

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

**Crowne Plaza - Old Town
Alexandria, Virginia
February 4, 2014**

Approved May 13, 2014

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INDEX OF MOTIONS

1. **Approval of Agenda** by consent (Page 1).
2. **Move to accept the 2013 FMP Review** (Page 13). Motion by Pat Augustine; second by Michelle Duval. Motion carried (Page 13).
3. **Motion to adjourn** by consent (Page 15).

ATTENDANCE

Board Members

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|--|--|
| Patrick Keliher, ME (AA) | Tom Fote, NJ (GA) |
| Terry Stockwell, ME, Administrative proxy | Leroy Young, PA, proxy for J. Arway (AA) |
| Rep. Walter Kumiega, ME (LA) | Mitchell Feigenbaum, PA, proxy for Rep. Vereb (LA) |
| Steve Train, ME (GA) | Bernie Pankowski, DE, proxy for Sen. Venables (LA) |
| G. Ritchie White, NH (GA) | Roy Miller, DE (GA) |
| Doug Grout, NH (AA) | David Saveikis, DE (AA) |
| Rep. Sarah Peake, MA (LA) | John Clark, DE, Administrative proxy |
| Paul Diodati, MA (AA) | Tom O'Connell, MD (AA) |
| Bill Adler, MA (GA) | Russell Dize, MD, proxy for Sen. Colburn (LA) |
| Bob Ballou, RI (AA) | Bill Goldsborough, MD (GA) |
| Mark Gibson, RI, Administrative proxy | Rob O'Reilly, VA, proxy for J. Bull (AA) |
| David Borden, RI, proxy for B. McElroy (GA) | Kyle Schick, VA, proxy for Sen. Stuart (LA) |
| Rick Bellavance, RI, proxy for Sen. Sosnowski (LA) | Bill Cole, NC (GA) |
| David Simpson, CT (AA) | Michelle Duval, NC, proxy for L. Daniel (AA) |
| Lance Stewart, CT (GA) | Martin Gary, PRFC |
| James Gilmore, NY (AA) | Steve Meyers, NMFS |
| Pat Augustine, NY (GA) | Mike Millard, USFWS |
| Russ Allen, NJ, proxy for D. Chanda (AA) | |

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

Ex-Officio Members

Charlton Godwin, Technical Committee Chair

Kelly Place, Advisory Panel Chair

Staff

Robert Beal
Toni Kerns
Kate Taylor

Mike Waine
Katie Drew

Guests

Wilson Laney, USFWS
Derek Orner, NOAA
Cheri Patterson, NH F& G
Michael Petony, NMFS
Mike Luisi, MD DNR
Beth Versek, MD DNR
Harry Hornick, MD DNR
Angela Giuliano, MD DNR
Alexei Sharov, MD DNR
Ken Hastings, Mason Springs Conservancy
Charles Lynch, NOAA
Tom Hoopes, MA DMF
Arnold Leo, E. Hampton Baymens Assn.
Ed Liccione, CCA Maryland
Michael Nyalko, CCA

Jeff Kaelin, Lund's Fisheries
Dan McKiernan, MA DMF
Bruno Vasta, S. MD/MSSA
Andrew Turner, NOAA
Raymond Kane, CHOIR
Brandon Muffley, NJ DFW
Tom Baum, NJ DEP
Kelly Denit, NMFS
Joseph Gordon, PEW Trusts
Aaron Kornbluth, PEW Trusts
Katherine Denel, PEW Trusts
Ed O'Brien, MD
Ron Lukens, Omega Protein
Capt. Pete Daulberg, CCA
Emilie Franke, Chesapeake Research Cons.

The Atlantic Striped Bass Management Board of the Atlantic States Marine Fisheries Commission convened in the Presidential Ballroom of the Crown Plaza Hotel Old Town, Alexandria, Virginia, February 4, 2014, and was called to order at 10:50 o'clock a.m. by Chairman Thomas O'Connell.

CALL TO ORDER

CHAIRMAN THOMAS O'CONNELL: Welcome, everybody. My name is Tom O'Connell. I'm from Maryland and Chair of the Striped Bass Management Board.

APPROVAL OF AGENDA

CHAIRMAN O'CONNELL: Everybody should have an agenda; and our first order of business is to approve that agenda. Are there any comments in regards to modifications to the agenda? Mike.

DR. MIKE MILLARD: Under other business, I'd like to offer a brief update of the Cooperative Winter Tagging Cruise from our colleague, Wilson Laney.

CHAIRMAN O'CONNELL: Is there any objection to that? All right, we will add that. Are there any other suggested changes to the agenda? All right, seeing none, the agenda stands approved.

APPROVAL OF PROCEEDINGS

CHAIRMAN O'CONNELL: Our next item is approval of our proceedings from the October 2013 meeting. Are there any suggested changes to those proceedings? Seeing none, the October 2013 proceedings will stand approved.

PUBLIC COMMENT

CHAIRMAN O'CONNELL: Next we have a public comment period. This is an opportunity for the public to provide input to the board on items that are not on the agenda. As time allows, if there are decisions being made, we will try to offer time for the public comment; but again that will be time-based. We do have one person signed up, Mr. Ken Hastings. If it is an item that is not on the agenda, please come up.

MR. KEN HASTINGS: My name is Ken Hastings. I'm a recreational fisherman from Maryland. I am here today representing Stripers Forever. As many of you may know, Stripers Forever advocates for game fish status to end the commercial exploitation of Atlantic striped bass. We believe, supported by some fairly strong economic studies, that the socio-economic value of live striped bass far exceeds their value as food.

Substituting recreational priorities for commercial priorities would create an inherent conservation ethic because it takes more fish to have a good recreational fishery than it does to have a good commercial fishery. We believe that the policies and priorities of this board are directly responsible for the decline of striped bass fishing and that they continue to impede any progress toward restoration of the fishery.

For example, allowing the Chesapeake Bay jurisdictions to increase the exploitation of the 2011 year class in the face of possibly drastic cuts for everyone else in the future is irresponsible at best. Every fish we eat today will not join the spawning stock biomass in 2016. I'm not sure no one saw this coming. Certainly the signs were there. I remember back to the Boston Annual Meeting that this commission chose to ignore the fact that data uncertainties can cut both ways.

For some reason, the glass half full crew won that battle; we'd probably have more fish than the data says when in fact you apparently had a lot less fish than you thought. This encourages you to ignore even the admonishments of one of your own. I was at the Georgia meeting. I think the highlight of my visit to ASMFC in Georgia was the comments made by Commissioner Diodati when he made an eloquent plea for something to happen for striped bass.

Plummeting fish abundance and loss of recreational fishing economy and opportunities have become the norm and produced some of the worse striped bass fishing in years. You have other chances; but each time you kick the can down the road a little further you will have fewer fish. If you're really serious about

restoring something and getting good recreational fishing again, it is time to stop kicking the can. Thank you.

CHAIRMAN O'CONNELL: Thank you, Mr. Hastings. Is there anybody else that didn't sign up that would like to provide input to the board at this time? All right, seeing none, we're going to continue with the agenda. I'm going to hand it over to Mike Waine in a second; but as you recall at the last meeting in October, the board approved the stock assessment, set forth some follow-up actions to an addendum for reference points, tasked the technical committee to look at reference points for stock-specific areas like the Chesapeake Bay and then to assess where the fishery is as we try to work our way back, if needed, to the target levels of fishing mortality. Mike is going to provide an overview and then get a report from the technical committee.

DRAFT ADDENDUM IV FOR PUBLIC COMMENT

MR. MICHAEL WAINE: As Mr. O'Connell just mentioned, we have two separate addendums here. The first one is for this meeting. It is Draft Addendum IV and it deals with reference points. Sort of reiterating what Tom said, we had the benchmark stock assessment results that were presented at the annual meeting in 2013.

Based on those results, the board initiated two addenda. The first is for reference points that include both the coast-wide stock and the stock-specific reference points for the Chesapeake Bay and the Albemarle Sound/Roanoke River; and then a follow-up addendum which would deal with the management options to reduce F to a level at or below the target.

These are currently two separate documents. The timeline would the board is reviewing the draft addendum for public comment at this meeting. We would take the document out for public hearings in February through April, bring it back for the board in May for final approval, with implementation upon approval at that meeting.

The purpose of this document is that there is currently a mismatch between fishing mortality and spawning stock biomass reference points. The fishing mortality reference points are based on achieving maximum sustainable yield while the spawning stock biomass reference points are based on the historical level of SSB in 1995 when the stock was declared recovered.

The benchmark assessment recommended that new F reference points be adopted, and those are set to stabilize SSB at the 1995 level; so what fishing mortality should we be fishing at to achieve 1995 SSB? The projections are used to estimate what that fishing mortality rate is. The second part of this is that the benchmark assessment didn't recommend stock-specific reference points for those producer areas; and so the board tasked the technical committee to develop those stock-specific reference points for this document.

A little bit of background; Amendment 6 that was approved in 2003 established an Fmsy threshold of 0.34 and an F target of 0.30, which is the 24 percent exploitation rate. The target F for the Chesapeake Bay stock was reduced to 0.27 to account for the harvest of smaller fish in that area.

Additionally, the Chesapeake Bay uses a harvest control model to set catch quotas that are just below that F target of 0.27. There will be some further background in the technical committee report. The management options in this document are really just the reference point options. The first is for the coastal migratory stock.

Option 1 is status quo, so the F reference points would continue to be based on MSY. Option 2 is F reference points would be consistent with SSB reference points; and that would result in a new threshold of 0.219 and a new target of 0.180.

Section 3.2 deals with the stock-specific reference point; and the technical committee report has some requests for more guidance on the intent of the stock-specific reference points for the board. For this portion I will turn it over

to Charlton Godwin, our Technical Committee Chair.

TECHNICAL COMMITTEE REPORT ON REFERENCE POINTS

MR. CHARLTON GODWIN: The technical committee met two times via conference call. We discussed developing new reference points for the Chesapeake Bay and by default the Albemarle Sound/Roanoke Stock. The current model treats the striped bass population as a single coast-wide stock. Historically, as Mike pointed out, the Chesapeake Bay has used the harvest control model with target Fs to set their quotas.

The technical committee is requesting some more guidance on the purpose of what the Chesapeake Bay biological points will serve in the management framework. One option is to set reference points that assess the impact of the Chesapeake Bay Fleet on the coast-wide stock. Another option would be to have reference points or set a quota for the Chesapeake Bay Fleet. This would require two reference points.

To evaluate stock status, we need a reference point to measure F. The statistical catch-at-age model can provide this but not for the Chesapeake stock individually. It measures the mortality of the Chesapeake Fleet relative to the total coast-wide population. The current Chesapeake Bay quota-setting process uses tagging estimates of F, but these cannot – it is difficult to compare these to the model estimates F for the Chesapeake Bay Fleet or the model-based reference points to evaluate the overfishing status.

There is currently a disjunct between the tagging model estimates of F and the estimates of F generated from the statistical catch-at-age model. While total mortality are similar for both these methods, the tagging models consistently produce lower estimates of F; so it looks like the natural mortality from the tagging models is increased significantly or it is a factor of emigration, but currently they're not quite comparable. The technical committee really

needs more guidance on what the specific purpose of these reference points will be.

MR. WAINE: Then just to wrap up the addendum, there is compliance where a management program that would address biological reference points would be effective immediately upon approval of the addendum document because there are no specific management options. There is just a change in the reference points.

CHAIRMAN O'CONNELL: Under Agenda Item 4, there is also an item on catch-and-release fishing in the EEZ, but I would like to first address this addendum issue and then we can talk about that issue. I think the technical committee and staff are looking for guidance on a couple of issues.

The first one, obviously, is guidance for the technical committee to continue their work in looking at developing reference points for the Chesapeake Bay area. They've laid out a couple of options, and it is my understanding that those options can also be worked in conjunction with each other.

The other thing that the board should think about as we look forward to making a decision for approving this addendum to go out public comment – obviously, striped bass is one of our species that gathers a lot of public attention. As we learned through previous examples, sometimes it is helpful to not only put out an addendum with reference points but also with management options so the public can look at both of them together.

That may be an option for the board to consider, recognizing where we are with the technical committee still needing to do some work on reference points, that we can bring the reference points and the management options together in May and take that out for the public in the summertime. That would also address some of the staff resource needs to travel along the coast for doing these public hearings, but that is just an option and through conversation with staff that I wanted to make aware to the board. With that, let's open it up for some questions. Pat.

MR. PATRICK AUGUSTINE: A great job by the technical committee; a little bit of thought because you developed a possible couple of ways that we could address this. The question would be there going to be in parallel; and it would be difficult for you to select one versus the other or do you want to make – when you finally develop these options, that you want to put it back on the board to decide which way we go?

In other words, you said if we went to Option 2, you develop a second set of reference points for the Chesapeake Bay. That is the first part of the question. The second part; which would be more timely as well as accurate? We don't want to put together a partial document, rush it to get it out there and then have to go back and say, oops, we made a mistake. If they can respond to that, Mr. Chairman, I would appreciate it.

CHAIRMAN O'CONNELL: Yes, I think that is the issue that the technical committee needs to do a little more work and whether or not the board can provide enough direction to finalize this addendum and go out for public comment or have them do some work and have staff be looking at management options and come back in May.

MR. AUGUSTINE: A follow up to that; I had a brief conversation with Mike. I didn't bite him on the backside, but I think he thought I did. I was concerned when I saw the document that we got in the mail, all the work they have done, and apparently it became more convoluted and complex than my simple statement of saying, hey, guys, go do this. We got a second to it and we had nods of heads around the table.

But, my thought was that the sooner the technical committee or plan development team – I guess it would be a technical committee – can come up with a series of options that the public can take a look at to get their arms around; if we take the basic issue that we've got to reduce mortality on the larger animals and use that as a premise looking at the stock assessment – all people have looked is at that at 2015 and 2016 that the spawning stock biomass is not where

they want it to be and then a concern of crash, crash, crash is in everyone's mind.

The two things I would suggest is I would almost say if the technical committee believes that developing a separate set of mortality reference points for the Chesapeake Bay that is compatible, that makes sense, the Chesapeake Bay is treated similarly to the coast, that would be great.

Secondly, to develop a set of options, bag, size and season, and probably limit that to a very limited number, three, four or five – let's not get into five, ten, fifteen and talk about regions and that sort of thing – and we talk about a coastal the way we have; and I think what will come into play is what we're doing now is the conservation equivalency. So, if we can go along those lines as a start, I'm sure other board members might have some additional suggestions, Mr. Chairman.

MR. DOUGLAS E. GROUT: I'd like to ask a couple of questions just so that I can make sure that I understand the issue that the technical committee is bring before us. Under the current scenario that we have right now, we have a target F of 0.27, which is as I understand – and correct me if I'm wrong – was used in the harvest control model to set quota levels? No? There was no reference to F at all?

DR. KATIE DREW: The harvest control model gives you a quota based on whatever F you put in. In theory you could put in the F target of F 0.27; but in practice I think everybody who has worked on it has felt that F has been too high or perhaps not too high, but that the focus in the harvest control rule has always been on maintaining sort of a constant level of F; that sort of as it is measured by the tagging model lower than that target. So in practice although the F target is there as almost more of an upper limit, it is not – the current Fs that are going in are lower as measured relative to that target; so in practice the quota has been set on a much lower level than we would currently consider the target.

MR. GROUT: That helps clarify things immensely; that you have been using the existing tagging F measurements to go into the harvest control model. The only thing that has been in the past that F target that we have for Chesapeake Bay has really been something to measure the tagging mortality against to make sure that we were not overfishing?

DR. DREW: Yes; and I think the concern of the technical committee is that the tagging models and that model-based reference point don't line up, that you're sort of measuring them on two different scales with two different sets of assumptions; so the ability of that tagging rate to control and evaluate status we have concerns about versus using that to set a quota to control harvest that keeps it at constant levels relative to what has been done historically. I think we have more faith in that than evaluate the status.

MR. GROUT: So, the Chesapeake Bay states, are they going to maintain the current status quo for how you put what kind of fishing mortality rate you put into the harvest control model; and if that is the case, then we really don't need Option 2. We only need Option 1.

DR. DREW: Well, I think that would be up to the board in terms of is the board satisfied with how this has been going forward. Would they prefer sort of a historical proxy type approach like that to maintain what has been done in the past in which case we wouldn't need to – I think we would need to have that clarified in writing so that this process is transparent and everybody understands where these numbers are coming from versus if we do want to establish reference points, we would need to have them separate from whatever reference points we would use to monitor or evaluate status.

MR. GROUT: So then you're looking for two recommendations; one, do we want to have a target reference point for the Chesapeake Bay that we could measure fishing mortality against; and then also a recommendation from this board as to the harvest control model which would be the specific details of how the harvest control model would be utilized?

DR. DREW: Yes, essentially, with the understanding that the evaluating status is again on the coast-wide level that is the Chesapeake Bay Fleet overfishing the entire coast-wide stock because we cannot give you anything specific to the Chesapeake Bay stock; but we could tell you is it overfishing on the coast-wide level versus as we set basically a set of reference points to help us to help the Chesapeake Bay region establish a sustainable quota.

CHAIRMAN O'CONNELL: Good questions, Doug. Rob.

MR. ROB O'REILLY: I think there is a real tug of war going on here about these reference points from my understanding. I think one of the situations the technical committee talked about was this fishing mortality rate that comes from the tagging. Of course, Virginia is a guest in the harvest control model regime since 1997 along with the Potomac River Fisheries Commission; but it was the Maryland Department of Natural Resources that is the author of this model that stems back to when the fishery reopened in 1990.

But the tug of war is should you be using the target or not as Katie Drew just mentioned? Dr. Sharov is here and if you need any information, of course, he is more fluent on it, but there is a delta term in there from what I remember; so there is something that looks at the tagging F and the target. That is one comment and that needs to be looked at.

But I think also another comment is we're talking about different producer areas here. It is not simply the Chesapeake – Hudson, Delaware an Albemarle/Roanoke – so there really a big task at hand for the technical committee to go through. I can't given the start to this process – this has been going on for a while – that this won't be a pretty good challenge.

The other thing I want to mention – the last thing I want to mention is in Amendment 5 in 1995 and for Amendment 6 in 2004, it was fairly straightforward that once the coastal F had been determined and established that there was an ability to set the Chesapeake Bay target; and

there is only a target as the reference point. I hope everyone has looked back at that methodology. I've got some questions as to how that methodology went forward back then; and I hope my information helped.

Certainly, I don't think this is something that it should end up with some of the real low estimates that I heard on the order of a target of 0.062 as a target F for the Chesapeake Bay. It doesn't seem plausible. The Chesapeake Bay Fleet, whether you're looking at that or whether you're looking at the model, I think the technical committee has a challenge. The other jurisdictions are waiting as well that have producer areas. Thank.

DR. MICHELLE DUVAL: Mr. Chairman, just a quick question for either Katie or Charlton, I guess. How long has the estimate of F within the tagging model been sort of diverging from what is coming out of the catch-at-age model; how many years?

MR. GODWIN: It has probably been for the past maybe ten years now, I think. The effect of myco has been pointed to as one of the culprits for the natural mortality increase. There has been a study on that. Emigration could play a factor as well as some of the tagged-based components such as the reporting rate that go into the tagging model could play an effect on that. It has been going on for a while. As they have noted, the harvest control model has used the tagged-based F estimates as opposed to the target F in their harvest control model to set their annual quota.

MR. O'REILLY: I just wanted to follow up on that a little bit. For many years the management board listened to two types of results; one from the VPA, when the VPA was used, and now the statistical catch at age, but also tagging studies that were done. It was always a bit of struggle because there never was any clear-cut information as to which of the two really should be the benchmark to go by.

In most cases it was always thought the VAP and now SCA. I am out of touch a little bit here with this question, but the instantaneous catch

rates which is used by the Bay is also something that went through the some extent peer review and is also used as the preferred method for determining tagged-based S. Is that still the case I guess is the question?

MR. GODWIN: Yes; that is still is the case. Our CR model did go through the last SARC Review, I believe, so we still do use both of those. If you look at estimates from the two models of total mortality, fishing and natural mortality, they are fairly similar.

The disjunct really seems to be with the difficulty of estimating natural mortality of the tagged-based model – that estimate that comes out of that model; whereas, within the statistical catch-at-age model the natural mortality is an input in the model. The model does not determine that. We have in recent years – through this last assessment they did actually update some of the natural mortality at age if you remember from our last stock assessment presentation, but currently both models are still being looked at.

MR. MARK GIBSON: Mr. Chairman, I think I recall at one point Dr. Nelson from Massachusetts had a configuration of the SCA model that embedded the tagged-based estimates of mortality directly into the estimations as opposed to having them stand alone, which as Rob pointed out has always been a source of some confusion to us as to how they're comparable or not.

I'm pretty sure he developed a version of that embedded the tagged-based estimates right in there. I'm wondering if that is in fact the case and if further development of that particularly as it rates to the Chesapeake Bay Fleet, and that tagging study would allow you to start to tease out some of the questions of the stock size, what F should be fed into the harvest control model for quota calculation.

DR. DREW: Yes; Dr. Nelson was working on that, and I believe it was not for this peer review. It was for the previous one. It didn't work out, essentially. I think the model needed more development. The model really struggled out

with trying to combine that tagging input and the standard catch-at-age input; and so it is not used in the current configuration of the statistical catch-at-age model.

I think the committee really does want to move towards a model that can incorporate these individual stock dynamics. Whether that is through specifically incorporating the tagging information or whether it is through modeling these three stocks separately is something we're working towards, but it is not something that we're at right now that is ready for management use.

CHAIRMAN O'CONNELL: From my appearance of the board's discussions and no hands on the table right now, I think I'm going to have Mike just try to re-summarize the guidance that the staff and the technical committee is looking for from the board and with that hopefully we can agree upon a path forward.

MR. WAINE: Basically I think where we have been talking towards is the approach that the technical committee could further develop is actually using both; so we would have a Chesapeake Bay Fleet Reference Point that we would use to determine the status of overfishing or not and then use the tagged-based estimates of fishing mortality with the harvest control rule to be setting a quota.

It would be a combination of the two as we move forward; and the technical committee could develop that in the document if that is the approach the board wanted to proceed on. That is combined with the coastal reference points which we have that come right out of the benchmark assessment.

MR. AUGUSTINE: Mr. Chairman, could we just take a vote on that? It sounds like it is a very clear-cut approach without encumbering it with a whole bunch of other stuff. Do we need it as a separate motion or can we just agree to the direction that the technical committee suggests we go?

CHAIRMAN O'CONNELL: I guess I'll leave it up to the pleasure of the board. If there is no opposition to go forward with that approach, I don't necessarily think we need a motion. If people feel like a motion is needed, we can entertain that.

MR. AUGUSTINE: I don't think a motion is needed, Mr. Chairman, unless someone has an objection to it.

CHAIRMAN O'CONNELL: Mike, let me ask you a question. Basically what you just laid out; is that what would be accomplished with what is currently in the draft addendum?

MR. WAINE: The technical committee report lays out those two separate options which we could use in combination and combine that with what was already in the addendum, which was the coastal reference point. Now, remember, the one thing that we haven't got to is the Albemarle Sound/Roanoke River stock reference points. That was because the North Carolina assessment is still in the peer review process. Because there are still edits being made to that assessment, the technical committee didn't feel comfortable with presenting those reference points at this time; but that also be part of the task here is to incorporate those well moving forward.

CHAIRMAN O'CONNELL: What does the board think in regards to the pathway that Mike laid out?

MR. AUGUSTINE: I would suggest we do it, Mr. Chairman.

MR. GROUT: I may be wrong, but I think you're recommending that we go forward with both Option 1 and 2; correct? I would certainly support that. If we need a motion, I'd be willing to make that motion.

CHAIRMAN O'CONNELL: All right, is there any opposition from the board to proceed with that guidance to the technical committee and the PDT? All right, are you good with that, Mike? What is the board's pleasure in regards to moving this out for public comment between now and the May meeting or waiting until we

come back in May and we'd look and see how the fisheries are performing against these reference points and options that would adjust the fishery accordingly? Michelle.

DR. DUVAL: I would prefer to come back in May and review what the technical committee has come up with for both of these options as well as hopefully by then the Albemarle/Roanoke reference points. Alluding to what you laid out earlier, I think it would be wise to include draft management measures to go along with those reference points.

I know we talked about this at the last board meeting, but it would make more sense to me to save on staff time and resources and combine the change in the reference points and link that to any management changes that are needed in order to get ourselves back down to the target reference points so that the public sort of has the complete picture to look at. I would love to hear what other folks around the table think.

MR. PAUL DIODATI: I just also think that the draft addendum is lacking detail. I think that there needs to be more information for the public about potential consequences of one outcome over the other. There is really nothing in here so if someone doesn't get a chance to attend the public hearing where I'm sure we would do a thorough presentation. If they just looked at this online, I don't know what the public would make of this addendum. I think it would be very confusing. I think we need more clarification and detail in the addendum.

CHAIRMAN O'CONNELL: Good suggestion, Paul. Ritchie.

MR. G. RITCHIE WHITE: I support delaying until we have management options to be in the addendum. I think going to the public twice is a waste of resources. Actually, I think you won't get a lot of public turnout for what we have just put forward. My only concern would be that the timing of this then would still allow us to implement new regulations for the 2015 fishing season and that this would not delay that.

CHAIRMAN O'CONNELL: Yes; and it has been very clear to me as chairperson that the public and the board want to address this issue for 2015. This pathway that we're talking about will put a lot of work on staff and the board in May to have a document that can move out through the summer of meetings; but coming back in August to make some final decisions would still put us in the position to implement in '15. Followup, Ritchie.

MR. WHITE: I would just suggest then that there be enough time allowed for this board meeting at the May meeting. If there is going to be a lot of heavy lifting, that we have enough time to do it.

MR. GIBSON: I support waiting until the spring meeting. I'd really like to see what the technical committee comes back with. I'm really struggling, as I have for a decade, to wrap my brain around multiple spawning populations and geographically distinct fisheries that affect cohorts from a particular spawning population at different age groups. We've gotten by with the tools that we have gotten by with, but I still think this is an ad hoc approach what we're talking about doing here.

I would like to see what comes out of that, but I really hope that there is a strong push down the road to really produce an integrated stock – this is the most data-rich species we probably have – and an integrated stock assessment model that considers separate spawning populations but link through migrations and exposure to fishing mortality and so on. That is really where we need to get to and start addressing some of these thorny technical problems. We've muddled through pretty well with what we've had, but we need to do better down the road. Thanks.

CHAIRMAN O'CONNELL: We've heard from several – I've got Russ.

MR. RUSS ALLEN: I just wanted to say if Mark is having trouble getting his brain around this, you can imagine how the rest of us feel. I'm in full support of moving this to the May meeting and joining it up with the other addendum and moving forward.

CHAIRMAN O'CONNELL: Is there anybody who has concerns with going forward? I do see your hand back there. I think given our schedules, we're going to keep plugging forward. I'm not going to have an opportunity to provide public comment. There is going to be a lot of that opportunity going forward. I apologize for that.

All right, seeing no opposition, is the board comfortable with providing staff that guidance to continue working on this, come back in May with reference points as well as options, and then we will have that conversation with the intent to agree upon something to go out for public comment this summer? All right, that sounds good.

The next item on the agenda is an item that came up in between our meetings on catch-and-release fishing in the EEZ. It was an issue that I know Louis Daniel brought forward, and I think Michelle or Paul would like to provide a little background. Michelle.

CATCH-AND-RELEASE FISHING IN THE EXCLUSIVE ECONOMIC ZONE

DR. DUVAL: I think it was Louis' intent really that this discussion happen during the Policy Board meeting. He couldn't be here this morning. But just as background for the board's benefit, we've received some calls from the North Carolina charter fleet out of Oregon Inlet voicing some concerns about enforcement of catch-and-release fishing in the EEZ for striped bass; and that perhaps there are some inconsistencies in that enforcement up and down the coast; and that it may be that there are some folks that are using the opportunity to catch and release striped bass in the EEZ as a business opportunity and providing economic benefit.

I think Louis wanted to have a discussion about perhaps addressing that inconsistent enforcement and determining if there is a good vehicle for addressing that and whether it is an addendum or something else. Clearly, we would need to have a conversation with our partners at the National Marine Fisheries Service about that.

I don't if Paul would like to sort of fill in after that.

MR. DIODATI: I think Michelle summarized that quite well. I think there are still some unknowns about how some of the penalties are and how enforcement in the EEZ is actually conducted. I can only guess that it is a difficult type of enforcement action to carry out. I would like to hear more from enforcement about that and from our technical committee as well about what the impacts they perceive would be if we modified or requested that the federal rule be slightly modified to allow catch-and-release fishing so it is no longer an infraction to do that.

CHAIRMAN O'CONNELL: Another perspective that was brought forward in the conversation as given what we're talking about with the stock and whether or not this kind of a catch-and-release approval would result in any increased effort. There is some mortality associated with discards.

I'm thinking that this is an issue that deserves more conversation and more input from the technical committee, the law enforcement committee and probably maybe even some guidance from our advisory panel to get a sense of what of behavior change would result. The suggestion that effort would increase; we're hearing that from our fishermen in Maryland. We will continue the discussion, but I'm thinking that maybe we take this to our experts and have them come back and get their input in May. Tom.

MR. THOMAS FOTE: I was reviewing a bunch of disks that I have of old films going back to '90 of sitting on Long Beach Island with Congressman Sacks and talking about keeping the EEZ closed, remember in '96 and 2002. It has really been an ongoing situation. We need to have uniform enforcement.

I couldn't believe some of the groups that are supporting opening the EEZ. The same groups were asking us to go to one fish. I have a difficult time with that. I think we need more thought on this. It is not something to decide today; we don't have the time to do that. I

suggest we don't do anything until we have a long discussion on this, because it is a very controversial issue and always has been.

It was one of the largest public hearings I think NMFS ever has had – it was three of them in a row in New Jersey with 900 – where we got thrown out of a building because we had over 700 and they couldn't fit them in the building. The fire marshal threw us out, so I don't want to go through that again.

MR. AUGUSTINE: Mr. Chairman, the final comment would be do you think you could convene this committee some time between now and before our May meeting and come back with a preliminary report to have some idea. I'm sure enforcement has some great ideas and the advisory panel has always been real good about doing something. Maybe it would require a telephone conversation or two, conference call.

CHAIRMAN O'CONNELL: All right, there is a lot of workload on staff between now and May, but Mike said that we'll give it the best shot. I think we need to be very clear. My thought is the Law Enforcement Committee – I think what I'm hearing is that we need to get a summary of it is currently being enforced, what the penalties are; and also their feedback as to if catch-and-release fishing was allowed, what that would result for them; and for the technical committee to try to the best of their ability assess the magnitude of mortality a catch-and-release fishery could amount to; and from the advisory panel, just getting a sense of level of effort increases in the federal waters. Pat.

MR. AUGUSTINE: Maybe push it off to the August meeting. You're right, they're loaded with effort so maybe during that period of time we could put it together for the August report.

MR. WHITE: Included in that report I believe the commission wrote a letter to the Service and I think the Coast Guard asking for increased enforcement and increased penalties, I believe, and so providing the board with those letters might be helpful, too.

CHAIRMAN O'CONNELL: Thanks, Ritchie. Toni, do you have a comment?

MS. TONI KERNS: The intention of bringing this up under the addendum topic is that if we do want to make a recommendation to allow catch-and-release fishing in the EEZ, it is something that we would need to actually take out in an addendum process. If we have an addendum that is going to go out in May, then we would need to make that decision to include it or not include it in May; so pushing it off until August would not get you there.

CHAIRMAN O'CONNELL: All right, it is back to the board of priority setting. Do we feel like this is important enough to task staff to look into and come back at the May meeting as a potential management option discussion? Doug.

MR. GROUT: I agree totally that whatever comes out of this needs to be very transparent and it needs to go out to the public. It sounds like we need more information on this before we can even consider putting this in an addendum. If that means that we're going to put off considering this to another management action, I'm conformable with that at this point.

Clearly, we need that information beforehand; and if we can get it by May and decide whether to put it in, that would be ideal; but if we don't have the input of law enforcement and technical committee – and I think the AP should the benefit of that information before they meet – I think we should try to get it by May; but if not, it may have to be put off to another management action.

CHAIRMAN O'CONNELL: I think that sounds like a good approach. Tom

MR. FOTE: I agree with that approach, especially since we are probably going to go out, if I've been feeling the pulse of the board, with a couple of striped bass addendums in the next year or two, so we can include it in one of those.

CHAIRMAN O'CONNELL: I'll try to summarize this. We will do the best that we can to begin getting some input from our

various advisory bodies. If we have it for the May meeting, great, but just to manage people's expectations it may have to take more time after that. Rob.

MR. O'REILLY: I'm just reporting what I hear not just in Virginia but also the idea that if there is a measure to reduce the possession limit to one fish, there are those who are also interested in that one fish being allowed to be from any jurisdiction, federal or state waters. That is also something that is in several states that I've heard from.

Of course, this is going to be an issue for the technical committee or someone to figure out does staff or the technical committee think that there is indirect monitoring of the fish that are in federal waters, that are in the EEZ? Is there enough monitoring that you have information on those fish? That will be an important part of this report because really there is no or very little direct information from the EEZ. I think that is something that is going to be an underlying situation here as well.

MR. WHITE: I just see what was put up on the board; and it sounds like there is catch-and-release fishing in the EEZ, which is not allowed. Any fishing for striped bass in the EEZ is illegal at the present time.

CHAIRMAN O'CONNELL: The information that we got from NMFS – and Steve and correct me – their current rule does not allow any targeting or indirect targeting of striped bass. There are fishermen that are in the EEZ that are targeting bluefin tuna, for example, and will occasionally catch a striped bass and it is left to the officers to use their discretion.

Fishermen are a little concerned about that officer discretion in regards to what the penalties are. It was clarified despite some rumors that the penalty is not a felony unless it relates to like fraud or Lacey Act Violations, but it was not a felony. Those are the concerns that were raised in North Carolina that fishermen are really concerned based upon some rumors incidentally catching striped bass and what happened to them. Ritchie.

MR. WHITE: We've had some actions up our way in which people were targeting striped bass and said that they were fishing for bluefish; and the ones that had 20 pound test mono-leaders got tickets and the ones that had wire on didn't.

MR. FOTE: I was listening to Rob's statement; and I realized that would be a whole 'nother can of worms; because what you're doing is reallocating fish, you know, Back Bay fish, basically beach fish where a lot of surf fishermen, that is their only real game fish. They can't go for bluefin tuna from the beach with any surety or sharks or things like that.

If you're going to go tell them that you're going to go for one fish so you can open up the EEZ for recreational one-fish fishing, it is going to be an interesting discussion when you look at all those surf fishermen, Back Bay or Chesapeake Bay and Delaware River fishermen and Long Island Sound; so it is more complicated than just going one step at a time.

CHAIRMAN O'CONNELL: All right, Kelly wants to provide a brief comment to the board; and then we hear otherwise, we will proceed with the summary that I provided a few minutes ago.

MR. KELLY PLACE: One thing the advisory panel has been very clear on for a number of years is the great concern with the Wave 1 catches, which are totally unregulated and unmonitored in the EEZ, especially in January and February, North Carolina, Virginia, and to a lesser extent Maryland.

The advisory panel, at least most it, has been consistently calling for much stricter enforcement, much stricter penalties. At this point, now that it looks like there is some fairly strong enforcement and there have some strong penalties, though the advisory panel hasn't met for a few years, I believe that is pretty much exactly what the advisory panel, and by extension the people they represent in their various respective states, I believe that is what they wanted.

I want to give kudos to law enforcement because the magnitude of those catches in the EEZ are tremendous, especially like off Virginia I'll see a thousand boats out in the EEZ, average of three or four people on each boat; 20 to 40 pounders common; everybody limiting out; a lot of them being kept; some of them probably dying from catch and release, most would survive.

Long story short, the various sources of mortality that is engendered by that activity, which has gone on for ten years, has been completely unmonitored. The advisory panel has sort of felt that it has fallen completely under the radar in terms of the stock assessment and all the other benchmarks that are derived from that. I just want to mention it is kind of odd not only did the advisory panel get what they wanted and now maybe that is not what people wanted. I just wanted to bring that up.

CHAIRMAN O'CONNELL: Okay, Mike has agreed to cancel his vacations between now and May, and we will task this to the appropriate bodies. I think Doug had a good suggestion to try to get technical committee and law enforcement committee input before going to the advisory panel. We will do the best we can and bring it back to the May meeting and see where we are. All right, the next item on the agenda is the 2013 FMP Review and State Compliance.

2013 FMP REVIEW AND STATE COMPLIANCE

MR. WAINE: This is the 2013 FMP Review of the 2012 fishery. It got postponed from our October board meeting last year; so this is just a quick review. The status of the stock has since been updated as we had a benchmark assessment. We are not overfished and overfishing is not occurring based on the reference points that we're currently using.

SSB has declined but we are not overfished; and we are not experiencing overfishing, although these reference points, as I note, we're looking to change in the coming addendum. In 2012 total harvest was roughly 25.8 million pounds. The commercial fishery landed 6.51 million

pounds, which was slightly lower than landings in 2011.

The Chesapeake Bay commercial landings were 3.92 million pounds; and the coastal commercial landings were 2.6 million pounds. There were two states that had overages in 2012; and so their quotas were adjusted accordingly in 2013. The Chesapeake Bay harvested underneath their quotas that they set using the harvest control model, as we talked about earlier.

The recreational fishery landed 19.27 million pounds. That was a 30 percent decrease in landings from 2011, and it has decreased for the sixth year in a row releases. Recreational catch estimate is the lowest since 1994; that is a 74 percent decline from the peak in 2006. This figure just shows the status of the fishery. You can see catch decreasing from that peak in 2006. The Chesapeake Bay Spring Trophy Fishery harvested a lower level in 2012 than they did in 2011. The juvenile abundance indices; actually we went over this report at the last meeting. That trigger has not been met, but there are a few states that have had recruitment failures in one or two years, so we will be continuing to monitor that moving forward.

The Albemarle/Roanoke harvested underneath their quota in 2012 as well. All states are in compliance in 2012. There were just a handful of regulatory changes that occurred. That concludes my report.

CHAIRMAN O'CONNELL: Thank you, Mike, for the nice summary report. Are there any questions for Mike? Rob.

MR. O'REILLY: I think this is related, but the recreational data will be fairly complete, preliminary in February and then not too long after that complete. The commercial data may lag behind a little bit, but since the projections that were done were done through 2012 and then projected forward that showed the problem with the SSB; is there going to be any run at all to look at adding 2013 data; how is that going to work out?

DR. DREW: Are you talking about just updating the projection part of the model or do you want the complete update of the assessment model?

MR. O'REILLY: I think it is the projections that really gave everyone a lot of concern; and it would be nice to see if they could be updated.

DR. DREW: I believe the projections could be updated fairly easily with the 2013 data, and we would most likely have to do that when we're examining some of the management options as well.

MR. WAINE: To do that, remember we'll need landings from all of the states; so that stuff is usually due in compliance reports, which aren't due until June, I believe. If we're going to do that with 2013 landings, we're going to need the states to submit those landings in time for that to occur.

MR. O'REILLY: Certain states can do that fairly easily. Other states I realize have a delay; but I would encourage that at least an attempt be made to do that.

CHAIRMAN O'CONNELL: Does the board want states to do their best at providing 2013 harvest data to staff? All right, I think I can interpret that as no objection. Bill.

MR. WILLIAM A. ADLER: If I might ask Mike, Mr. Chairman; on Page 7 of the compliance report, I guess – no, review, Page 7; am I reading this right that the commercial landings for 2012 totaled 839,329 and dead discards was 818,000, like almost equal to the total catch? Is that correct?

CHAIRMAN O'CONNELL: Yes; that is correct. Discards have dropped substantially in recent years, but in the not too recent past discards were close to the same level of harvest as estimated.

MR. ADLER: Well, they discard. If they caught 839,000 and they discarded 818,000, what did they bring in?

CHAIRMAN O'CONNELL: The discard is the mortality of their released fish.

MR. ADLER: That includes the harvest number?

CHAIRMAN O'CONNELL: I think that graph is intended show two things. One is the direct harvest and then also the mortality associated as discards to the fish that are caught and released. The overall mortality is cumulative over the fish that were removed from the waters and those that were released and a fraction of them died.

DR. DREW: To clarify, the two numbers are additive; so we know what they landed and that is what is reported as landings; and then we estimate what was discarded. That is in addition to what was landed and brought to dock and reported.

CHAIRMAN O'CONNELL: So if states have their landings' data for 2013, provide those to Mike as soon as you get them and we'll see if they can be updated for the projections by the May meeting. There are no compliance issues with 2013 compliance review of the 2012 fisheries. There are two states that went over quota. They're deducted for their 2013 fishery. Do I have a motion to accept the FMP Review? Pat.

MR. AUGUSTINE: MR. Chairman, I would like to do that. **I move the board approve the FMP Report for 2013 as presented today.**

CHAIRMAN O'CONNELL: Seconded by Michelle. Is there any opposition to that motion? **Seeing none; the motion carries.** We have one other item under other business. Mike Millard was going to give an update on the Cooperative Winter Tagging Cruise.

UPDATE ON THE COOPERATIVE WINTER TAGGING CRUISE

DR. MILLARD: Mr. Chairman, I'll turn that over to Wilson Laney.

DR. WILSON LANEY: Mike has on the screen up there a plot of the recaptures from the 2013 tagging cruise releases. We've got two different

maps to show you. This one is a bubble plot with the dots proportional to the numbers of fish caught at the individual locations. There were so far through the end of January, I think, 145 recaptures from 2006 fish that were tagged and released. Of those, 900 and some odd came from the trawl-based tagging; and the remainder, 1,100 or so, came from the hook-and-line releases.

Then if you can throw that other one up there, if you look in the lower left-hand corner, the red rectangle there encloses the approximate area where we caught all the fish during 2013 operations. Both the trawling and the hook-and-line operations were pretty much not confined to that red square there, but that is where we found all of the striped bass.

We sampled with the trawler well on down to the south, below Oregon Inlet, and we caught no striped bass last year in North Carolina waters. Then this year, to update you on our situation, recall that we were seeking funding to match an existing North Carolina Coastal Recreational Fishing License Grant, which we had, which was going to pay for half of the operations this year and next year.

We submitted a proposal to the Saltonstall-Kennedy Program. We initially thought we would hear whether or not we got that funding by January 1, which would have allowed us to use the RV Savannah out of Georgia to conduct the trawling operations. Unfortunately, I think due to the government closure and other issues the National Marine Fisheries Service hasn't yet made decisions on those.

Even if we are fortunate to be approved for funding, we wouldn't be able to use that funding I guess until next year. If we're not approved, of course, we'll have to resubmit an application for a future year funding. We didn't get funding to do the trawling in 2014. We do have the funding and we are currently conducting the hook-and-line tagging. I will turn it over to Mr. Godwin to let you know how things have gone thus far with that operation.

MR. GODWIN: It will be pretty short. We have taken two trips. We took one trip yesterday. We did not find any schools of striped bass. We took a trip last Monday. All of our trips for last week were cancelled due to weather. It has been a little unusually this year to really – so we're going out of Rudy Inlet, Virginia, with charterboat captains for hook and line.

The sea bass fishery hasn't been going on and there hasn't been a lot of tuna fishing going on out there, so there hasn't been a whole lot of boats going out to kind of know where they're seeing schools of rock as we're going, so we're really having to just really just search kind of in the blue at first. We're hoping to get two or three days in a row to where we can go out and locate some schools and tag some fish.

We've taken two trips; we have got eight more planned. I'm leaving this afternoon to go back. We're going out Wednesday, Thursday and Friday. The weather looks good for this week and hopefully next week. We tagged some pretty good numbers last year, roughly 2,100 fish from our hook-and-line; so we had some pretty successful days last year. We hope to continue that.

CHAIRMAN O'CONNELL: I appreciate that update. Does anybody have any questions for Wilson or Charlton? Mike has got one remaining item to wrap up our meeting.

MR. WAINE: This is Tom's last meeting as board chair for striped bass; so I just wanted to thank him for the last two years for his service and also Alexei Sharov, who has been our technical committee chair as well. (Applause)

CHAIRMAN O'CONNELL: I appreciate that. With that, we will adjourn. We only took one of our two hours, so we are going to bank that for the May meeting, Bob, right. Ritchie.

MR. WHITE: Briefly if Paul could update us on the Commonwealth's Plan for the tagging of commercial striped bass; how he plans to implement that and what progress has he made.

MR. DIODATI: I think the current management plan gives us to have that plan into place 90 days prior to the start of our season, which isn't until later in summer. We're still working on that. We go to public hearing next week on some of the issues; but right now we are proposing a point-of-sale tagging program, which is one of the ways to be consistent with the current plan. We will inform you after our public process. We're still in rulemaking essentially, so I can't really say too much about it until a couple more weeks. I think February 21st we will close our comment period. We can provide a memo or share our memos with our advisory commission back home.

ADJOURNMENT

CHAIRMAN O'CONNELL: Thanks, Paul. Is there any objection to adjourn? All right, thanks, everybody, great meeting.

(Whereupon, the meeting was adjourned at 12:00 o'clock noon, February 4, 2014.)