSION OF AN ASSESSMENT .....</b>	<b>9</b>
<b>DRAFT ADDENDUM II.....</b>	<b>10</b>
<b>REVIEW OPTIONS.....</b>	<b>11</b>
<b>PUBLIC COMMENT RECORD .....</b>	<b>11</b>
<b>ADVISORY PANEL REPORT .....</b>	<b>11</b>
<b>CONSIDER FINAL APPROVAL OF ADDENDUM II .....</b>	<b>16</b>
<b>DISCUSSION ON DEVELOPMENT OF POACHING ESTIMATES.....</b>	<b>28</b>
<b>ECONOMIST AND SOCIAL SCIENTIST NOMINATIONS TO COMMITTEES.....</b>	<b>31</b>
<b>OTHER BUSINESS.....</b>	<b>31</b>
<b>ADJOURNMENT .....</b>	<b>32</b>

## INDEX OF MOTIONS

1. **Approval of Agenda** by consent (Page 1).
2. **Approval of Proceedings of May 4, 2010** by consent (Page 1).
3. **Move to accept the FMP Review as presented and any changes that were added today** (Page 9). Motion by Pat Augustine; second by Bill Adler. Motion carried (Page 9).
4. **Move for Issue 1, adopt Option 1, status quo, the commercial quota in Amendment 6 would remain unchanged** (Page 15). Motion by Terry Stockwell; second by Rep. Abbott. Motion carried (Page 27).

**SUBSTITUTE MOTION: Move to amend the motion from Option 1 to Option 2** (Page 16). Motion by Pat Augustine; second by Bill McElroy. MOTION RECORDED ON PAGE 18: **Motion to substitute the motion to approve Option 2; increase the coastal commercial quota by 30 percent for Issue 1.** Motion failed (Page 27).

**SUBSTITUTE MOTION: Because the Striped Bass SSB is still well above the target and threshold, in recognition of the fact that commercial allocations have not increased since 2003, and notwithstanding the concerns over recent declines in SSB and in Maryland JAI values, move that the coastal commercial allocations be allowed to increase up to 10 percent above present allowable levels to be reconsidered by the board after the 2011 turn-of-the-crank assessment and/or the 2013 benchmark assessment** (Page 24). Motion by Roy Miller; second by Michelle Duval. Motion failed (Page 27).

5. **Move to accept Option 2** (Page 27). Motion by Pat Augustine; second by A.C. Carpenter. Motion carried (Page 27).
6. **Move to approve the addendum as amended** (Page 27). Motion by Tom Fote; second by Douglas Grout. Motion carried (Page 27).
7. **Move to add Dr. Winnie Ryan and Dr. Peter Shuman, to the Technical Committee and Plan Development Team by consent** (Page 30).
8. **Motion to adjourn** by consent (Page 31).

## ATTENDANCE

### Board Members

Terry Stockwell, ME, Administrative Proxy	Tom Fote, NJ (GA)
George Lapointe, ME (AA)	Gil Ewing, NJ, proxy for Asm. Albano (LA)
Patton White, ME (GA)	Leroy Young, PA, proxy for J. Arway (AA)
Sen. Dennis Damon, ME (LA)	Loren Lustig, PA (GA)
Doug Grout, NH (AA)	Gene Kray, PA, proxy for Rep. Schroder (LA)
G. Ritchie White, NH (GA)	Craig Shirey, DE, proxy for P. Emory (AA)
Rep. Dennis Abbott, NH (LA)	Roy Miller, DE (GA)
Paul Diodati, MA (AA)	Bernie Pankowski, DE, proxy for Sen. Venables (LA)
William Adler, MA (GA)	Tom O'Connell, MD (AA)
Rep. Sarah Peake, MA (LA)	Bill Goldsborough, MD (GA)
Bob Ballou, RI (AA)	Russell Dize, MD, proxy for Sen. Colburn (LA)
Mark Gibson, RI, Administrative Proxy	Steve Bowman, VA (AA)
William McElroy, RI (GA)	Jack Travelstead, VA, Administrative Proxy
Rep. Peter Martin, RI (LA)	Kyle Schick, VA, proxy for C. Davenport (GA)
David Simpson, CT (AA)	Louis Daniel, NC (AA)
Lance Stewart, CT (GA)	Michelle Duval, NC Administrative Proxy
Rep. Craig Miner, CT (LA)	John Frampton, SC (AA)
Jim Gilmore, NY (AA)	Jaime Geiger, USFWS
Pat Augustine, NY (GA)	Steve Meyers, NMFS
Tom McCloy, NJ, proxy for D. Chanda (AA)	A.C. Carpenter, PRFC

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

### Ex-Officio Members

Wilson Laney, Technical Committee Chair	Kelly Place, Advisory Panel Chair
Kurt Blanchard, Law Enforcement Committee Representative	

### Staff

Vince O'Shea	Nichola Meserve
Bob Beal	Michael Howard
Toni Kerns	

### Guests

Dennis Fleming, PRFC	Dan McKiernan, MA DMF
Patrick Paquette, MA Striped Bass Assn.	Chad Holbrook, SCDNR
Lloyd Ingerson, MD DNR	Pamela Corwin, SCDNR
Bob Bowes, PRFC	Sherri Ballou, N. Kingstown, RI
Rick Robins, MAFMC	William Rice, Sr PRFC
Bill Windley, MSSA	Lynn Fegley, MD DNR
Ben Martens, CCCHFA	E. O'Brien, Md
Aaron Hurd, DE F&W	Emily Menashes, NMFS
Arnold Leo, E. Hampton, NY	Wesley Patrick NMFS
Jeff Marston, NH F&G	

The Atlantic Striped Bass Management Board of the Atlantic States Marine Fisheries Commission convened in the Carolina Ballroom of the Francis Marion Hotel, Charleston, South Carolina, November 9, 2010, and was called to order at 9:15 o'clock a.m. by Chairman Jack Travelstead.

### **CALL TO ORDER**

CHAIRMAN JACK TRAVELSTEAD: Good morning, everyone. This is the Striped Bass Management Board. We have a fairly robust agenda this morning with a few items that are going to take a fair amount of discussion, so let's move along as quickly as we can.

### **APPROVAL OF AGENDA**

CHAIRMAN JACK TRAVELSTEAD: Are there any changes to the agenda that you have before you? Seeing none, the agenda will stand as printed.

### **APPROVAL OF PROCEEDINGS**

CHAIRMAN JACK TRAVELSTEAD: You have the proceedings from the May 2010 meeting. Are there any edits to those minutes? Yes, Ritchie.

MR. G. RITCHIE WHITE: Mr. Chair, on Page 5, the five is on the bottom of the page – it's farther in than the fifth page – you'll notice, if you go down the left-hand side, a person by the name of Dr. R. White made a statement. I've been called a lot of things in my life, but this is the first time "Doctor" I can assure you.

CHAIRMAN TRAVELSTEAD: Okay, we'll make that change; thank you for that. Any others? Any objection to the approval of the minutes as amended? Seeing none, the minutes are approved.

### **PUBLIC COMMENT**

At this point we'll take public comment on any item that is not on the agenda. Is there anyone who wishes to make public comment at this time? Seeing none, we're going to move right along. Item 4, consider FMP Review and State Compliance; Nichola.

### **FMP REVIEW AND STATE COMPLIANCE REPORT**

MS. NICHOLA MESERVE: Mr. Chairman, I'll give a run-through of the Fishery Management Plan Review. All of the compliance reports were due in June. The PRT put the FMP Review together. I'll

skip over the first section, which is the status of the FMP, as I think you're all aware of that.

The second section is the status of the stocks. The stock status is based on the Amendment 6 reference points, which were updated after the 2007 benchmark assessment and shown in this table and the results of the 2009 update stock assessment. This is a figure that you've seen before. If you've looked at Draft Addendum II, it provides the spawning stock biomass and the bars, which are compared to the target and threshold levels.

The 2008 estimate is 55,500 metric tons, which is 148 percent of the target and 185 percent of the threshold level, so the stock is not overfished. However, the total abundance of striped bass has declined. Since 2004 there has been about a 25 percent decline in the total abundance estimates, which is shown as the solid line. That is a reflection of the lower, more modest recruitment estimates produced by the model.

In 2005, 2006 and 2007 those three estimates are below the post-recovery average for recruitment, which would be the 1995-2008 average. The 2008 estimate from the model for age one recruitment is above that average, though. This figure shows the fishing mortality estimates produced by both the statistical catch-at-age model – that's the dotted line – and the tag-based catch-equation model estimates are shown in the red line.

Both of the models produce estimates of F in 2008 that are 0.21 or lower and thus below both the target and threshold levels. Tag data are also used to provide estimates of fishing mortality for the Chesapeake Bay alone. The solid line here presents the catch-equation estimates of F on fish 18 to 28 inches in the Chesapeake Bay, and that's below the target level of 0.27 for the Chesapeake Bay.

The dotted line is the model-produced natural mortality estimates for the Chesapeake Bay, which do show an incline over the time series. The technical committee suspects that this is a result of mycobacteriosis in the Chesapeake Bay. The Albemarle/Roanoke stock is assessed separately. An assessment was completed in 2010 for this stock.

The fishing mortality in 2008 for fish age four to six was 0.1 below the target in this area of 0.27. The age structure is expanding in the Albemarle/Roanoke area. There is more age nine fish in the population. A new maximum age was found in the 2008 sampling of 17 years. The abundance of fish four-to-

six years old peaked in 2000. It has come down a little bit since then due to poor recruitment from the 2003 and 2004 year classes, but the stock is not overfishing or overfished.

Moving on to the next section of the FMP Review is the status of the fishery. This graph shows you the recreational and commercial harvest in millions of pounds. The lower part of the bar, the lighter color is the commercial harvest; the black part is the recreational harvest. The 2009 estimate of total harvest is 28.7 million pounds. That is a 13 percent decline from 2008 and a 20 percent decline from the peak in 2006.

If you look at the commercial and recreational separately, it is 7.22 million pounds for commercial, which is 25 percent of the total harvest, and 21.46 million pounds for recreational, which is 75 percent of the harvest in 2009. For a comparison, looking at the Chesapeake Bay and the coastal harvest, more of the commercial harvest comes from the Chesapeake Bay whereas more of the recreational harvest comes from the coast.

This figure adds in the recreational discard estimates, which is the top part of the bars, and also the commercial discard estimates. There is no 2009 commercial discard estimate available yet. That is produced by the technical committee as part of the stock assessment. If you look at just the 2008 proportion, the recreational landings are 45 percent, the recreational discards are 24 percent of the total removals, commercial landings are 22 percent and commercial discards are about 9 percent.

This figure provides the recreational catch estimates through 2009. The releases are the yellow part of the bar; harvest in black. These are millions of fish. The 2009 recreational catch estimate is 9.73 million fish. This is the lowest on record since 1995, and it represents a 66 percent decline from the peak that you see in 2006. The dotted line across the top of the graph represents the proportion of fish released by anglers.

Anglers do release the majority of their striped bass catch. However, the proportion of catch that is released declined to 80 percent in 2009, and that is the lowest since 1986. The section of the FMP Review is on the status of the assessment advice. As I said earlier, the last assessment was in 2009. This was not a peer-reviewed assessment, but it was an update of the peer-reviewed assessment from 2007.

That benchmark assessment was favorably peer reviewed. There were recommendations from the stock assessment review committee to improve future benchmark assessments, and the stock assessment and tagging subcommittees are considering those for the next assessment. The next assessment is currently scheduled as a benchmark stock assessment to go through SAW 56 in June of 2013. That is later than this board originally had requested.

The Chesapeake Bay stock is assessed whenever the technical committee does the coast-wide stock assessment, and the Albemarle/Roanoke stock is assessed by North Carolina DMF, which completed their most recent statistical catch-at-age assessment in 2010. The next section of the FMP Review looks at the status of management measures and issues.

The first is Amendment 6. The board will remember that in 2009 there was an addendum that looked at rolling over unused quota from the coastal commercial fishery, and the board voted for status quo on that addendum in November. Of course, later on in the agenda we will be discussing Draft Addendum II, which looks at a quota increase for the coastal commercial fishery and a revision as to how recruitment failure is defined.

The next section looks at the coastal commercial quota. Along the coast the coastal commercial harvest was about 660,000 pounds less than the quota for 2009. There were three states that did go over their quotas, Massachusetts, Rhode Island and Maryland, and each will have their 2010 quota reduced by an equivalent amount. In the Chesapeake Bay the quota for 2009 was just over 10 million pounds. The Bay harvest was about 8.5 million pounds below that quota.

The next section looks at the Chesapeake Spring Trophy Fishery. This table provides the history of quotas and harvest since 1992. More recently there have been quotas in the 30 to 40,000 fish range except since 2008 there has been no quota for this fishery. In 2009 the harvest was just over 90,000 fish. This is the largest estimate of the spring trophy fishery removals for this fishery.

This next slide shows some data that is not in the FMP Review. It is going to be added, but it looks at the Wave 1 recreational harvest estimates in numbers of fish. The board has been talking a lot about this fishery lately, so I asked Virginia for the updated estimates for 2009 and 2010 just last week. Rob O'Reilly was kind enough to provide these very quickly.

Note that the 2009 and 2010 estimates have not been reviewed by the technical committee, and there are two estimates presented for Virginia because two different methods were used to estimate the harvest. Both of them used tag-return data comparing North Carolina and Virginia, but for North Carolina the estimates for 2009 and 2010 are between 7 and 17,000 fish, and then in Virginia – and those North Carolina estimates come from the MRFSS survey since 2004 – and then for Virginia the estimates for 2009 could be 31,000 fish or 114,000 fish depending on which of the two methods that the technical committee selects for estimating Wave 1 harvest in Virginia for the stock assessment, and then the 2010 estimate might be 14,000 fish or 21,000 fish.

The next section looks at law enforcement. The LEC provides this report, which is included. I'm going to provide a quick summary, but both Mike Howard and Kurt Blanchard are here to answer questions, and also later on the agenda we're going to be talking more about poaching as well. The Law Enforcement Report says that there has been improved compliance in some areas via extensive enforcement, high visibility patrols and improved regulations.

However, high visibility patrols alone are not enough. They need to be followed with improved monitoring and correction of regulatory deficiencies. The state's ability to run covert operations and commercial record auditing is currently limited. There are some problem areas still for law enforcement such adjacent states with different regulations and in the EEZ.

There has been increased effort to reduce poaching in the EEZ. However, it does not appear to be an adequate deterrence at this point. Even with significant cases with high fines, the LEC finds that it is doubtful that will have a significant long-term effect on compliance. They suggested possible other approaches would be to have seasons in state waters; thus, enforcement efforts could be focused and concentrated on those days when a season is open or to look at having uniform state and federal regulations.

The next section looks at the juvenile abundance indices. The technical committee reviews the indices from the six required juvenile surveys each year. The technical committee's review this year found that that no survey showed three consecutive years of recruitment failure. Thus, the technical committee has not provided any management recommendation to the board.

There were single years of recruitment failure in three areas; Maine in 2007, Maryland in 2008 and North Carolina in 2009. Of course, Draft Addendum II is looked at a slight revision to how we define recruitment failure, so next year the technical committee's review might be done slightly differently.

The last section looks at the Albemarle/Roanoke FMP. There were no changes to the FMP or the regulations in 2009. The harvest was below the quota for 2009 for this area. As I said previously, there was a benchmark stock assessment completed this year, and North Carolina is in the process of drafting an amendment to their fishery management plan and expects to have a draft available for advisory committee review in early 2011.

The PRT reviewed each of the state's compliance reports and found each state to be in compliance in 2009. Several regulatory changes for 2009 were noted and are presented here as a reminder. Both Pennsylvania and Delaware implemented a slot limit from 20 to 26 inches. Pennsylvania's occurs during April and May. Delaware is July and August in the Delaware Bay, River and tributaries. These changes were approved by the board in October of 2008.

The Chesapeake Bay Spring Trophy Fishery operated without a quota in 2009. This was approved by a proposal submitted to the board. Additionally, North Carolina implemented a new gear requirement for the Atlantic Commercial Beach Seine Fishery. This was a change that did not require board approval.

It is the PRT's job to review these regulatory changes one year after they've been implemented, and so that review is included in the FMP Review. The PRT found it is difficult to evaluate the effect of the slot limit in Pennsylvania because this fishery is not monitored. There aren't any harvest estimates.

In Delaware the implementation of the 20 to 26 inch slot limit in 2009 resulted in a harvest increase of 28 percent from 2008. It could be due to that slot limit. This increase was expected and not of a level that concerned the PRT. Recreational releases also declined by 41 percent from 2008 under the slot limit. However, all of the states' recreational releases declined in 2009, but this decline in Delaware was slightly more than the coast-wide average.

In the Chesapeake Bay, without the quota the 2009 was 2.5 times greater than the 2008 harvest. The PRT had some concern about this large harvest because the fish are mostly large and mature females.

Thus, spawning stock biomass estimates from the stock assessment have declined a bit recently, and the Maryland Young of Year Index shows a generally declining trend since 2000.

Several states also indicated that they were implementing changes in 2010. Maryland, Rhode Island and Massachusetts have all decreased their commercial quotas for 2010 due to the overages in 2009. Rhode Island also changed the opening date for its general category fishery and limited the split season for the trap fishery that sets aside 10,000 pounds for the last month of the season.

Maryland also implemented some new regulations to control the preseason and catch-and-release period from March 1<sup>st</sup> to the third Friday in April. In the Chesapeake Bay the quota was decreased in 2010 to 9.5 millions approximately to account for a slight decline in exploitable stock biomass of resident striped bass in the Bay.

In North Carolina the Atlantic Ocean commercial license holders are now required to declare which of the three major fisheries that they will operate in and then stay in that fishery for three years. Two states also indicated that they are considering future possible changes. New York may be looking to consider increasing the minimum size limit in the Hudson River from 18 to 28 inches or to have some slot limit.

New Jersey also indicated that it may look to begin the implementation process of the regulations approved by the board sometime later this year or early next year. The board approved a proposal that would allow one fish at 24 inches and one fish at 32 inches in New Jersey. The board also tasked the technical committee with re-evaluating conservation equivalency of those measures three years after they've been implemented, so that is something for the technical committee to follow.

There were a couple of changes to the states' monitoring programs. They're in the FMP Review. They're mostly minor and don't require any approval by the board. There are two recommendations from the plan review team in the document. The PRT recommends that the management board request technical committee input on the stock assessment schedule; that is, is an update assessment prior to the 2013 benchmark warranted; and also request the technical committee to provide input on the 2009 Chesapeake Bay Spring Trophy Fishery; that is, is the harvest of over 90,000 large mature fish in 2009 cause for concern? The PRT noted that the Maryland

Young of Year Index shows the declining trend since 2000. Thank you.

## **LAW ENFORCEMENT REPORT**

**CHAIRMAN TRAVELSTEAD:** Great report. Mike or Kurt, do you have anything that you want to add to the law enforcement slide that was presented earlier?

**MR. MIKE HOWARD:** I believe we're going to talk about the EEZ in a little while, so if we could hold off any questions on that. I will comment that everybody is in times of restrained and constricted budgets. It is felt in the law enforcement community in their ability to adequately monitor all fisheries, but specifically striped bass.

Because there is commercial harvest and it is a widespread fishery, it is necessary to monitor that fishery in an auditing type way and covert where allowed. Those resources have been diminished here recently, and the states are doing the best they can. The plan is written well and generally enforceable. I didn't want to leave that out, but in these times of diminished resources I have to say that enforcing fisheries is very difficult.

**CHAIRMAN TRAVELSTEAD:** Thank you, Mike. Questions on the reports? Pat Augustine.

**MR. PATRICK AUGUSTINE:** Very great and comprehensive report, Nichola, thank you very much. On the law enforcement – I'm not talking about the EEZ directly that we're going to talk about later – I'm concerned about your one line item there that talks about the poaching in the EEZ. We know what is going on and we know you're catching some of those folks.

The question is those fish that are being – those vessels that are being caught with illegal fish in the EEZ; are they illegal from a standpoint of size or are the captains being charged with more than a normal limit? The reason I asked the question is only because this may be another issue about considering opening the EEZ again.

**CHAIRMAN TRAVELSTEAD:** Pat, possession of striped bass in the EEZ is the violation, and we're going to be talking about that in Agenda Item 6.

**MR. AUGUSTINE:** It's not about that point, Mr. Chairman, it is about whether the fish, when they're caught having fished in there, when the vessels are caught by the enforcement people, are the fish actually of a minimum size – are they illegal in size?

I know it is illegal to fish for striped bass in the EEZ. I'm trying to form up a case if they're legal size and they're not over the limit, it would be justification to further consider opening the EEZ. But if they're undersized and/or they're taking more than the limited number if they were legal in state waters, that's a separate issue. I understand fishing in the EEZ for striped bass is illegal. I don't know if they can answer that question or not.

MR. HOWARD: The bottom line is I can't accurately answer that question. If it is closed season, they could get charged for closed season. I think all of us know the general size of the fish out there, but I don't have an answer for you, Pat.

CHAIRMAN TRAVELSTEAD: My guess is, Pat, that they are of legal size because once they come back into state waters, if that state is open – you know, they've been able to avoid detection out in the EEZ, they don't want to take a chance of coming back to the dock again having to avoid detection because they have undersized fish, so they probably are the correct size.

MR. AUGUSTINE: To that point, that's right on target, Mr. Chairman. That is what I was looking for; are they illegal size when they're in state waters, and the answer is, no, and it just seems to me that is more justification for us in the future to readdressing the issue about considering opening the EEZ. Thank you.

MR. THOMAS FOTE: In looking over these 2,000 pages on the disk, I'm trying to find out if we have any place in those pages, because I couldn't find it – I have been trying to go through it fast – is to look by the state-by-state recreational landing catches are. I'm just curious. I was trying to go through and I'm sorry in the period of time to look through all this. It is not the commercial catch but the recreational catch state by state. I didn't notice a slide come up on it.

MS. MESERVE: The FMP Review, Table 6 and Table 7 provides the harvest and the releases, so you would have to add up the numbers to get the catch by state by year.

MR. FOTE: My concern is that – and this has been an ongoing concern over the last couple years – we have been looking at the coastal catch and saw a considerable truncation of where the catch is being caught. Maine is not catching fish and a few other states up north are not, and historically they're the states that were supplied fish mostly by the Chesapeake Bay.

I know we haven't really done any tagging studies in the last couple of years like we did earlier to try to find out what percentage was coming out of the Hudson River and what percentage was coming out of – at that time we started doing the tagging studies and there really was very little coming out of the Delaware River, but we estimated the catch was somewhere between 15 and 25 percent. Do we have any idea what the contribution of the Delaware and the Hudson River is to the coastal migratory catch that is being harvested, and are there any studies in the works that will basically help to find that number?

DR. WILSON LANEY: Tom, we haven't recently updated that information. We can probably generate some idea from looking at the tag returns from the Cooperative Coastwide Tagging Program, but we haven't looked at it. I don't think we generated those numbers annually because we haven't been doing the assessments annually.

MR. FOTE: Yes, I think it's really important because we're seeing a decline or slow recruitment in the Chesapeake Bay not seen in the other rivers, but I also think the survival of the young of the year in the Hudson and Delaware might be more than is going on in the Chesapeake Bay for numerous reasons, water quality, forage species and everything else.

We really should need to look into how that is contributing to the coastal stock. We always manage to the lesser of the stocks and which stocks are bigger in trouble except when it came to the Delaware Bay and we set up the plan because the Delaware Bay – again, we didn't know what it was capable of producing because of the oxygen block during the seventies, the eighties and into the early nineties. Now that we no longer have that problem, we should get a feel of what the actual harvest of the coastal migratory is coming out of which areas.

DR. JAIME GEIGER: Mr. Chairman, can we have the law enforcement slide up again, please. Mr. Chairman, can I have some elaboration on – I guess it was that one – even with significant cases with high fines, quote, doubtful that this will have a significant long-term effect on compliance” – can I have some elaboration and some more specifics on why that statement is being made.

MR. HOWARD: I don't think the political will there is to increase enforcement patrols to the extent possible to fully enforce the EEZ at this time. I think it should probably be said that it should be short term – there is no short-term fix to this. Coastwide there is

EEZ fishing going on and targeting and there are high-intensity efforts being made in certain areas and have been made now for going on a decade.

It is comparable to going in and taking control in an area but you have to shift your resources out, and as soon as you do they move back in. It is going to take a few years and certainly several years to bring the EEZ fishing for striped bass into compliance. Some of ways you discussed about having the seasons the same, either open or whatever, would assist law enforcement.

DR. GEIGER: Mr. Chairman, certainly, you know, again as the Fish and Wildlife Service re-examines its priorities, like most of the states are doing as well, certainly, this issue is becoming more and more important to those of us in the Fish and Wildlife Service. Certainly, I would welcome some more robust and more specific recommendations from the Law Enforcement Committee to this Policy Board with specific recommended actions that can be taken by both federal and state law enforcement entities to improve the compliance of the fisheries management plan. Thank you, Mr. Chairman.

CHAIRMAN TRAVELSTEAD: We may get into a little bit more discussion of that under Agenda Item 6. Loren.

MR. LOREN W. LUSTIG: Thank you very much, excellent report. I do have several questions. Perhaps I'll follow up with what Jaime just mentioned. I have found there to be great annoyance when fines are not adequate, just tremendous annoyance. I'm thinking about the state of Pennsylvania and indeed deer hunting is big in Pennsylvania. I'm a deer hunter.

I'm very interested in taking a trophy buck. When some guy goes out there and poaches that buck, he owes the citizens of Pennsylvania the replacement cost. I just read an article last week that that replacement cost now in Pennsylvania will be up to \$17,000. That is not the fine; that is the replacement cost.

Now, there is a lot to be said for that; I really appreciate that. I would wish that there would also be – and the second thing that is present for that hunter is extended loss of license. You know, you read these stories about these guys who have lost their licenses for ten years or even longer. Good; they knew it going into it and they got what they deserved.

I would like to see confiscation. I've often thought that the thing to confiscate is the guy's rifle. I mean, he has probably got a lot of emotions in that; you confiscate his rifle. Now, if we can't get compliance with these poachers with what we're doing right now, then let's ratchet it up. I would love to see replacement cost for those trophy fish. I would love to see extended prohibition of them doing any fishing and it wouldn't bother me in the slightest if we confiscated their gear and their boat; the truth be told. I guess that's my political statement for today. I would love a response perhaps from Mike.

MR. HOWARD: No arguments here.

CHAIRMAN TRAVELSTEAD: I think a lot of people would agree with you. Just to remind the board, at a previous meeting we did direct our executive director to forward letters to the Fisheries Service and the Coast Guard asking for higher fines for this type of poaching activity as well as license revocation and things of that nature. Bob, have we ever heard any response back from those people that would give us something good to feel about?

MR. ROBERT E. BEAL: Well, the Coast Guard responded and appreciated our letters, and they said they were going to look into it. We continue to have discussions with the Coast Guard in particular. I can't recall a response from the National Marine Fisheries Service.

MR. KURT BLANCHARD: To the point of high fines and penalties, that has to start with you folks. I know I'm the law enforcement guy and putting it back on you, but we go to our legislature. We talk to our judges, we talk to our hearing officers, and we ask for higher fines. They're not receptive to us. The belief is that we're just using these fines to put back into our coffers to help our program.

It has to come from our constituency groups, people like you folks talking within the political circles back home and trying to develop and build that. I know we're trying to work on some of that in Rhode Island. Last year we introduced legislation for increased fines. It died in committee; it never came out. We had some groups there to speak in support of it. We had a larger group speaking against it from the industry groups. We're working closely again with some of our recreational groups to increase these types of fines, but it really has to come from you folks. We need that support. Thank you.

MR. MARK GIBSON: I have a question relative to the FMP Review and the stock status information

presented. Much has been made about the recent decline in spawning stock biomass and recruitment, particularly in the thousands of public comments we have. It is my understanding that information is based on an update of that whatever it is called model with a constant M of 0.15.

We've seen a lot of evidence for increasing natural mortality rates in the tail end of that model, and I'm wondering if any sensitivity runs have been done similar to what has been done for poaching that we're probably to see I guess at some point. And if in fact there has been sensitivity runs where M has been doubled or tripled at the tail end of the estimate, what effect does that have on abundance estimates and our perception of decline or lack of decline or steeper decline?

DR. LANEY: Mark, we ran those sensitivity analyses, Nichola was reminding me, in 2007. When we did the assessment, we doubled the value for M to 0.3 from 0.15, and it didn't affect the outcome that I recall all that much, but Nichola is trying to find it so we can answer your question with greater specificity.

MR. GIBSON: That was across the entire time series, I believe. It wasn't at the end tail end where we have evidence that it is really applicable.

DR. LANEY: Yes, this whole issue of what to do about M or whether to make it time-varying or leave it constant is on the technical committee's to-do list. We're working on it. We just haven't a sufficient amount of time to figure out how to address it within a modeling context yet. Hopefully, we can find that and give you a more specific answer.

MR. GIBSON: I see we're going to talk about poaching estimates further in the agenda, so I have some comments about the plausibility of how big poaching is likely to be given the estimates of mortality from tagging, but I suppose that should come later.

CHAIRMAN TRAVELSTEAD: Yes, we'll remember that and come back to you. Ritchie.

MR. R. WHITE: Mr. Chairman, a question for the state of Maryland on the spring trophy fishery. As I recall, there were some assurances given during that process when we went from a quota-based system to an open fishery, that the regulations that were being put in place would maintain the harvest around the 30,000 number that the quota was, and I see it has tripled from that. I guess my question would be to Maryland what do they see that took place and how

they see this going further in future years, if this is something that is going to stay at that or do they think it is going to come back down to the 30,000 level.

MR. THOMAS O'CONNELL: I can provide a response that. In our review of the estimation for that estimate of 90,000 fish, which is included in the reports from Maryland, the increase seems to be attributed increased success rates amongst the private anglers. The effort seems to be relatively constant from previous years. The success rates amongst the charterboat industry was constant compared to previous years as well.

We're still very dependent upon the MRFSS sampling for those estimates and whether or not there was some bias last year, we're going to keep a careful eye on it. Just last week we finalized the 2010 spring migrant harvest estimates, and this spring's harvest estimate came in just under 20,000 fish. We're going to keep a close eye on it, and we think that our regulations are going to keep that fishery in check. If we see the increase continue that we saw last year, we'll have to address it.

CHAIRMAN TRAVELSTEAD: Thank you, Tom. Did you have another point you wanted to raise?

MR. O'CONNELL: Yes, just back to the enforcement and back to Commissioner Loren's comments, I thought that NMFS did provide a response to the executive director's letter to them. My recollection was that they were unable to implement increased penalties without some congressional change or some other action. I was just wondering if maybe Steve Meyers could just provide a comment. If the commission wanted to recommend some penalties in the line that Commissioner Loren mentioned, what would NMFS have to do to do that?

CHAIRMAN TRAVELSTEAD: Steve, can you comment?

MR. STEVE MEYERS: Yes, we did respond to the letter. We are at the current phase looking at public comment to revise our penalty schedules across the board as part of our reorganization of our Office for Law Enforcement. I would be more than willing to sit down and discuss this with the commission and with individual states and also my good friend with the Fish and Wildlife Service. Thank you, Mr. Chairman.

MR. JAMES GILMORE: Mr. Chairman, just a quick question for Mike. Under the current enforcement, is

there any trend in terms of a higher incidents between either recreational or the commercial? A lot of the information we got seemed to indicate one way or the other, so I was wondering if that data was available.

MR. HOWARD: There isn't a trend. There are violations with both sectors. If you take a specific area and for a recreational EEZ area, you'll find recreational. Some of those recreational people are selling under the table, and that is a significant problem both in the northeast and in other areas in the Mid-Atlantic. We don't see one user group violating more than another. If they're both monitored the same, there will be violations of the same, and we don't see one group taking advantage of another.

MR. LUSTIG: Thank you very much, Tom, for your suggestion; I do appreciate that. I'll just say that in my opinion this commission could and should take an aggressive stance in a proactive manner to go on the record, and that gets off the dime. I did want to respond also to our speaker's comments about the Chesapeake Bay, waters near and dear to my heart.

I would like to have further elaboration on the issue of mycobacterium that I believe you mentioned as a significant issue in the Chesapeake. Can you comment as to whether you have seen similar incidents in other similar bodies of water? I'm thinking about the Delaware Bay or the Hudson, for example.

DR. LANEY: Yes, Loren, we had a – I believe it was last year that we put together presentations for the commissioners on the board here from several researchers that are looking for evidence of mycobacteriosis in other bodies of water aside from the Chesapeake Bay. If memory serves me correctly, they are finding it, but I don't think that it was to the same extent that it has manifested itself in Chesapeake Bay. Again, I think we have those presentations. We certainly have those research papers from those scientists and we can get copies of that information to you.

MR. LUSTIG: Followup, please; does that incidents in the Chesapeake – can you put your finger on the causative factor? Would it relate to nitrogen and phosphorous?

DR. LANEY: Again, based on my recollection – and Nichola and/or others can correct if I'm wrong – if I remember correctly they haven't been able to definitively pin down exactly what the cause of the outbreak is. The bacterium that is causing it is one of

a number of different species of mycobacter. The last I recall they weren't even certain whether this one might have been introduced with ballast water or whether it was a native species, so they're still working on that. I think there is a lot of work being done by USGS scientists on that particular question.

MR. PAUL DIODATI: We've been talking a bit about enforcement penalties going up. I know later on in the discussion we're going to talk about what the poaching estimates actually are. It seems to me we're putting the cart before the horse. We really don't know very much about poaching. We don't know what the source of poaching is most critical in terms of reducing the abundance of the resource. We don't know what kind of factor it is in terms of reducing the abundance of the resource, and yet we were very quick to want to increase the penalties for it.

I think poaching has been going on for a long time. It has been going on through the recovery of this resource, all through the uphill building of the resource, and it is going on now as this resource is declining, but I don't think it is the reason for the decline. It is pretty clear to me that we've got a long trend right now in declining recruitment indices coming out of our major spawning stock, the Chesapeake.

It has been going on for a number of years and it continues today. Our catch in Massachusetts is now well below where we were during the recovery period in the nineties and mid-nineties. I think it is something to be concerned about, and I don't think we should concentrate too much on the poaching when there are some real management issues at hand here.

## DISCUSSION OF AN ASSESSMENT

MR. DOUGLAS GROUT: We have two recommendations from our plan review team. One is to task the technical committee with input on whether the harvest of over 90,000 large, mature fish in 2009 is of concern. I would like to move that forward to the technical committee. Also, secondly, I noticed that our scheduled peer review stock assessment has been delayed to 2013.

That means that we'll be going four years between assessments. Yes, I'd like the input from the technical committee, but I also think the board should provide input right now. Personally, I think that's too long given the trends that we're seeing in both recruitment and SSB and recreational catches. I think it's going to be very important that we have at least a

turn of the crank in 2011. I would like to ask your input as to whether we should make specific motions to this or whether approving this document sends those motions to the technical committee.

CHAIRMAN TRAVELSTEAD: Well, the first issue of the 90,000 fish harvest and sending that issue to the technical committee for review; is there any objection from the board that that be done? Then consider it done, the technical committee will be charged with that task. In terms of turning the crank on the assessment in 2011, I'm not sure what that would take. Wilson, do you want to comment on that further?

DR. LANEY: I would have to consult with the stock assessment subcommittee, Mr. Chairman. If you recall, some while back we went to a three-year assessment period or two-year assessment period, so I don't know how prepared we might be to go ahead and accelerate the schedule. Nichola, do you have a feel for that?

MS. MESERVE: The data for the assessment is submitted with the compliance reports which are due June 1<sup>st</sup>, so I suppose there is a potential for an assessment next year, the second half of the year that would include data through 2010 or likewise two years out an assessment in 2012 that would include data through 2011.

CHAIRMAN TRAVELSTEAD: Are there other comments from the board on that issue? Mark.

MR. GIBSON: Yes, I think it is quite important given the apparent changes that are taking place. I think this issue of increased natural mortality needs to be explored. Frankly, what we've seen so far is not very useful in terms of changing poaching across the whole time series or M across the whole time series.

It is when they change in the middle or at the tail end of things that is so important to these stock assessments in terms of our perception of abundance relative to targets. It is not always intuitive. Sometimes a higher M means more fish had to be alive. In order to die you have to be alive first. It is just a matter of causality. Those who have followed the New England Council process will understand this, because we have a set of stock assessments that were the so-called great change model and the base case models and the split survey, and they're struggling to deal with things that change in the midst of their time series, and they're finding ways to deal with it.

We may not agree with how they're dealing with it, but we haven't really seen that yet in an updated stock assessment. I'm concerned that we don't have the best perception of what is happening right now with this base case model with constant M in it, so I would strongly advocate where Doug is coming from. It needs to be updated and we need to see these exploratory analyses of what happens when natural mortality is changed in the recent past, what happens when poaching is changed in the recent past; not across the entire time series, which is just a scaler that doesn't tell us anything. Thank you.

CHAIRMAN TRAVELSTEAD: Is there any objection from the board in asking the technical committee to turn the crank on the assessment in the second half of 2011? Does that satisfy your concerns, Doug? Okay, seeing no objection, then we will – Bob.

MR. BEAL: No objection, just a comment that following this meeting will be the Action Plan Workshop for next year. The way the draft action plan and budget were prepared, it did not include that so we will need to talk about that at our next meeting and find the resources for that work.

CHAIRMAN TRAVELSTEAD: We will do that. Okay, thank you for that reminder. Then that is the direction we will head in. We need a motion to accept the FMP Review. Is there a motion? Pat Augustine.

MR. AUGUSTINE: **Mr. Chairman, so move we accept the FMP Review as presented and any changes that were added today.**

CHAIRMAN TRAVELSTEAD: Seconded by Bill Adler. Any comments on the motion? Any objection to the motion? **Seeing none, the FMP Review is approved.**

## DRAFT ADDENDUM II

CHAIRMAN TRAVELSTEAD: We're going to move on to Item 5, Draft Addendum II for final approval. Nichola, do you have a report and summary for us. I will tell you right now that it would be my plan to not accept additional public comment on the addendum.

We had a very lengthy public comment period that started in May and ended on October 1<sup>st</sup>. We received over 2,000 comments. It is my feeling that the public comment period has ended, and the matter, after we hear from Nichola, is before the board for

action. Without objection, that is how we will proceed.

### **REVIEW OPTIONS**

MS. MESERVE: A quick refresher on the issues and options; there are two issues in Draft Addendum II. The first looks at the coastal commercial quotas and the second looks at the recruitment failure definition. For Issue 1 there are two options. Option 1 is status quo, to keep the Amendment 6 quotas. Option 2 is to increase the quotas by a board-selected percentage.

Issue 2, the recruitment failure definition, Option 1 is status quo, to keep failure defined as an index value below 75 percent of all the other values in the survey time series. Option 2 would be to adopt the technical committee recommendation to redefine failure as an index value below 75 percent of all the values in a fixed time series appropriate to each survey. These are the two issues that went to public comment.

### **PUBLIC COMMENT RECORD**

As our chairman said, the public comment period was from May 10<sup>th</sup> to October 1<sup>st</sup>. There were 16 hearings, at least one in each state from Maine through North Carolina. The approximate number of comments received was 2,203. That includes some duplicates. Some people submitted written comments and also attended hearings and provided oral comments. That's the number of comments received on Issue 1. There was a lot less comment received on Issue 2, the recruitment failure definition; just 91 comments on that issue.

The complete public comment record was on your CD. I hope no one printed it. There are four binders on the back table that include the full comment if you'd like to review it. There was a shorter comment summary on your CD that breaks down the number of votes by state, so I'm just going to give a quick summary of the comment received.

On Issue 1, the commercial quota increase, 97 percent of the commenters supported status quo on this issue. Again, that breakdown by state is in the comment summary. The states with the largest percent of support for the increase were Delaware, North Carolina, Virginia, Rhode Island and Maryland.

The reasons, there were many given, but it seems like they fell into three areas both for supporting status quo and for supporting an increase. Those that supported status quo were concerned about the stock based on their observations on the water, what the

stock assessment has said. Those that supported the increase were not concerned about a stock based on their observations on the water.

The second one would be disagreeing or agreeing with the reason for considering the increase. Some individuals thought that the reason was to provide more parity between the two fisheries, let's look at reducing the recreational fishery instead of increasing the commercial or they questioned why that is even an issue, and the fishery management plan doesn't say there should be equality between these two fisheries.

They questioned the statement problem in the document; whereas, those supporting it agreed with it, feeling that they had been promised an increase in the quota years ago and that now given the not overfished and overfishing stock status, that now is the time to be provided that. Both sides were able to find socio-economic reasons to support the quota increase or to object to it. Additionally, there were many letters that supported additional management restrictions at this point for either or both the recreational or commercial fisheries.

On the second issue, recruitment failure definition, 92 percent supported changing the definition that was recommended by the technical committee. Those that voted in favor of status quo thought that not enough information had been given in the document. They wanted to see more technical analysis from the technical committee or there was a concern that we would be losing some historical data in this process.

Those that supported the change just agreed with it being a technical committee recommendation. They thought it provided a more accurate representation of recruitment failure. It gives more conservative failure levels for certain states. Some said it was the less bad option, meaning that they wanted an even more conservative JAI trigger. That is the summary. Again, there are more reasons listed in detail in the state breakdown in your packet.

CHAIRMAN TRAVELSTEAD: Let's hear from the advisory panel, and then we'll open it up for questions or comments.

### **ADVISORY PANEL REPORT**

MR. KELLY PLACE: The advisory panel met on October 19<sup>th</sup> up in Providence. The first order of business was to swear in a new chair. He had unfortunately dropped off the panel due to personal reasons, so they tricked me into doing another term.

We came up with basically five measures in general for guidance for the board.

One of the first things – and it has been a recurrent theme – the Striped Bass Advisory Panel has been long dissatisfied with the estimates of mortality and discard mortality. We feel that is one of the gorillas in the room that hasn't been adequately addressed. We know it is a difficult thing to get a handle on, but it seems like it has been a long time, especially since Amendment 6, Addendum I specified very clearly that the states were to develop further estimates and try to get more accurate, but we haven't seen that kind of movement.

We are aware it is likely because of the constrained budgets that everyone is feeling, but we do want to see better estimates on mortality, discards especially. One of the most important things to the advisory panel – and I can't emphasize how strongly they feel about this – is the failure of any kind of what we feel is even a close estimate of the take during Wave 1 off Maryland, Virginia and North Carolina.

We feel that the potential for a significant impact on F from Wave 1 – even though I am aware of the estimates that were put on the board earlier today, I believe that most people – I think it was up to, say, off Virginia 14,000 to 21,000 fish, I believe they had up there. The advisory panel feels like it is far in excess of that.

We believe that if the board doesn't get an accurate estimate of this, that essentially the stock assessment is fairly worthless. Let me emphasize just how strongly they felt. I asked them do you want me to poke them in the eye or insult their manhood? They said, yes. To a person, they actually suggested that I get rude about this, so consider your eyes poked and your respective manhoods and womanhoods challenged on this.

The advisory board basically threatened me if I didn't firmly get you to recognize the total inadequacy of the Wave 1 estimates off of those three states, especially Virginia and Maryland this time. It used to be North Carolina. Well, we just want to make it as clear as we can. One thing that the AP was disappointed in was that the ACCSP I think had 21 projects in front of them for funding, and there was one project that would have measured or estimated Wave 1 and it finished 19 out of 21 in the funding.

One of our members is an advisor on the ACCSP Advisory Panel, and he felt, as did most of the rest of the panel that one reason that ACCSP project failed

was that it relied on random digit dialing, which most of the panel feels is inaccurate and proven insufficient way to monitor the recreational fishery. We feel that had that been more of a shoreside or dockside intercept system, which is proven to be far more accurate, that it probably would have been proposed.

This was proposed, by the way, by the recreational technical committee for the ACCSP. One idea that several of our panel members suggested was because the ACCSP Coordinating Council meets later on this week, we were wondering – and I don't know whether Nichola was able to find out about that or not – but we were wondering, before you decide what projects to approve, whether that could be reconfigured to include a dockside intercept type survey, which would be far more accurate.

We just wanted to put a strong thing in for that proposal to get a much higher funding status from the ACCSP. Please fund that if you can in the measure that they suggested. Similarly, one thing that really had gotten under the skin of a lot of the AP members was the 90-plus thousand fish estimate from the trophy fishery in the Bay.

Now, of course, that's mostly Maryland and only about a thousand of those fish were from Virginia, but not only the people from Maryland but other places were absolutely astounded that we could have an estimate so many times larger than I believe had been caught ever in that fishery while everyone's direct empirical observation was that with the economy and all the other things afflicting the recreational and commercial fisheries, that it was demonstrable from the charterboat industry down to the individual recreational fisherman that there was far less effort put toward that, and it underscored I guess with a lot of people that the MRFSS estimate, which that is largely what that is based on, is extremely inadequate.

They really want to see some verification of how in the world with a reduced recreational effort and this bad economy and all the other things, how they could possibly come up with this. A shoreside sampling might also help that, too. One reason they thought that MRFSS was so inaccurate, more inaccurate than usual in this particular instance was because there are a couple of favorite spots and docks where you've got the real pros going out of it, it has got great facilities, it is real comfortable.

And then the average angler tends to follow those people out of there, and they feel that there is a very

excessive amount of the MRFSS data that is collected from those places and then improperly extrapolated to all the individual fishermen and all the small hard-to-get-to places, and they think that they're essentially measuring the high liners and extrapolating that measure of success on all the other people.

Regardless of what factors came in – and there were many that people speculated – they just think that estimate on the trophy fishery is pretty outrageous, and they were angry, I would say. On enforcement I know that a lot of the discussion that preceded this would probably please the advisory panel although you can imagine they thought enforcement was insufficient in a number of areas.

Amendment 6, of course, requires any number of areas to increase or improve enforcement, and I think the AP is pretty aware of how constrained everyone's budgets are, and maybe it's easy for them to claim that enforcement needs to be improved in this manner. They made the suggestions, which you also heard earlier, of increased fines. Because of what Mr. Blanchard said that he needs his constituents, from I guess the individual fisherman up to this board, to strongly give them the authority to collect and increase these fines, you certainly have that from the AP.

They not only want increased fines, but they also believe that tip lines for anonymous callers to call in and report is a good way to get the public involved in helping law enforcement, especially in these challenging budgetary times. Possibly rewards might come into it, they thought, and they thought probably the best model up and down the coast was what Maine has.

They've got apparently a very aggressive enforcement program. Now, they did recognize that there are dangers in this type of thing. They gave a lot of examples of how people had in fact caused various busts of illegal activity, but there were also examples of how if you're not careful and you're an individual, you could get your boat sunk and all manner of things like that.

But they did want avenues for the individual person who witnesses a violation to be able to report that and report it quickly to the authorities. They were very impressed with what Maine has done and how well they respond to that type of tip. Lastly, in terms of the five specific items of guidance that the AP suggested from the board was the estimates on poaching. I think, again, they would probably be

fairly pleased to hear what discussions ensued just before this.

The argument went back and forth quite a bit on the poaching. There is no doubt about it, they want to see extremely stiff fines on that. I'm not going to use the word that the panel wanted me to use, but I'll use Nichola's word as a double standard that the board is using when estimating – well, when not estimating poaching adequately; the panel feels that the board uses a lot of estimates, the MRFSS estimates and any number of other estimates when you can't get precision because of the cost; anything from the stock assessment to all the other metrics you apply to the management plan.

So the panel thought that, yes, the board can't come up with a precise poaching estimate, but they certainly could come up some kind of estimate. Again, they thought it was a double standard although they used the "H" word and a number of other catchy phrases to describe the board's failure to come up with a better estimate of poaching as the best available data that they could apply to all the metrics you have to come up with.

I would mention, too, one of our AP members thought that maybe the discussion on poaching was overblown because he thought that if poaching was as bad as a lot of people feel – and his was a minority opinion, but I thought I should mention it. He said it would clearly show up in the stock assessment and any number of other things if the poaching was as bad. I think that might be what Mark was getting at earlier that he might getting ready to address, but it was still a matter of concern.

Lastly, on the two items before you, obviously, on the recruitment failure, the AP was much like the public in general and supported the technical committee's advice to use their new methodology to define recruitment failure; that was fine. And it probably doesn't surprise anyone on the question of whether there should be a coastal commercial increase, the breakdown on that – well, there was obviously not a consensus – essentially the commercial were for that and gave a lot of good reasons, and essentially the recreational were unanimously against that.

They also gave quite a few good reasons. I'm not going to repeat word for word the debate, but I think Nichola summarized real well in the report you have there. I would suggest it is worth reading. Nichola did an incredible job at capturing that in the concise

form, and there were some good comments back and forth, so you can pick either side you want.

The last main thing I would say, and in many respects the most important thing that the AP did at the end was we recognized that Nichola who is getting ready to leave us for Paul Diodati's agency, that she was just phenomenal as the AP advisor. You have to work with her to understand it. Besides always being there, always having the information when you needed it, she is always patient in her demeanor, and she is basically nothing but the truth.

We wanted to give our absolute highest kudos to Nichola for all the time she spent here and how well she was able to convey a lot of the complexities to the AP that otherwise I think a lot of our members would not really have understood as well as they do. Thanks a lot, Nichola. (Applause)

CHAIRMAN TRAVELSTEAD: Kelly, thanks for that report, very good. Are there questions of Nichola on the public comment or Kelly on the AP? Pat.

MR. AUGUSTINE: Mr. Chairman, I don't recall what the number of recreational folks was versus commercial on the advisory panel. From what you said, it sounded like they both voiced their opinions well, and your comments were well represented of both. What is the mix on that; are we still four and seven or four and eleven or something like that?

MR. PLACE: Not exactly; it varies from meeting to meeting. I would say we had average attendance. As far as vocal people on there, there were two commercial and six recreational that attended. As I mentioned, the vice-chair, who was the heir apparent to take over the chairmanship, had dropped off for personal reasons.

I'm actually there as commercial from Virginia, but I didn't vote on anything, and since I've been chair I don't advocate at all on any of the issues. I just try to bring out the facts. I would say, though, that this is important and something that Arnold Leo has brought up many times over the years, and it goes back to the Charter and the way the – because he did mention this there.

He is concerned that the original Charter intended for each state to have a commercial and a recreational. One reason there is such a skewing – and, of course, it depends on attendance. A lot of times you just get some states whose people just don't attend. But, he did want to go back to the original Charter and see if

it could be followed; and if not, maybe it should be amended, but it seemed pointless I think to Mr. Leo's perspective to not follow something and call it the Charter.

MR. AUGUSTINE: Did the advisory panel take any time to go back and actually review the status of the stock as presented within the document? In other words, when we looked at the overall status of the stock versus the emotional issues that were brought to the table, possibly considering increasing commercial or on the other hand reducing recreational quota or –

MR. PLACE: Yes, they certainly did and they mentioned all the things you just mentioned and much more. I could read the report that Nichola put together, and that is what I was alluding to when I said she had done such a good job of summarizing the arguments. All those and many more iterations of those arguments when many of the peripheral things were pretty well tied together and spoken of at length at the AP, Nichola just did a phenomenal job, I thought, of capturing the gist of it in a relatively small amount of space. I could go over that and call people by name and the point and counterpoint and debate ad infinitum, but Nichola has got it. It should be on the disk.

MR. O'CONNELL: It may be a question for Wilson, but just following up on one of the advisory panel's points which relate to the Wave 1 harvest estimates; it is a topic that comes up frequently in Maryland, and I just wanted some clarification on two points. One is about a year and a half ago the technical committee reported to the board on some harvest estimates, and if I recall correctly it was a range of 200 to 800,000 fish.

What I saw on the plan review team reports it seemed like those estimates were much lower unless I misinterpreted that, so I had two questions. One is, is there a reason for the discrepancy, and, secondly, which is probably my more important question, what, if any of those estimates from Wave 1 are included in the last stock assessment for striped bass?

DR. LANEY: Tom, I don't recall the exact estimates that were generated in the past, but the way we're doing it – and I think Nichola has got them all on the board right there, though, and I don't think they've ever gotten too terribly above, what, 155,000 or so for Virginia. We don't have anything for Maryland.

I think you and the rest of the board are well aware that, if I recall correctly, I think ASMFC has sent a

letter or letters to the National Marine Fisheries Service recommending that Wave 1 estimates be developed not only under MRFSS as it presented existed but also be considered for the new MRIP programs. I guess that is being taken under advisement.

In the meantime, what we've had to do is we've had Wave 1 estimates for North Carolina, and we have tag returns, of course, from the Cooperative Coast-wide Program from North Carolina and Virginia. The technical committee and the stock assessment subcommittee came up with a methodology for rationing those returns, and that's how we've been generating the estimates for Virginia based on the tag returns from both North Carolina and Virginia.

In recent history, though, the distribution of the fish seems to have shifted somewhat to the north and somewhat offshore, so the numbers of returns from North Carolina have dropped off. So Rob and the folks that were working with them – I think Alexei was working with Rob and Laura Lee, also – came up with a couple of alternative methods for rationing those numbers and generating estimates.

I literally just got them not too many minutes ago and haven't had a chance to look those over yet, but those will be going to the technical committee. That's the reason that we have two sets of numbers there that Nichola presented in the table to you earlier. Those numbers are again in the range of 31,000 to 114,000 for 2009 and 14,000 to 21,000 for 2010.

That would be not surprising to me that the numbers were lower again based on what we found during the Cooperative Winter Tagging Cruise is that the fish were much further offshore and shifted in distribution further north. I have had anecdotal reports of fish being caught off Maryland and you probably know more about what is going on in the ocean there during Wave 1, for sure, that I do. So, again, the technical committee recognizes it and has repeatedly reiterated a need for that information for Wave 1 for those fisheries off the Mid-Atlantic.

MR. O'CONNELL: The second part of that question was were these estimates included in the last stock assessment?

DR. LANEY: Yes, they have been included in the last two assessments.

MR. R. WHITE: Could the Issue Number 1 slide be put back up. I think, Nichola, when you talked about concern and not concerned about stock, I think you

inferred that a large percentage of the respondents were concerned about the stock and a small percentage were not. Could you kind of elaborate on that?

MS. MESERVE: Well, 97 percent supported status quo and most of them said that they were concerned about the stock. The 3 percent that supported the increase often included a statement that they continue to see large numbers of fish, that they were able to quickly fill their quotas; and that if the recreational fishery is seeing a decline, it might be because fish are moving into the EEZ.

MR. FOTE: I want to correct I think a misstatement. There was no Charter when we basically set up the AP. When we set up the AP, it was basically allowed for two for each state, and it was basically to represent those fisheries in that state whether it was commercial or recreational or charter or surf fishermen and things like that. That is basically when we set up the AP advisors. I just wanted to clarify the facts because I was there when we did that.

MR. WILLIAM A. ADLER: A question to Kelly and maybe to the technical committee. On your Item Number 1 with regard to the discard mortality estimates – and I think this probably will switch over to the technical committee – how do you estimate the discard mortality; what is the background on how that is done? I know that the discard mortality in the recreational fishery is higher than the entire commercial catch, but what is the status of how you use that? The AP was concerned about it, and I believe it is about that issue, right?

MR. PLACE: Right, that is a pretty loaded and pretty complex question. The best answer is probably by the technical committee, but I would say that the concerns the AP has towards it is that as you might know that there is basically an 8 to 9 percent discard mortality that is applied across the recreational fishery, which doesn't sound like much, but you consider the amount of fish that are released, it actually builds up to quite a bit.

In fact, it has been at times I think more than even the landings; certainly more than, say, the entire commercial landings and commercial discards put together. A lot of people have huge disagreements with that. For example, a lure up in Maine waters in the cold weather might have close to zero discard mortality as opposed to chumming with live bait down in North Carolina in warm water might have it tremendously high.

They have an average that they apply coastwide, I believe. The technical committee can give you more insight on that. The commercial discard is a bit more complicated, and I think it probably reflects the different fisheries state by state. I can mention that in Virginia, on the commercial it was at one point concerned that certain aspects of our commercial fishery encouraged discards because each fisherman got a tag for each fish, so the incentive was to get the biggest fish you could and throw back the little ones.

Once Virginia went to a poundage quota, for example, I don't know whether it has been measured yet, but there were a lot of reasons for it and one of them was to reduce the discard mortality. At this point there is no incentive to throw away a fish – 4 or 5 pounders are worth one 20 pounder.

That is just one approach that Virginia is taking, but there are so many different ways, both recreationally and commercially, both temporally and spatially, that a fish thrown away may or may not die. I think the technical committee is probably best able to answer your question. I will mention, I think it was back in 2000, about ten years ago someone came into one of the quarterly meetings – I think his name was Rudy Lucovitch, maybe, from Maryland – and gave a study on discard mortality with striped bass and other species as well.

There are a lot of people working on it. There hasn't been much work recently. The AP certainly wanted to see a better handle on it. Of course, I think a lot of people on the technical committee would say it is easier said than done because of the diversity in the fisheries.

DR. LANEY: Kelly summed it up pretty well, Bill. Basically, the way it works is that the assessment model applies a set percentage of discard mortality to each harvest sector. For the recreational sector that value is 8 percent. That is derived from looking at a lot of different peer-reviewed studies that have been done of recreational discard mortality on striped bass through the years.

One of the things that we've been discussing at the technical committee is possibly altering the approach of applying that flat 8 percent across all seasons and all recreational fisheries and coming up with a different set of mortalities that would be more closely tied to temperature. That seems to be a big factor in whether or not a fish survives after it has been played and landed.

Generally speaking, the higher the temperature the higher you can expect your discard mortality to be because the worse shape the fish is in by the time you get it to the vessel. But, I will stress that it is a very complicated thing. There are a lot of other factors that enter into it such as how the angler handles the fish, how long it lies on the dock, so forth and so on.

For the commercial gears there are fewer peer-reviewed studies so we would welcome additional peer-reviewed studies that would give us better insight into what the percent discard mortality is from the different gear types, but here again you can generalize and say that a gear such as a pound net, which generally is not beneficial to the fish but less harmful to the fish; you know, it enables you to take the fish out of the pound and release it.

Gill nets generally have a higher percent mortality because it is catching the fish by the gills, by head and interfering with respiration. Again, it depends on how long the gill net sits out there, too. If the gear is tended, the fish is removed quickly, the survival rate is higher than if it is set overnight and the fish stays in the net all night long, and then trawls are somewhere in between.

I don't remember, but Nichola may remember the exact percentages we used for each of those gears, but it varies by gear type, and it is an attempt to try and capture the differences in survival that come from those different gears. And where we have peer-reviewed studies, we use those to inform our percentages that we put in the model.

## **CONSIDER FINAL APPROVAL OF ADDENDUM II**

CHAIRMAN TRAVELSTEAD: Thanks, Wilson. Members of the board, we have arrived at considering final approval of Addendum II. You will find on Page 6 and 7 the options that are presented in the addendum. I would prefer that we start with someone making a motion, taking these items separately. Let's first look at the proposed increase in the commercial quota and then we'll get a motion on the recruitment failure issue and then finally one on the compliance dates. Let's proceed in that fashion. Terry.

MR. TERRY STOCKWELL: Mr. Chair, I have a motion. **The motion for Option 1 would be status quo.**

CHAIRMAN TRAVELSTEAD: For Issue Number 1, correct?

MR. STOCKWELL: For Issue 1, the commercial quota in Amendment 6 would remain unchanged.

CHAIRMAN TRAVELSTEAD: Okay, is there a second to that motion? Seconded by Dennis. Who would like to speak on that motion; could I see a show of hands as to who would like to speak on that motion? Terry, I'm going to come back to you as the maker of the motion.

MR. STOCKWELL: I've been adamantly opposed to increasing the commercial quota since the inception of this amendment. The overwhelming public comments that were received have mirrored Maine's declining fishery and access to the resource. Nichola's and Wilson's presentations have finally demonstrated that the data supporting the anglers' reports, declining year of the young, the contracted range, the coast-wide reduction in catch, the mycobacteria impacts. We're not even reaching the commercial quota that we have at this point. In fact, I don't even believe that status quo is going to improve the overall stock status and that we probably need to take additional action to reduce the overall harvest. I'll speak more about that at a later time, Mr. Chairman.

MR. AUGUSTINE: Move to amend the motion from Option 1 to Option 2, and then I'd like to give the rationale if I have a second.

CHAIRMAN TRAVELSTEAD: Pat, I'm not sure that is an amendment to the motion. It sounds like a substitute motion.

MR. AUGUSTINE: **Substitute motion.**

CHAIRMAN TRAVELSTEAD: Okay, is there a second to the substitute motion? Seconded by Bill. Okay, we're going to finish the comments on the original motion before we go to the substitute motion. Tom Fote, are you speaking for or against the original motion?

MR. ADLER: Mr. Chairman, I didn't second anything.

CHAIRMAN TRAVELSTEAD: It was seconded by Bill McElroy. Tom Fote, you're speaking for or against the original motion?

MR. FOTE: I want to make sure which motion I'm speaking to.

CHAIRMAN TRAVELSTEAD: You're speaking to the original motion, Option 1.

MR. FOTE: Which is basically status quo?

CHAIRMAN TRAVELSTEAD: That's correct; are you for or against?

MR. FOTE: I'm supporting the original motion, status quo. I've been looking at the figures and I've been looking at the charts and tables, and it is really interesting when I see some trends. Basically, I'm looking at catches now; and if you look at the percentage of catches that used to be along the coast and how it was spread out. We have now truncated the coastal catch.

I mean, if you look at what New York and New Jersey basically catch together, we make up a large percentage now and almost 30 percent of the coastal catch that is going out there. My concern is that Chesapeake Bay stocks are not contributing what they used to do to the overall stock here. I am concerned about that stock.

I'm afraid that anymore pressure we put on it could cause a greater collapse of the Chesapeake Bay stock. We cannot discriminate at what stock we're fishing on in the coast. I also have looked at the figures about catch and release over the years. There used to be a larger percentage of catch and release. New Jersey stays about the same. I looked at 2004 and compared it to the 2009. We were like 25 percent, which I can't buy that figure, but that is what I have to go with according to MRFSS.

When I looked at New York, they used to be at 14 percent. They're getting close to what we are, like 25 percent, something like that. I think there is a lot more release than one out of four fish because I know people and in my experience the last year I probably released 15 to 20 fish for every one I kept, and that was a majority of the fishermen there. My concern is the stock.

I used to fish in Maine back in the nineties and go up there to the Kennebec River and basically able to land 34-, 38-, 42-inch fish on a fly rod. That can no longer happen up there. The captains have made that pretty clear. We're not seeing the further migration of the Chesapeake Bay stock up into those waters like we did before.

The Hudson River stocks and the Delaware have a tendency to travel less, and I think that is not what we're seeing at the far range. I can't say for sure. I'm not the scientists. We haven't done the studies, but we need to do those studies. We need to find out

what is going on with the stock before I could support any increase. Thank you.

CHAIRMAN TRAVELSTEAD: Thank you, Tom. Michelle, are you for or against the original motion?

DR. MICHELLE DUVAL: Against. Mr. Chairman, I also have a couple of questions for Wilson in here I think. We currently have an assessment that says we are not overfishing and we're not overfished. The commercial component of fishing mortality is currently very low. We're well above our SSB target according to the stock assessment. We're also well below our fishing mortality target according to the assessment. We knew that total abundance was going to be declining for several years just based on recruitment.

According to the technical committee's analysis of Issue 2, Option 2, for a range of increases in the commercial quota, they viewed this as more of an allocation issue and noted that recruitment is sort out of the range of management measures at this point. I did want to pose to Wilson a question. Has there been any other technical committee discussion of an increase in the coast-wide commercial quota, or has there been any other information that will cause the technical committee to revise the analysis of increasing the commercial quota that was provided in the draft addendum? Thank you.

DR. LANEY: The answer is, no, Dr. Duval, we have not had any further discussion, so what you see in the draft addendum is what you get as far as the technical committee analysis that's on Page 6 and 7. I will just point out to the board what is obvious, and that is that the analysis that we did, once again, was a simulation and it was based on the numbers that we had from 2004-2008.

So, obviously, two more years of data are out there; and when we do the turn of the crank that you all requested us to do in 2011 will generate some numbers. Now, whether or not that will make a difference in the simulation that we did, I don't know, but as of right now we have not had any further discussion of this issue. We did the analysis that we were requested to do by the board, and the results of that analysis are in the draft addendum.

CHAIRMAN TRAVELSTEAD: Michelle, do you have a followup?

DR. DUVAL: This has to do with the turn of the crank as well as the upcoming benchmark assessment, which the peer review for that is

scheduled for 2013, correct, June, so I assume that the technical committee would begin working on that sometime during 2012 since it would be a benchmark assessment, so it would take a little bit longer. It was my understanding that the technical committee was going to look at means of combining these two models.

I'm not throwing this out there in the form of a motion, but something that I have thought about is say a 10 percent increase in the coast-wide commercial quota for the 2011 fishing year only whereby the impacts of that could be incorporated into the new benchmark assessment that would be coming up. That's all I have to say for right now, but I just want to throw that out there. I think there could be a happy medium. Thank you.

MR. R. WHITE: Mr. Chairman, for a number of years I have been very vocal opposing any increase in mortality, both recreational and commercial, so I don't view this as a commercial against recreational issue. I think the evidence continues in the wrong direction, and I certainly will support going forward however we decide to that in looking at lowering overall mortality, including recreational.

I think Terry summed up the reasons why New Hampshire and Maine have seen a more difficult time than some of the other states. That continues. The season was even worse in New Hampshire. We had absolutely no small fish, none, and that looks like things will be very difficult going forward in the future. There are no young ones coming.

At some point in time when the spawning stock biomass, which is substantial, gets whittled down, we'll have nothing so we continue to be very concerned. I think the other piece of this is that the public gave a very loud and clear message. Number one, they're opposed to any increase; and, number two, they're concerned about what they're seeing in the resource. That message was up and down the coast. That wasn't just from the northern states; that was from all the states. I think it's something we need to listen to. Thank you.

CHAIRMAN TRAVELSTEAD: Thank you. That was the last comment on the original motion. Let's look at the substitute motion. Pat, I'm going to ask that you perfect the motion. If you look in the addendum, Option 2 requires the management board to select a specific percent increase to be applied to the coastal commercial quotas. I would suggest that you include some percentage in there so we will know what we're voting on.

MR. AUGUSTINE: Mr. Chairman, the reason I didn't put it in there was because I wanted to see whether we could get this motion approved. If we get this motion approved, it says there will be an increase, and then a follow-on motion would be the percentage recommended by the technical committee. That was my thought on this. Otherwise, if I put the percentage in there now –

CHAIRMAN TRAVELSTEAD: Wilson, is there a percent increase recommended by the technical committee?

DR. LANEY: No, sir, we did not recommend any specific increase. We just analyzed a range.

MR. AUGUSTINE: Well, I do think that there are two separate issues. The first issue is we either vote for status quo, which says that we are where we are and we go down another lane to try to figure out how we reduce mortality. The other is to come up with an approval of Option 2 that says we do agree that there will be an increase in the commercial quota and then have the board debate or discuss those numbers. If I pick a number of 10 to 50 and half the people around here don't like 50, the motion gets rejected.

CHAIRMAN TRAVELSTEAD: Well, it can be amended. If you put a number in there, the motion can be amended by someone who doesn't like that number.

MR. AUGUSTINE: Okay, fair enough, I'll pick 30 percent.

CHAIRMAN TRAVELSTEAD: **Thirty percent, okay, so the substitute motion is to increase the commercial quotas by 30 percent.** Let me see a show of hands of who wish to speak on the substitute motion. Okay, Pat, back to you as the maker of the motion.

MR. AUGUSTINE: Clarification, Mr. Chairman; could the technical committee tell us what a 30 percent increase would be in numbers so that I could speak more directly to the rest of it and why I support this motion.

DR. LANEY: Yes, Pat and Mr. Chairman, if you look on Page 10 of the draft addendum at Tables 5 and 6, we have the corresponding columns for 30 percent in there. It is only estimated in terms of female spawning stock biomass, and it is estimated for the particular years that we used in that last assessment. The increase in terms of biomass, which is metric tons, would be for 30 percent, depending on

which year you look at there – let's pick the most recent year, so for 2008 it would have been 50,672, which is down from the original catch-at-age estimate of 55,500.

MR. AUGUSTINE: Okay, and for clarification what impact would that have on the overall stock? Are we talking about 1 percent, a half a percent, a quarter of a percent?

DR. LANEY: Well, if you look in the table above that, so the corresponding change in F then would be a change from 0.21 for 2008 in the original catch-at-age matrix, and it would go up to 0.27. Nichola, again, can correct me if I'm misstating here, but one of the topics of discussion at the technical committee was whether or not we can even measure such a change. It is at the second decimal place out there.

MR. AUGUSTINE: And that is because it is so small?

DR. LANEY: That's correct.

CHAIRMAN TRAVELSTEAD: Thank you, Pat. Tom Fote, are you for or against the motion?

MR. FOTE: I'm against the motion for the same reasons I made before so I'm not going to waste the board's time going over the points that I made the last time.

CHAIRMAN AUGUSTINE: Okay, Mark, for or against?

MR. GIBSON: I'm for. I supported the motion earlier to expedite an assessment review because I think that is needed, and we need to understand a number of things about the striped bass stock on a coast-wide basis. I do support this motion for a number of reasons. First, the amount of increase we're talking about is really infinitesimal in the overall picture.

It is in the background noise of the assessment. Further, I think all we're going to do at least in my area is to convert fish that are dead and discarded into fish that are dead and landed. We're really not going to change the ledger that much. We're just going to bring in some fish that were caught incidental to other commercial fishing activities and will be allowed to be sold, and that is a good thing.

So I don't think statistically there is anything going to happen here relative to the immediate stock status, and I think we're going to convert some dead

discards into landed fish. Having said that, I do remain concerned about some things in the stock; and I think frankly if this thing goes south on us, it is not going to be because of an infinitesimal increase in the commercial allocation at this point.

It is going to be for a much larger reason and we will have to have a much larger scale back in all the fisheries. If that comes to the fore, it is not going to be because of just a little bit of adjustment we're doing here. It will be a big-picture reduction if that comes to fore. I'm not saying it is; I'm not convinced of that yet.

But whether we do this or not I think is irrelevant in terms of what the long-term perspective of the stock is going to be. That will be determined by future assessments and understanding of mycobacteria and recruitment performance in the major production areas. I'm not concerned about this small adjustment at this point, and I support it. Thank you.

CHAIRMAN TRAVELSTEAD: Thank you, Mark. Jim Gilmore, you were the last on the list.

MR. GILMORE: I'm in support of the motion, Mr. Chairman. I guess part of this – and getting back to Ritchie's point before – is the difficulty with this and there is an overwhelming number of letters and e-mails that were put into this, and it's a very emotional issue, as it has been for decades.

I guess that was part of the difficulty because separating out what was fact versus what was emotion was somewhat difficult. I started this over a year ago where we started looking at the doom-and-gloom responses we were getting; the fishery is about to collapse and so on and so forth. Then you went to the fishing reports and websites and then you're hearing things like banner years, never seen fishing like this before and so on and so forth.

I got to the point where I think they pretty much countered each other out, and I was trying to get back to the one piece of information I took from all that public comment was there was an overwhelming sentiment by many of the guys to say to do the right thing. The right thing to me was to go back to the data and look at what the data is telling us and what our professional fisheries scientists are telling us.

Michelle went through a lot of it. We've already seen increases in a lot of things. There is fluctuation in the fishery, there are problems, there is no question about that, but at the point right now it is at a pretty high level, and that was I think the point that drove

me to support this and support this increase. Then coupled with the fact that it is such an infinitesimally small increase in the overall – you know, it seems to me where we should go at this point in time.

If we see things going south as we move forward, we have to manage that. I think that was the biggest emotional point I got was that there were many letters that said we're going back to the 1980s, the fishery is going to collapse, and we're going to have a repeat of history. I don't think that's true.

I think we have enough measures in place and enough management in place and enough triggers right now that if we do start seeing a decline because of all the other issues going on, then we will take some action at that point, but at this point in time I think the stock is healthy. The technical committee has supported that, so I will support this motion. Thank you.

CHAIRMAN TRAVELSTEAD: Thank you. Kyle, I think I missed your hand there; go ahead.

MR. KYLE SCHICK: I would like to speak a little bit to the comment. It is not surprising that we have a far more response against this because we have a lot more recreational fishermen out there than commercial fishermen, and that's what this line came down on for the most part. We have recreational fishermen on one side and commercial fishermen on the other, but this board is above that.

I think this board is looking at the science. This board is looking at what is equitable and what is correct. I hope that we can look past the emotional one-sided response that we get from the public constantly on rockfish issues and some of the other fisheries. It has been stated that the problem with the rockfish is not coming from fishing pressure, and it certainly isn't coming from commercial fishing pressure. I would support this motion. I'm not 100 percent sure if everybody that supports this motion in this room supports a 30 percent increase, but I wouldn't want this motion to fail because somebody feels that a 10 percent or a different percent increase would be acceptable. I would say that somehow we need to get that figure maybe down to an acceptable figure.

CHAIRMAN TRAVELSTEAD: Let me just say on that point, Kyle, what we will vote on first is whether to substitute the second motion for the first. If that passes, then other motions can be made to amend that motion until we're satisfied. Are there other folks who wish to speak, please raise your hand now so we

can get them on the list? Paul, are you for or against the motion?

MR. DIODATI: I'm against. Although I agree with Mark and Jim and some of their comments in terms of this amount of increase isn't going to be the reason if the resource should continue to decline or we have to take a management action in the near future, but I think on the same hand a slap in the head won't kill me, but it hurts like hell and I don't want you to do it.

I guess it's the trends that I'm looking at in this resource. I don't see any positive trends right now that warrant an increase in the resource. I think although the predominant comments that we received are against this and we perceive those to be from the recreational community, that is what they're looking at.

It's common sense not to move forward with an increase right now because I'm convinced that if not in 2011, certainly in 2012 we're going to make a correction here to reduce the fishing rate. I don't think that this action right now is timely with that. Furthermore, Massachusetts has a strong commercial fishery, we always have, and I did receive comments from a large group of our commercial fishermen, 60 of them, from the stronghold of our fishery on Cape Cod indicating that they don't support an increase at this time because they are concerned with what they're seeing in terms of their own catch experience. I'm against the motion.

CHAIRMAN TRAVELSTEAD: Thank you. Michelle, you were the last hand.

DR. DUVAL: Mr. Chairman, just to follow up on some of the remarks from Mr. Gibson and in appreciation of some of the things that Kyle said, nothing is set in stone. I think that if this board moves to approve a coastal commercial quota increase by some number, that after the benchmark assessment and if the science states that we need to ratchet down the fishing mortality, we have that option that is within our purview to do so. Thank you.

CHAIRMAN TRAVELSTEAD: Okay, we've heard comments for and against both motions. We're going to now proceed to vote following a caucus on whether or not you want to substitute the second motion for the first. We're going to take about a minute to caucus and a roll call has been requested, so we'll do that. Take a minute to caucus.

(Whereupon, a caucus was held.)

CHAIRMAN TRAVELSTEAD: Are we finished caucusing? It appears we are and Nichola will call the roll. **The motion is to substitute the motion to approve Option 2; increase the coastal commercial quota by 30 percent for Issue 1.**

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: No.

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: No.

MS. MESERVE: D.C. is absent. 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: No.

MS. MESERVE: National Marine Fisheries Service.

NATIONAL MARINE FISHERIES SERVICE: No.

CHAIRMAN TRAVELSTEAD: **The motion to substitute fails nine to six.** That brings us back to the main motion which is to adopt Option 1, status quo. Are there any final comments on the motion? Can I see a show of hands from those who want to make any final comments? Kyle, are you for or against the original motion?

MR. SCHICK: I'm against it. Now this is the original motion and I'm against it.

CHAIRMAN TRAVELSTEAD: We're back to the original motion.

MR. SCHICK: Basically, we've already talked about a lot of this, and I understand that we have an issue with a decrease in biomass and problems with some year of the young. These are not issues from fishing pressure. If we're worried about the way we're perceived as allowing to increase the fishing mortality rate through commercial fishing without having anything based in science and without having anything in equitable fishing rights, then shame on us.

We should be looking at the facts and what is right and not what is perceived back home through emotions and through ideology of whether we should be commercial fishing for rockfish at all or whether we should have recreational fishing for rockfish at all. These issues shouldn't be entering into our conversation. Increasing the quota by a small amount is good for the economy, it's not going to hurt the fishing pressure, and it's the right thing to do. I'm against this motion.

CHAIRMAN TRAVELSTEAD: Thank you, Kyle. Jaime, are you for or against?

DR. GEIGER: Mr. Chairman, right now I'm leaning towards being for the motion. Mr. Chairman, I have concerns that looking at some of the future trends – I am concerned about the future status of the stocks. I am concerned about various environmental conditions affecting the status of the stocks. Certainly, given the current economic climate and the

possible inability of both states and the federal government to recover this stock again, if necessary, is and will be problematic.

For those of us that have gone through from the 1970s, eighties and nineties and struggling to recover striped bass stocks, we had the collective will and we had the collective funding to a variety of real heroes, many of which are no longer with us in this room and no longer serving in congress. My sense, Mr. Chairman, is that we may not have that option if we are forced to go this route again.

I am concerned again that we need to increase some of our science to address some of these troubling trends that I see. Mr. Chairman, I agree that right now it is better to err on the side of caution and being relatively conservative until we have the science in place that we can answer some of these troubling questions especially related to the apparent trends that have been reported to this board. Thank you very much.

CHAIRMAN TRAVELSTEAD: Thank you. We're starting to see some hands of people who have spoken several times before, and I would just note under Roberts Rule of Order after you speak the second time you're generally not allowed to speak for the rest of the day, so just keep that in mind. (Laughter) I don't think we've ever enforced that, but Pat Augustine.

MR. AUGUSTINE: I would have to find you out of order on that one, because you have not used that process since we have been in place. I want to say a lot of things. I am emotional at this motion. I'm not favoring commercial, I'm not favoring recreational, I'm favoring the fish. As Kyle said it very eloquently, it is amazing that we get roughly 2,000 letters that say the same thing with an address on it and a date.

Did anybody address the science? Hell, no, they're addressing their backyard. It is interesting that we take a science group, a technical committee with X number of people and with X number of hours of talented folks, evaluating and assessing and put forth their assessments that this process is supposed to be driven on. We're a democracy, but in fisheries management we're not supposed to be a democracy.

We're the managers who are supposed to manage. We're the persons who are supposed to take the best information available and make the decisions based on it. I'm absolutely amazed and sit here saying to myself those folks that voted for it had their own

reasons, most of which if I go back home I'll get shot if I vote for it.

I'm sure right now on the internet that word is already out that Pat Augustine got screwed because he didn't get an increase in commercial quota. I'm a big boy and I can take that, but the reality is we left the management program down. If we're throwing out the science in this species, just guess what, we've got 23 species of fish, we're going to have a field day.

So any of the species that I like, I'm probably going to get a letter campaign going against any changes you want to make in the future. That's being stupid, but the reality is we just threw out all the effort we've put forward. I listened to some of the comments that we're going to crash the stock. Excuse me, I'll use a very loose comment, give me a break.

I look at the spawning stock biomass to target. We're 185 percent above the threshold; we're 148 percent above the target. What in the hell is wrong with making the right decision based on scientific information? What is wrong with that? The difficult is we sit here and cower because we've got a bunch of recreational anglers or commercial people want more and for who?

I think we better think about do we want single-species management anymore. We're not dealing with single-species management. We're dealing with people management. I think we either have to have the guts to stand up to what our convictions are or walk away. Now, back to the concerns about picking a percentage; I don't believe the whole issue was picking a percentage as to what it was.

It was a matter of whether we were going to kowtow to a sector group that spoke very loud and clear that what they wanted was the only thing they wanted. We did that with our political system a couple of years ago and, boy, you sure got what you wanted, you got change. Well, here we're not getting change. We're not getting change with all the information in front of us. It is difficult to even sit here and imagine that we're going to go through this for three or four more species of fish only to have a group come to the table or write us 2,000 letters and say you're bad guys because you want to change something and fix it. It's ludicrous!

It's awful difficult not to get more emotional than I am, but I'll try to do my best. I do think that we're going to wait now until the 2011 stock assessment and come to the same conclusion, but unless we

address the remaining people who are getting a large quantity and having a very big hit on mortality in this fishery you haven't got to the person or people who are causing the problem. I'm not talking against recreational anglers.

I'm saying where is the mortality coming from? Is there a cap on the number of recreational anglers we have? The answer is no. If I went out yesterday and didn't catch squat the day before yesterday, but three vessels went out and caught all kinds of fish, now maybe they're over the quota, I don't know, maybe they tried to keep undersized fish; the same thing applies to striped bass.

The problem we're faced with is we have an uncontrolled number of people able to fish on a stock that has grown in leaps and bounds, that is an apredator fish, that is eating down the food chain. The next major apredator fish is fluke, summer flounder. They're eating down the fish chain, a food chain.

We're about ready to make a decision in the next two days of probably putting a moratorium on lobster fishermen for five years based on what, whim and woe. The lobstermen have screamed you're putting us out of business, you're wiping me out of my livelihood, but we're taking data that is questionable.

It had to go out to a peer review for the lobster group to determine whether their documents, technical review and their recommendations were correct. What are we going to do on that one, fill this room with commercial fishermen and kowtow and say, no, we're going to cover your butt. We're going to do the right thing. Why didn't we do it here?

I think we have to determine whether we're going to deal with single-species management or we're going to kowtow to the general public's perception. I didn't read in any one of those letters that that writer reviewed the scientific information or the technical committee's information; not one.

I did read eight letters in there that were from recreational anglers that said we have to do something about reducing the recreational effort. So am I frustrated? I did my homework. I listened to the people back home. I got beat up on the internet. I got beat up on the chat rooms, not that I give a damn, and come here prepared to debate an issue only to be socked down by some folks who either didn't do their homework or have the guts to lose their job when they go back home.

That's the frustrating part. Fisheries management is not a democracy. It is not at the councils, it is not ICCAT, it's not at the HMS area and it is not here. That is what have to say to about it, and I hope that you people remember that I do get torqued up at times, and I am really passionate about what we're doing. We screwed up today. Thank you for allowing me to rant, Mr. Chairman.

CHAIRMAN TRAVELSTEAD: Okay, I have five speakers left on the list and we are actually beyond the time allotted for the board. I'm not going to cut anybody off, but just keep in mind have we reached the point where anybody's mind is going to be changed by further comment. Bill Goldsborough.

MR. WILLIAM GOLDSBOROUGH: Mr. Chairman, I won't take much time. I want to reiterate the position on this issue that I've had since we first voted on it in February, which was I'll note before we heard from all these people we're supposedly kowtowing to. My perspective, of course, is Chesapeake Bay. We have a severe disease problem with resident striped bass in Chesapeake Bay.

As you know, about three-quarters of the coastal catch comes from Chesapeake Bay where they spend four to eight years before joining the migratory stock. We have documented increased mortality, reduced survival of those fish while they are resident in Chesapeake Bay, most likely a result of mycobacteriosis. We now know that nutrition has been linked to the disease.

We have a lack of suitable forage for striped bass in Chesapeake Bay. We're talking about doing something about it in the menhaden board. It seems to me we have every bit as strong science to do something about that there, and we have not done that yet. I don't know who we're kowtowing to there. I'm well aware of the perceived inequity.

I think it does need attention and it has for some time. I'm also well aware that the estimate of spawning stock biomass is above the target. I'm also well aware that its trajectory is downward; and because of the recruitment pattern we have seen lately, the projection is for it to continue to go downward. I'm also aware of a lot of letters that were written that cite a lot of this information that I think is very valid information to be concerned about.

I'm also well aware of some letters from some guides and some anglers in the Gulf of Maine, guides that are now out of business, former guides, I should say. They're not writing us based on some ideology.

They're writing us based on their loss of livelihood. Range constriction, as we all know, is one of the first signs of real serious warning signs of a problem with the stock, and, of course, those are primarily fish from Chesapeake Bay that get that far.

I'm in favor of the status quo. Because I think notwithstanding that we do have an inequity that does beg to be addressed; I don't think now is the time to increase the total catch. I would note that inequity is not observed in all of our states; and that for any one state that does perceive it, they have an option available to them to reallocate internally through conservation equivalency, and so at this juncture my suggestion is that that is our most responsible action. Thank you.

MR. ROY MILLER: Mr. Chairman, from a parliamentary standpoint, would it be possible for me to introduce a substitute motion at this stage?

CHAIRMAN TRAVELSTEAD: Yes.

MR. MILLER: All right, having listened to all the arguments and having been around striped bass management for a long time, I would propose the following. It is a fairly lengthy motion; however, the gist of it boils down to just a few key phrases, so I will read the motion; and then when I'm done reading the motion, while staff is trying to put it on the board, then I'll go back and highlight those key phrases, if I may.

**The substitute motion I would propose is the following: Because the Striped Bass SSB is still well above the target and threshold, in recognition of the fact that commercial allocations have not increased since 1997, and notwithstanding the concerns over recent declines in SSB and in Maryland JAI values, I move that the coastal commercial allocations be allowed to increase up to 10 percent above present allowable levels to be reconsidered by the board after the 2011 turn-of-the-crank assessment and/or the 2013 benchmark assessment.** Now, the key phrases in that substitute motion are a 10 percent increase in commercial allocation. The rest is just justification for the motion.

CHAIRMAN TRAVELSTEAD: Is there a second to the motion? Michelle seconds the motion.

REPRESENTATIVE DENNIS ABBOTT: Point of order. This strikes me that this motion is similar to the motion that we just defeated. We talked about percentages a moment ago, and we decided to insert

the 30 percent. Essentially this motion in my mind is the same thing but simply just changing the percent. On that basis, I think that in my mind it is an out of order motion.

CHAIRMAN TRAVELSTEAD: All right, staff can you help me out on this? I think it is a different motion, my read of it. It contains a different percentage and it also contained a sunset, correct? In my view it is substantially different. I will say we're really running out of time, so we're not going to be able to take a lot of debate on it. I'm inclined to allow debate to proceed unless overruled by the body. Tom Fote.

MR. FOTE: I think we're taking another bite at the apple that we just defeated. We've done this with this type of motion over the last three years. I wanted to say a lot of stuff on other comments, but at this point I think this is really out of order. You basically did an increase; we said we didn't want an increase. That was what the motion defeated. To change the percentages is not what the debate was about.

CHAIRMAN TRAVELSTEAD: Let's proceed with debate on this motion. Roy, did you want to make any further comments in favor of the motion?

MR. MILLER: Not at this time.

CHAIRMAN TRAVELSTEAD: Who wishes to speak on this motion? Michelle, are you for or against the motion? Okay, I'm going to come back to you. Paul, for or against?

MR. DIODATI: I was just looking for a clarification. I didn't understand when you said there was a sunset, but now I see the motion has been expanded quite a bit, so I haven't seen the full motion yet.

CHAIRMAN TRAVELSTEAD: Roy, you tell me if that is your motion? Does it have everything in it?

MR. MILLER: It lacks some verbiage that I put in about the rationale for the motion, but in effect that is the motion. I think if this were to pass, I'd like the entire motion to be read into the record, if possible.

CHAIRMAN TRAVELSTEAD: Well, then I think we need it on the screen. Do you have a written copy of it?

MS. MESERVE: In your motion, Roy, you said that the quotas haven't increased since 1997, but the quotas increased in 2003 under Amendment 6. Change it to 2003; okay, thank you.

CHAIRMAN TRAVELSTEAD: I want to wait until we get the motion on the screen. Vince, did you have a comment.

EXECUTIVE DIRECTOR JOHN V. O'SHEA: Yes, in the process of doing that, I think a question that's not clear to me is what does reconsidered mean, and I think the issue is does this increase go away automatically unless the board extends it or does the increase stay unless the board takes it away. I think that needs to be clarified.

CHAIRMAN TRAVELSTEAD: Roy, do you want to clarify that?

MR. MILLER: I intended it to be a sunset provision; so to the extent that Vince's verbiage applies, I would say the first part of what you said.

CHAIRMAN TRAVELSTEAD: So it not only will be reconsidered, it would sunset unless reapproved by the board?

MR. MILLER: Yes, I think that was my original intent.

CHAIRMAN TRAVELSTEAD: Okay, is everybody clear on the motion?

MR. MILLER: Assuming Michelle is okay with that.

CHAIRMAN TRAVELSTEAD: Michelle, you're all right with that?

DR. DUVAL: Yes.

CHAIRMAN TRAVELSTEAD: Okay, is everybody fairly clear on the motion? Let's go ahead with the comments while they're finalizing it. Bill, you had your hand up.

MR. WILLIAM McELROY: Mr. Chairman, I'm in favor of the motion particularly with the sunset provision in there. I have to agree that not going along with technical committee advice is a little bit troubling, and it seems to me that the risk of the collapse of the fishery is certainly not going to show itself to be a hundred percent in that short amount of time. As Mr. Gibson here said earlier, if the troubling trends continue or accelerate, certainly with this sunset provision we have ample time to act, so it seems to me to be a proper thing to do. Thank you.

DR. DUVAL: Mr. Chairman, similar remarks again. I spoke to this earlier. I am in favor of this motion. I believe it's a small enough increase that as Mr.

Gibson alluded to earlier it is within the realm of noise, but the sunset provision allows the technical committee to evaluate what those impacts might be. Thank you.

CHAIRMAN TRAVELSTEAD: I'm wondering if we can't just vote on this without further comment. We've had a ton of comment. Dennis.

REPRESENTATIVE ABBOTT: I would like to say that I've had my hand a couple of times and you've done well, but I have not had the chance to speak. As we keep substituting motions, I'm afraid that my comments might get lost somewhere in the vote or not have the same effect. Essentially I'm speaking to the original motion, but it all comes down to the same thing; do we either want an increase in the commercial catch or don't we.

Let me say, first, that I didn't pay much attention to the public comments. I recall some years ago on horseshoe crabs where we had over 23,000 or 25,000 comments in favor of shutting down the horseshoe crab fishery, but I didn't see the Atlantic States Marine Fisheries Commission – although they listened and I know we always listen, we voted what we felt was the best thing for the resource. I didn't read the public comment.

I personally have never been one to go with the flow in the sense that if this 2,300 comments were in one direction that was going to be my guiding force. I think for myself, in my capacity here as having a lot of obligations, my obligations don't extend to just the recreational side. They don't extend to the commercial side entirely.

I try to also think about the resource because I think at the end of the day in my mind the resource is the most important thing. The resource is important today; it is going to be important tomorrow. It is going to be more important many days beyond my days here. I also am not concerned about what is going to me when I go home because I didn't run for re-election.

Hopefully, I'll be back with you folks as a proxy next year if all goes well, because I really love this organization and I don't want to leave it, so I have been making those provisions in my state to hopefully make that happen. I'm also concerned that everything we've done in striped bass, when we increased the spring fishery, trophy fishery, whatever you want to call it, it never has any effect on the resource.

I made a comment a couple of board meetings ago about we are dying a death of a thousand cuts. For me to always hear that nothing we do has any effect on the resource is hard for me to believe because a dead fish is a dead fish and it has got to have some effect. We hear today that we shouldn't be too concerned but yet in a prior discussion we've heard about the need to do an assessment and we should be moving things along faster than we have because of everyone's concern.

But yet we feel the need to increase the commercial quotas when we also saw figures in the assessment that most states didn't even reach their quotas. There is a reason for that apparently. In my mind it's clear; there mustn't be the fish there to be caught; notwithstanding the fact that the states of New Hampshire, Maine and also probably northern Massachusetts are not seeing any fish. That is a concern, but again I think our greater concern should be the resource itself, and I think the message that we send right now of increasing the commercial quota is the wrong message to send to the public, be they recreational, commercial or whatever.

Again, speaking as a legislator, I don't come here supporting any interest other than the folks in the state that I represent entirely, whether be they fishermen or not fishermen. I do not support this motion and I wish we would get back to the original motion as originally offered so we can vote up or down. Thank you.

MR. FOTE: I'm not going to talk on the motion. What I'm talking about is how commissioners need to treat each other with respect. We do our homework. We come here; we're not paid. Governors' appointees and legislative appointees who are sitting around this table, I don't get paid for anything I do.

We come here and we do our homework, we research the projects, and we go through it. We might not always agree. Weakfish was a prime example at the last meeting, and I didn't give personal attacks. I realize states have to vote the way they basically did if you read the articles I wrote on that.

I know it gets emotional sometimes and you get carried away, and I have done that at previous meetings. When I read letters from a guy like Schwab from New York who has been involved in striped bass management and has got an award from the commission over the period of time and was on the Striped Bass Advisory Committee going back to

the 1970s, he has a long history and I respect those opinions.

Yes, we're going to hear stuff from commercial. I've taken heat for voting for the commercial shad fishery to be allowed in New Jersey. I got beat up by recreational. That comes with the territory; I expect that. I mean, if you want to fire me, I'll go back to fishing and not sitting at tables all the time looking at meetings. But we do this because we care about the resource. We try to represent what our states want and we're all trying to do that. I'll just leave it at that.

MR. A.C. CARPENTER: Mr. Chairman, several times this morning I've heard that the commercial harvest is not actually taking their full quota. Let me assure those who don't deal with quotas that there is a reason and an intention and it is quite intentional not to go over the quota; because if we go over the quota, we have to pay a penalty the following year.

I think the reason that we have the level production just under the quota is exactly by design and intent of what this commission has been going for. What I'd really like to see is a target and a quota for the recreational side of the equation and then we can truly judge how well we're managing the species.

CHAIRMAN TRAVELSTEAD: Okay, that was the last speaker on the list. We're now going to vote on whether to substitute this motion for the other one. Take about 30 seconds to caucus and we'll have a roll call vote on whether to substitute.

(Whereupon, a caucus was held.)

CHAIRMAN TRAVELSTEAD: Everybody finish caucusing? Nichola, can you 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: No.

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: No.

MS. MESERVE: District of Columbia is absent. 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: No.

MS. MESERVE: National Marine Fisheries Service.

NATIONAL MARINE FISHERIES SERVICE: No.

CHAIRMAN TRAVELSTEAD: **Okay, the motion fails by the same vote; 9 opposed to 6.** I told you you wouldn't change your vote with all that discussion and I was right, and I just wanted the opportunity to say I told you so. **We're not going to take any further discussion and we're going to go back to the original motion, which is status quo.** We're not even going to caucus. We're going to vote. Call the roll.

MS. MESERVE: Maine.

MAINE: Yes.

MS. MESERVE: New Hampshire.

NEW HAMPSHIRE: Yes.

MS. MESERVE: Massachusetts.

MASSACHUSETTS: Yes.

MS. MESERVE: Rhode Island.

RHODE ISLAND: No.

MS. MESERVE: Connecticut.

CONNECTICUT: Yes.

MS. MESERVE: New York.

NEW YORK: No.

MS. MESERVE: New Jersey.

NEW JERSEY: Yes.

MS. MESERVE: Pennsylvania.

PENNSYLVANIA: Yes.

MS. MESERVE: Delaware.

DELAWARE: No.

MS. MESERVE: Maryland.

MARYLAND: Yes.

MS. MESERVE: D.C. is absent. Potomac River Fisheries Commission.

POTOMAC RIVER FISHERIES COMMISSION: Abstain.

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: Yes.

CHAIRMAN TRAVELSTEAD: **Eleven to three; the motion carries.** Now, we still have another issue, Page 7, to redefine recruitment failure. Is there a motion on that issue? Pat Augustine.

MR. AUGUSTINE: **Move to accept Option 2.**

CHAIRMAN TRAVELSTEAD: Is there a second to the motion for Option 2? Seconded by A.C. Carpenter. Is there any objection to the motion? Is there any objection to the motion to redefine recruitment failure? **The motion therefore carries with no objection.** Nichola, do you have any advice on compliance?

With status quo, I think we could just implement immediately, correct, so that we would use the recruitment failure measures as soon as possible. **I guess we need one final motion to approve the addendum as amended.** Tom Fote.

MR. FOTE: **So moved.**

CHAIRMAN TRAVELSTEAD: Is there a second to the motion? Doug Grout seconds the motion. Any comments on the motion? Any objection to the motion? **The motion carries; the addendum is approved.** Okay, back to the agenda, Item 6, discussion on development of poaching estimates, Nichola.

## **DISCUSSION ON DEVELOPMENT OF POACHING ESTIMATES**

MS. MESERVE: I'm just going to give the board a quick background and then Mike Howard is going to provide some new information. Essentially the board began this discussion in May, and we ran out of time so it was postponed to today. On your briefing CD are the background materials. It looks at why we don't have estimates of poaching for inclusion in the assessment at this point.

The technical committee and law enforcement committee have commented on this saying that the data that is currently collected is not adequate for estimating poaching and that there are hindrances to collecting the data that would allow us to estimate poaching. The technical committee did provide an analysis that looked at what would to happen to F and

SSB if there were 10, 20 or 30 percent increases in the catch and age.

It looked a lot like the quota increase analysis that you just looked at. The LEC has commented that there could be better data collected, but there are worries about state funding as Mike commented on earlier. Staff is passing out a document which Mike will discuss for the board.

MR. HOWARD: I would like to do this in two parts. First is the general discussion about poaching estimates and then the two-page document that is going around. Since May I have been in contact with Dr. King who has worked with John Sutton on poaching estimates and improving U.S. Fisheries enforcement.

Dr. King is really one of the world's experts in this subject, and he has far more expertise. He is peer reviewed in his publications and as recently as last year and this year has a wonderful series of documents and peer-reviewed publications through the LENFES Ocean Program. Dr. King was supposed to be here, but unfortunately something came up last week.

I would just like to say that he has looked at this. His group has looked at this in a number of ways on a nation-wide basis, and he has been unable to accurately take fisheries and put percentages on it, but they have drawn conclusions in poaching and the effects of that. There is a document put out August 2010, "Improving U.S. Fisheries Enforcement". It should be on your CD-ROM. There are three documents on there.

I just want to tell you that from our committee's standpoint we're going to defer to the doctors and the people that have studied this. We agree with their conclusions. We agree with this document that they've put out. I think from a committee's standpoint our time can be better served since people have already looked at this issue in academia, and they've been given massive grants to study it, that our time might be better served kind of putting a stop to this ongoing process of can we measure or can't we measure at this time.

Of course, we'll do whatever what you want. The second is a document that you've heard us for years express concerns about this staging area, the intercept fishery off of the coast as these striped bass migrate. This paper has been reviewed to some degree and not everybody agreed with everything in there, so I'm the author. I believe in what it says.

I'm not going to sit here and read to you, but I will tell you that within this staging and the fish, before they enter the Chesapeake Bay, and this ongoing problem that exists out there, there are increased efforts this year that may not have been present in years past, and we won't know the results of that until after the season.

Virginia has played a key role. They've made 50 cases, I think, the year before last or this past winter, in a two-month period of time, even with the resources that they have – and remember this is a federal water issue. This is not a state water issue. They made 19 cases of 60-some boardings there. Some of those cases were quite significant.

When they are out there, they are dispersing groups of boats and preventing them – interrupting their fishing. North Carolina, who does not have funding from NOAA for Joint Enforcement Agreements, has also participated to a great degree and supported efforts with the Coast Guard in their occasional operations to date in that area. Having said that, I don't think I need to read this document. I'll field any questions.

CHAIRMAN TRAVELSTEAD: Any questions for Nichola or Mike? Yes, Ritchie.

MR. R. WHITE: Mike, would it be possible to provide us with a report in March that kind of gives us a little more detail as to the effort over the last couple of years in comparison to the new effort that is taking place this year, so we get some sense of the numbers you were just starting to talk about; you know, number of boardings, number of warnings, number of complaints, so we can kind of quantify what kind of effort has been taking place and where it is going.

MR. HOWARD: I'll take that back to the committee, but I think that data is being captured with the JEAs, and we'll just have to add a summary from North Carolina. We'll take that to the committee.

MR. THOMAS McCLOY: There has been discussion earlier on in the board meeting about penalties being increased for EEZ violations. Out of curiosity, what is the penalty for possession for striped bass in the EEZ right now?

CHAIRMAN TRAVELSTEAD: Steve Meyers, can you answer that question?

MR. MEYERS: Not off the top of my head, Mr. Chairman, but I'll get the information for you.

CHAIRMAN TRAVELSTEAD: Mike can answer that question.

MR. HOWARD: I want to be honest and I want to be frank. Two or three years ago with the support of this body, we went from a summary penalty for recreational from fifty dollars a fish to a hundred dollars a fish, up to like five fish. Commercial ventures went through the NOVA process. That process is still working to some degree.

There are people that have been served with notices that haven't been answered in years, over three years. There is a process going on right now we will be discussing at our meeting. There are changes that are happening within the enforcement and the issuance of NOVAs and all. It's my belief that there is still ongoing significant NOVAs being issued for major violations, but that there is some disheartening news in that arena.

There is no consistency and NOAA Enforcement working with their partners are working for consistency and quickness of resolution, and it has not happened yet. What have I just said? There are significant penalties. In some cases there are unresolved issues that may not ever get resolved is what I heard.

MR. McCLOY: If I could follow up; so if I'm hearing you correctly, it is more than just the level of a fine. It is also the process?

MR. HOWARD: It is almost all the process unless you're mom and pop and have a pair of fish where you get a hundred dollar fine.

MR. AUGUSTINE: Mr. Chairman, Kurt Blanchard made some comments earlier reiterating what Mike said; obviously no consistency up and down the state. Would it be possible for us to create a subcommittee to look at what would be reasonable fines that we could recommend, and that would possibly be moved forward and help NOAA or whoever else the enforcement agency is at the next level.

If we collectively as state agencies came together and recommended what might be reasonable, at least it is a document that we could take back to our states and maybe recommend that to our local judges and so on. At the same time it could be advance forward to other bodies. Would that be helpful to the law enforcement group?

MR. HOWARD: The last part of your statement, take it back to your individual states and jurisdictions

for recommendation is certainly a worthwhile education and pushing for consistency. You may not mandate to the individual states and jurisdictions or the federal government.

MR. AUGUSTINE: Yes, it was a recommendation but it would be a common recommendation that the board or the commission would agree to. I think it might be a good start. It's obvious you folks need all the ammunition you can get.

CHAIRMAN TRAVELSTEAD: I'm not sure that we need a subcommittee of the board to look at that, but maybe that's something we can task the Law Enforcement Committee to look at with the assistance of staff to bring us some kind of report.

MR. HOWARD: We've already surveyed the states, Mr. Chairman, on the fines. We have that data available and so we can look at that for you.

CHAIRMAN TRAVELSTEAD: Do you think you can give us report at the next meeting, then, on that summary?

MR. HOWARD: Yes.

MR. LUSTIG: In Pennsylvania our law enforcement strategy provides for a base fine for fishing over the limit and then a per fish additional allocation against the angler at the discretion of the officer. Mike, can you comment about the presence or absence of that second part of that description, at the discretion of the officer, please?

MR. HOWARD: Almost every state has a graduated fine schedule. Many of them have after an X-number of fish it becomes a major violation. There are different descriptions but there are progressive fines and that even happens in the federal system. Most areas move to remove most discretion from officers so there is uniformity in apprehension and disposition of cases.

MR. RUSSELL DIZE: Mr. Chairman, from what I have observed in Maryland, fines don't mean anything. That's part of doing business unless you get to the really large fines that the Coast Guard puts on like scalloping. We had a terrible poaching problem in the oyster business in the state of Maryland. This past winter we took the license of three – the state took the license of three individuals that were poaching. They caught them and one they took his license for life.

The only deterrent for this is to relief the permit of the person that is the violator. Fines become part of doing business. Unless it is so really high, I don't think you'll get that, but if you relieve a permit for 60 days, 30 days or that season, you will stop the poaching; not all of them, but a majority. Thank you, Mr. Chairman.

CHAIRMAN TRAVELSTEAD: Any further comments on this issue? If there are, I would like to again put further comment off until the next meeting in the interest of time. We're about 45 minutes over now as it is. I know it's a topic that is of interest to a lot of you; but since we're running out of time, maybe we could put it on the next agenda for further discussion and we'll hear additional information from our committee.

### **ECONOMIST AND SOCIAL SCIENTIST NOMINATIONS TO COMMITTEES**

Seeing no objections, let's move to Item 7. We have two individuals, Dr. Winnie Ryan and Dr. Peter Shuman, who have been nominated to the technical committee and PDT. They are **economists and social scientists**. **Is there** any objection to the addition of those two individuals to the technical committee and PDT? **Seeing none, they're accepted to the committee**. Is there any **other business** to come before the board? Yes, Dennis.

### **OTHER BUSINESS**

REPRESENTATIVE ABBOTT: Mr. Chairman, just let me comment about your objectivity and precision and fairness in conducting this meeting. I know it was a difficult meeting and you did an excellent job. Thank you.

CHAIRMAN TRAVELSTEAD: Thank you. Pat.

MR. AUGUSTINE: One final action item, Mr. Chairman; in view of the fact that the commercial quota is not going to be increased, it will be interesting to note whether the mortality rate continues going down on the large fish. I would hope that the technical committee is keeping a very close look at seeing what is happening, whether or not states are going to respond by doing more restrictive measures or change their slot size to reduce the mortality on these larger fish.

As far as I can see, larger fish produce eggs. No large fish; no fish; so we'll blame it on something else. I don't know what the technical committee

would do on that other than to remind you we're all going to be looking at it. Thank you.

CHAIRMAN TRAVELSTEAD: As a final note, let me just say that I think all of you – certainly those of you who have chaired board meetings know how important the staff is to making these meetings run so well. I would just note for the record that Nichola is a prime example of a staff person who has assisted me greatly and I think all of us in making these meetings run so well. I just want you to join me again in thanking her for her service. (Applause) Michelle.

DR. DUVAL: Mr. Chairman, I apologize. When we took that last vote on the last motion on Issue 1 and Option 1, I got caught up in the yeses and I meant to vote no. I'm not asking a revote. I just want the record to reflect that based on all my previous votes up to that vote, I did mean to vote against that motion and accidentally had just a major brain malfunction.

CHAIRMAN TRAVELSTEAD: The brain malfunction is noted for the record. Arnold, real quickly.

MR. ARNOLD LEO: Arnold Leo; I'm the consultant for the fisheries for the Town of East Hampton. It is discouraging to see the extent that management decisions are driven by politics and not by the best scientific data. But what is really getting me down is that striped bass is being managed in a completely atypical way.

Almost all the other fisheries, both the recreational and commercial, quotas are set annually based on the stock assessments and the juvenile recruitment data, so that both recreational and commercial are on a flexible basis that can change year to year. With striped bass, that is true of the recreational sector but the commercial sector is being strapped with a completely unrealistic quota year after year. And despite the obvious fact that hardly any impact would be felt on the spawning stock biomass by increasing the coastal commercial quota, it was vote down today.

CHAIRMAN TRAVELSTEAD: Okay, thank you, Arnold.

MR. LEO: Clearly, what we need is for the commercial and recreational to be managed in the same way that bluefish, scup, summer flounder, black sea bass and spiny dogfish and all the rest are managed with both sectors on a flexible basis. I wish that would be put into the agenda for the next meeting to be discussed. Thank you.

## **ADJOURNMENT**

CHAIRMAN TRAVELSTEAD: Thank you; we've got to move on. **We are adjourned.**

(Whereupon, the meeting was adjourned at 12:03 o'clock p.m., November 9, 2010.)