

Atlantic States Marine Fisheries Commission

Atlantic Striped Bass Management Board

*August 7, 2012
1:30 – 3:30 p.m.
Alexandria, Virginia*

Draft Agenda

The times listed are approximate; the order in which these items will be taken is subject to change; other items may be added as necessary.

1. Welcome/Call to Order (*T. O'Connell*) 1:30 p.m.
2. Board Consent 1:30 p.m.
 - Approval of Agenda
 - Approval of Proceedings from May 1, 2012
3. Public Comment 1:35 p.m.
4. Draft Addendum III for Public Comment **Final Action** 1:45 p.m.
 - Review of Draft Addendum III (*K. Taylor*)
 - Review of Public Comment (*K. Taylor*)
 - Consider Final Approval of Addendum III
5. Virginia Request for Alternative Management (*J. Travelstead*) **Action** 3:20 p.m.
 - Technical Committee Report (*A. Sharov*)
6. Other Business/Adjourn 3:30 p.m.

The meeting will be held at the Crowne Plaza, 901 N. Fairfax Street, Alexandria, VA 22314; 703-683-6000

Healthy, self-sustaining populations for all Atlantic coast fish species or successful restoration well in progress by the year 2015

MEETING OVERVIEW

Atlantic Striped Bass Management Board Meeting

August 7, 2012

1:30 – 3:30 p.m.

Alexandria, Virginia

Chair: Tom O’Connell (MD) Assumed Chairmanship: 02/12	Technical Committee Chair: Alexei Sharov (MD)	Law Enforcement Committee Rep: Kurt Blanchard (RI)
Vice Chair: Dour Grout	Advisory Panel Chair: Kelly Place (VA)	Previous Board Meeting: May 1, 2012
Voting Members: ME, NH, MA, RI, CT, NY, NJ, PA, DE, MD, DC, PRFC, VA, NC, NMFS, USFWS (16 votes)		

2. Board Consent

- Approval of Agenda
- Approval of Proceedings from May 1, 2012

3. Public Comment – At the beginning of the meeting, public comment will be taken on items not on the agenda. Individuals that wish to speak at this time must sign-in at the beginning of the meeting. For agenda items that have already gone out for public hearing and/or have had a public comment period that has closed, the Board Chair may determine that additional public comment will not provide additional information. In this circumstance, the Chair will not allow additional public comment on an issue. For agenda items that the public has not had a chance to provide input, the Board Chair may allow limited opportunity for comment. The Board Chair has the discretion to limit the number of speakers and/or the length of each comment.

4. Review Draft Addendum III (1:45 – 3:30 p.m.) Final Action

Background

- At the November 2011 Board meeting the Board was briefed by members of the Interstate Watershed Task Force (IWTF) on the successful investigation of illegal striped bass harvest and sale in the Chesapeake Bay area. This investigation occurred from 2003-2009 and resulted in 19 individuals and three corporations being prosecuted on over 1 million pounds of illegally harvested striped bass. The investigation revealed that some of the control measures in place for regulating the harvest of striped bass were ineffective or inadequately designed to maximize compliance. The LEC has developed prioritized recommendations to the Board to increase enforcement capabilities and reduce illegal harvest of striped bass .
- At the February 2012 Board meeting the Board tasked a working group comprised of a subset of Board member, and including representation from the advisory panel, to develop Draft Addendum III. The objective of the addendum is to incorporate the recommendations from the IWTF and Law Enforcement Committee in order to reduce the illegal harvest of striped bass.
- The Board approved Draft Addendum III for Public Comment in May 2012 (**Briefing CD**). The public comment period was open from May 22 to June 13, 2012 (**Briefing CD**).

Presentations

- Overview of Draft Addendum III by K. Taylor

<ul style="list-style-type: none"> • Review of Public Comment Received by K. Taylor
Board actions for consideration at this meeting <ul style="list-style-type: none"> • Final Approval of Draft Addendum III

5. Virginia Request for Alternative Management (3:20 – 3:30 p.m.) Action
Background <ul style="list-style-type: none"> • Virginia is requesting two modifications to the commercial fisheries management program. First, to extend the beginning of the commercial striped bass season from February 1 to January 16. The season closes December 31. The second is to allow pound nets in the Chesapeake Area from May 1 through June 15 to harvest up to 50 striped bass over 28 inches. Current size limit is 28 inches. Fishermen and VIMS have noted that fish harvested in May and June are post-spawn and the forced discard of fish appears unnecessary and wasteful (Briefing CD).
Presentations <ul style="list-style-type: none"> • Review of Virginia Request by J. Travelstead
Board Actions for Consideration <ul style="list-style-type: none"> • Approval of Virginia request

6. Other Business/Adjourn

DRAFT

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DRAFT

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

Crowne Plaza Hotel - Old Town
Alexandria, Virginia
May 1, 2012

**These minutes are draft and subject to approval by the Striped Bass Management Board.
The Board will review the minutes during its next meeting.**

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These minutes are draft and subject to approval by the Striped Bass Management Board.
The Board will review the minutes during its next meeting.

INDEX OF MOTIONS

1. **Approval of Agenda** by consent (Page 1).
2. **Approval of Proceedings of February 7, 2012** by consent (Page 1).
3. **Move to approve the draft addendum for public comment with the modifications offered by A.C. Carpenter in addition to the option recommended by the Law Enforcement Committee** (Page 9). Motion by Paul Diodati; second by Pat Augustine. Motion carried (Page 12).
4. **Move to approve Angela Guiliano to be put on the Striped Bass Tagging Subcommittee** (Page 15). Motion by Pat Augustine; second by Bill Adler. Motion carried (Page 15).
5. **Motion to adjourn** by consent (Page 15).

ATTENDANCE**Board Members**

Patrick Keliher (AA)
 Terry Stockwell, ME, Administrative proxy
 Steve Train, ME (GA)
 G. Ritchie White, NH (GA)
 Doug Grout, NH (AA)
 Dennis Abbott, NH, proxy for Rep. Watters (LA)
 Rep. Sarah Peake, MA (LA)
 Jocelyn Cary, MA, Legislative proxy
 Paul Diodati, MA (AA)
 Bill Adler, MA (GA)
 Robert Ballou, RI (AA)
 Mark Gibson, RI, Administrative proxy
 Bill McElroy, RI (GA)
 Rick Bellavance, RI, proxy for Rep. Peter Martin (LA)
 David Simpson, CT (AA)
 Lance Stewart, CT (GA)
 James Gilmore, NY (AA)
 Brian Culhane, NY, proxy for Sen. Johnson (LA)
 Pat Augustine, NY (GA)

Russ Allen, NJ, proxy for D. Chanda (AA)
 Tom Fote, NJ (GA)
 Adam Nowalsky, NJ, proxy for Asm. Albano (LA)
 Leroy Young, PA, proxy for J. Arway (AA)
 Loren Lustig, PA (GA)
 Gene Kray, PA proxy for Rep. Schroder (LA)
 Bernie Pankowski, DE, proxy for Sen. Venables (LA)
 Roy Miller, DE (GA)
 John Clark, DE, proxy for D. Saveikis (AA)
 Tom O'Connell, MD (AA)
 Russell Dize, MD, proxy for Sen. Colburn (LA)
 Bill Goldsborough, MD (GA)
 Jack Travelstead, VA (AA)
 Kyle Schick, VA, proxy for Sen. Stuart (LA)
 Mike Johnson, NC, proxy for Rep. Wainwright (LA)
 Michelle Duval, NC, proxy for L. Daniel (AA)
 A.C. Carpenter, PRFC
 Steve Meyers, NMFS
 Jaime Geiger, USFWS

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

Ex-Officio Members

Alexei Sharov, Technical Committee Chair
 Kurt Blanchard, Law Enforcement Committee

Kelly Place, Advisory Panel Chair

Staff

Vince O'Shea
 Kate Taylor
 Mark Robson

Bob Beal
 Chris Vonderweidt

Guests

Wilson Laney, US FWS
 Derek Orner, NMFS
 Jack Bailey, MD NR Police
 Jeff Marston, NH F&G
 Chip Lynch, NOAA
 Michael Travis, NOAA
 Darren Saletta, MC SBA
 Jeff Kaelin, Lund's Fisheries
 Mike Luisi, MD DNR
 Matt Lawrence, MD DNR
 Jay Lugar, MSC, Seattle, WA
 Elizabeth Buendia, USCG, Portsmouth, VA
 Steve Anthony, NC DMF

Dan McKiernan, MA DMF
 Lloyd Ingerson, MD NR Police
 Karin Limburg, SUNY Forestry, Syracuse Univ
 Raymond Kane, CHOIR
 Alison Fairbrother, Public Trust Project, DC
 Joe Fessenden, ME Marine Patrol
 Bill Windley, MSSA
 Helen Takade-Humacher, EDF
 Patrick Paquette, MA SBA
 Rob O'Reilly, VA MRC
 Pam Gromen, NCMC
 Doug Huntley, Delaware Valley Fish Co.

The Atlantic Striped Bass Management Board of the Atlantic States Marine Fisheries Commission convened in the Presidential Ballroom of the Crowne Plaza Hotel, Alexandria, Virginia, May 1, 2012, and was called to order at 8:30 o'clock a.m. by Chairman Tomas O'Connell.

CALL TO ORDER

CHAIRMAN THOMAS O'CONNELL: Good morning, everybody. Welcome to the Striped Bass Management Board Meeting. My name is Tom O'Connell; I'll be chairing the meeting. Everybody should have an agenda before them. Today's focus of the meeting is on Draft Addendum III, which focuses on law enforcement requirements. We have a brief report by the technical committee and populating the tagging subcommittee membership.

APPROVAL OF AGENDA

CHAIRMAN O'CONNELL: The first item on our agenda is approval of the agenda. Are there any questions, additions or modifications to the agenda? Seeing none, the agenda will stand approved.

APPROVAL OF PROCEEDINGS

CHAIRMAN O'CONNELL: The next agenda item is approval of our proceedings from the February 7, 2012, meeting. Are there any questions or modifications requested for that? Seeing none, the proceedings will stand approved.

PUBLIC COMMENT

We have a public comment period for items that are not on the agenda. Typically, if time allows and if the board takes action we'll try to provide opportunity for public comment before final action. At this point in time is there anybody from the public that would like to make comment to the board on items not on the agenda? All right, seeing none, Agenda Item Number 4 is a review of Draft Addendum III, and we're going to have a review by Kate Taylor and then a review by Mark Robson from law enforcement.

REVIEW OF DRAFT ADDENDUM III

MS. KATE TAYLOR: In February the board passed a motion to initiate the development of an addendum to incorporate the recommendations by the Interstate Watershed Task Force and ASMFC Law Enforcement Committee on reducing illegal harvest of striped bass. As you may recall through previous board briefings, the Interstate Watershed Task Force investigation within the Chesapeake Bay resulted in

over \$1.6 million in fines levied against 19 individuals and 3 corporations for more than 1 million pounds of illegal striped bass harvested estimated to be worth up to \$7 million.

The investigation revealed that some of the control measures in place for regulating the harvest of striped bass were ineffective or inadequately designed to maximize compliance. The investigation also found that greater accountability of wholesalers would be difficult to achieve without uniform tags through colors and designs and tagging requirements, valid year and size limits inscribed on the tags and increased dealer compliance education.

Illegal harvest of striped bass has the potential to undermine the sustainability of striped bass populations on the Atlantic Coast as well as to reduce the economic opportunities of commercial fishermen who are legally participating in the fishery. This table here is found in the draft addendum, and the details of this table are found on Page 9 through 20 of the addendum. It simply lays out each state or jurisdiction's tagging program, and it is described in length and a special thank you to the technical committee representative and other state agency staff that was helpful in compiling this information.

Under the commercial fisheries management measures proposed in the draft addendum, the first option is for a commercial tagging program implementation. Option 1 is the status quo and Option 2 is a mandatory tagging program. Under Option 2 states or jurisdictions would be required to implement a tagging program when striped bass are commercially harvested within the state or jurisdiction waters.

If the board chooses to adopt Option 2, then some or all of the provisions in each of the following categories would have to be addressed. The first category is for tag information and type. Option 1, states and jurisdictions would be required to submit a commercial tagging report to ASMFC no later than a date specified by the board.

The commercial tagging report would include a description of the tag color, style and an inscription of all the gears or seasons issued. The tags must be tamper evident. The tags are required to be valid for only one year or season. Tags are required to be inscribed with, at a minimum, the year of issue, the state of issue and a unique number that can be linked back to the permit holder.

Where possible, tags should also be inscribed with the size, limit, and permit holder’s identification number. States should consider the use of bar codes imprinted on tags for use in tracking fish from harvester to dealer to buyer as the technology becomes more available, and any changes to the tags, with the exception of year, are required to be reported to ASMFC in a time specified by the board.

Under Option 2, a uniform tagging program, the board would develop this uniform tagging program. Under Option 1 the states and jurisdictions would have the flexibility in determining the tag color, the tag style and the tag inscription following the requirements under Option 1. Under Option 2 the board would determine those colors and styles and inscriptions annually.

Under the tag-timing category, Option 1 is the no action alternative. Option 2 would be states may choose to implement their commercial tagging program at the point of harvest. Option 3 is for implementation of a tagging program at the point of sale. Under Options 2 and 3, these options could be implemented either coastwide – that’s Suboption 1 – or Suboption 2 would be for any programs that are initiated through this addendum, so current programs could maintain whichever tag timing they currently use.

Under the tag allowance category, Option 1 is the no action alternative. Option 2 would be for a biological tag allowance. Under this option states or jurisdictions would be required to distribute commercial tags to permit holders based on a biological metric approved by the technical committee.

This option is intended to help prevent state or jurisdiction commercial quota overages, which will contribute to the health and sustainability of striped bass populations. Here the permit holder could either be the harvester or the dealer. Under the option for tag accounting, the first option is the no action alternative. The second option is for tag accountability where the commercial tagging program must require permit holders issued tags to turn tags in or provide an accounting report for any unused tags prior to the start of the next fishing season.

Under tag reporting, Option 1 is the no action alternative. Option 2 would be to implement the ACCSP standards. In addition to these, the unique commercial striped bass tag identification number, which can be linked back to the individual fisherman,

must also be reported in addition to the standard ACCSP requirements.

As a note, the Striped Bass Working Group was concerned that requiring each tag number be reported by the harvesters and/or dealers might be a hardship. Under the exportation category, under a mandatory commercial tagging program it would be unlawful to purchase striped bass without a commercial tag. This is to prevent the sale of striped bass into state or jurisdictions where there is currently no commercial fishery program.

There are a few recommended penalties within the addendum. The first is it is recommended that states and jurisdictions strengthen their penalties for striped bass violations so that the penalties are sufficient to deter illegal harvest of striped bass. There is also an option for a penalty for tag accountability.

The timeline, as it is laid out here, the board will review the draft addendum for public comment; and if approved, it would go out for public comment this summer. Public comment would be reviewed by the board at their August meeting with implementation at some point after that. Thank you, Mr. Chairman.

CHAIRMAN O’CONNELL: Thank you, Kate. Are there any questions for Kate at this time? Yes, Jim.

MR. JAMES GILMORE: Kate, New York has a tagging program that we’ve had for many years. Do you know how many states currently have tagging programs? The second part of the question relates to the timing. Because of our program, and I’m assuming other states that may have this, is that we kind of need a – to get this program running we have a year lead time or whatever; so if we’re going to change this thing, which there may be some efficiencies to it, I’m not sure if we’re going to be able to completely change our tagging program by the end of the year. Anyway, if we could at least get an idea how many states are going to have to change.

MS. TAYLOR: There are eight states and jurisdictions with commercial fisheries and currently seven have commercial tagging programs.

CHAIRMAN O’CONNELL: Any other questions? All right, let’s proceed with the report from Mark on the Law Enforcement Committee recommendations.

**LAW ENFORCEMENT COMMITTEE
RECOMMENDATIONS**

MR. MARK ROBSON: Again, my name is Mark

Robson; I'm the coordinator for the Law Enforcement Committee. Kurt Blanchard was running late this morning getting into town, but I believe he is here in the room, but Lloyd Ingerson is also here representing the LEC for the Striped Bass Board. We also have a couple of the representatives from the Interjurisdictional Task Force that you've met before. We have Jack Bailey from Maryland who is here at the table and we also have Ken Andrews who is here from the U.S. Fish and Wildlife Service.

They're available to answer specific questions regarding some of the whys and wherefores for the recommendations that we're making based on what they found in their investigations. We had a conference call with members of the Law Enforcement Committee to go through the draft options that Kate just ran through and provide any recommendations or comments on those options from an LEC perspective.

We have done and I believe that it has been handed out in a written form to you where we went through each of the options and basically drafted up an LEC recommendation, which is there in bold print. I will just quickly go through those for your benefit. The conference call itself, there were eleven participants.

The states that were on the call included Maryland, Virginia, Florida, Georgia, New York, North Carolina, Delaware, Rhode Island, and we also had representatives from the U.S. Coast Guard. After that conference call is when we drafted up these LEC recommendations that you see in front of you.

After those were drafted, we passed those along to the entire Law Enforcement Committee for further comments and reviews. We did get mostly thumbs up on the recommendations from just about all of the LEC members with a few additional comments that I'll try to capture when I'm through these recommendations.

With regard to the first recommendation, commercial tagging program implementation, of course, the LEC still firmly recommends Option 2, which is implementing a mandatory commercial tagging program among all the states. This is a basic premise of what we were hoping for as a result of this Interjurisdictional Task Force.

Some of the major problems that were encountered, of course, was the fact that you had a lot of fish moving in and among and between different jurisdictions and states, and that provided the

opportunity for a lot of the illegal activity that was uncovered. In terms of the tag information and type, I know there has been a lot of discussion about that, and the LEC itself has also had a number of different points of view on this.

In general, we are pretty firmly recommending that we go ahead and adopt Option 2; and on the first one, the commercial tagging program, of course, we are recommending Option 2, the mandatory commercial tagging program. For tag information and type, we also recommend Option 2. I will spell out some qualifications.

Members of a couple of different states – and again I'll ask either Lloyd or the other experts to comment if they wish – that felt like although we do want to see a very standard and uniform tagging program which might even include standardized color, some of the members recognize that there are uses for multiple colors in some of the states in their tagging programs.

In addition to a color for the year, they might have additional tags for gear type or an area fished. This varies from state to state. What we ended up with in our recommendation is basically requesting and recommending that one or more colors be used in a standardized fashion across all of the participating states in the tagging program at least from year to year. Whether or not we go with just one tag or we have a provision for more than one tag color or we have a provision for more than one tag color based on what the program's current uses are, we try to make sure all those colors are standardized among all the states each year.

It is pointed out, of course, that you can also identify the year by embossing or engraving on the tag. Color we felt was very effective particularly when you're looking at large quantities or if you're looking on the water. There are advantages to having the year embossed on the tag as well particularly for dockside or fish house inspections.

In terms of Item B, the tag timing, of course, there were some suboptions there. Basically, the LEC recommended Option 2, which is to tag at the point of harvest; but with acceptance of Suboption B, which would approve immediate tagging as part of the tagging program for those new commercial tagging programs that are adopted through this addendum.

That would optimize on the water as well as dockside monitoring to have those fish tagged immediately.

Accepting Option 2, as we did, would allow the two states that currently require tagging at the point of sale to continue doing so if we adopt a new tagging program. Having said that, there was at least one Law Enforcement Committee member that still felt strongly that all of the states participating in the program should adopt tagging at the point of harvest.

CHAIRMAN O'CONNELL: Go ahead, Pat.

DISCUSSION OF DRAFT ADDENDUM III

MR. PATRICK AUGUSTINE: Mark, excellent report and presentation as to your position is very clear. Your selection here on 3.0, management options, you indicated that a mandatory commercial tagging program would be good. Do I recollect correctly that there are only two states that don't do the tagging program now or is that wrong?

MR. ROBSON: Currently right now the only state that does not have a tagging program is the state of Massachusetts. The other states that have a commercial fishery in striped bass all have some form of a tagging program.

MR. AUGUSTINE: Followup to that, this is a tough question and I don't mean to point fingers at Massachusetts or any state, but does there appear to be an overly large number of arrests or investigations relative to the sale of illegal fish or something that would point us to a fact that not only is your recommendation the correct thing to do but the sooner the better that we implement it? Could you help me with that?

MR. ROBSON: Well, again, recall that all of this has really sprung from this multi-jurisdictional investigation that took place over several years. Of course, it was focused on the Maryland, Virginia and the Potomac River area. I believe – and I'll let either Jack or Ken answer the question – they did find in that investigation fish going to other states. I'm not sure if Massachusetts was involved in that or any of the other states. Jack, do you want to try to take that?

MR. JACK BAILEY: Obviously, we can't talk about any current investigations that we have going on, but there has been information in the past that there are fish – and, obviously, if you have one jurisdiction that does not have tags and with all the states experiencing the same thing that we in Maryland are experiencing with a limited number of uniformed officers, if the fish get away from us on the river, then they're gone.

MR. AUGUSTINE: Thank you for that. I just wanted to get a sense for volume. I do know there are ongoing investigations right now that you can't talk about. I know it works in our state to the best it could. I think we could tighten up our regulations even more. We have other issues where a tagging program is being misused by folks who are not supposed to be using tags, but that's another related issue that we're going to be addressing later. Thank you for your clarification.

MR. ROBSON: Okay, just to continue, and I'll try to move through this. Item C on tag allowance, this basically is the issue of how to distribute or allot tags to the commercial fishery in each jurisdiction. The LEC recommends Option 2 basically to ensure that the number of tags produced and distributed is based on some biological measure or criteria of the average weights of fish that are found in that fishery; so that when you have a commercial fishery quota by weight, the number of tags that might be issued will at least roughly correspond with what you would expect to be able to harvest in the number of fish based on those average weights.

One of the problems in the investigation that was found was in a system where essentially any additional tags could be obtained if you were not meeting your weight quota as a fisherman, this resulted in a significant amount of underreporting of weights, and that allowed for not meeting the quota basically, the weight quota, and then going back and requesting additional tags.

It was a way of kind of legitimizing those fish when in fact they were probably being underreported in terms of weight and they were exceeding their allowable quotas in their jurisdiction. We feel it's important to have that kind of a system where the number of tags issued and how they're distributed is based not so much on how many fish are reported or some other method but on an actual biological average weight if you're going to use weight quotas.

For Item Number D, tag accounting, the LEC recommends Option 2, which is to ensure that tags are being returned. It significantly enhances the accountability for the tags that are being used, and it just helps to reduce the illegal activity that might occur that we found in some of those interjurisdictional investigations.

In terms of reporting, the LEC supports Option 2, but again there were comments made during our conference call that to the extent possible even more frequent than monthly reporting is valuable in terms

of keeping up with where the fishery is at and where the quotas are at and being able to more regularly check records at the dock or at fish houses.

In terms of Item F, striped bass exportation, obviously, the LEC strongly supports this provision. There was an additional suggestion from an LEC member that the language in the draft document might be modified because it currently refers to only purchasing striped bass; in other words, in order to purchase striped bass, it's illegal without a commercial tag.

The recommendation was that language be modified to include to sell or purchase striped bass without a commercial tag which would prevent sale of bass into any state where there is no commercial fishery. Again, that Option 2 is what the LEC supported – they strongly support the exportation language in Item F.

With regard to penalties, the LEC supports this provision. We have a living example I guess from the state of Maryland in terms of implementing some additional penalties, either civil or criminal, which provide for the suspension or revocation of licenses when someone is found guilty.

It has been found that this is a very good way to get the attention of those folks who are doing wrong and to have an impact on changing behavior in terms of these illegal activities that were found. We strongly support that provision that those kinds of penalties be looked at. I think, Kate, that's all of the items.

There was an additional discussion among the LEC members about tagging of filets and when the tag can be legally separated from the fish, if you will, after it has been harvested. Based on some evidence and experiences from members of the LEC, it was felt that some provision might be necessary to ensure that tags or head or carcass remains with filets up until the time of final purchase or consumption.

That would involved potentially either more than one tag or a tag per filet or the tag has to remain with the carcass or the head along with those filets until they're finally sold or consumed. That was an additional recommended language that is not currently in the draft document. Mr. Chairman, that concludes our report.

CHAIRMAN O'CONNELL: Thanks, Mark, and a nice job with the Law Enforcement Committee. Before we get into a discussion and consideration of moving the draft addendum for public comment, are there questions for Mark and law enforcement? Yes.

MR. LOREN W. LUSTIG: Thank you very much, Mark, for an excellent report. The issue of suspensions of licenses, you commented that has proven to be effective. Could you please quantify for the length of time that the license would be suspended? A follow-up question would be if that same angler or commercial operation became a repeat offender, what would be the implications for a more strict or longer-lasting suspensions?

MR. LLOYD INGERSON: I can speak to that based on our experience in Maryland. We've developed a point system that addresses certain tiers of violations. Each of those tiers if assigned a certain number of points. Once the individual reaches 30 points, then we look to do suspensions of various lengths.

There are also some violations that incur immediate suspensions regardless of the points' matrix. We also have not so much in striped bass yet, but in oysters we have permanently removed people from our fishery to include all harvest of commercial species, including striped bass. It was primarily for oyster violations, but their history was such that we have permanently removed them from the commercial fishery.

I don't know that we would want to standardize lengths of penalties or suspensions, but we'd certainly be happy to provide the Maryland matrix and point system to the board for your review. As far as repetitive offenders, those points are accumulated over a period of time, so obviously if someone continues to violate, they would continue to be suspended. We also have permanently revoked people who are on suspension but continue to fish in the fishery for which they are suspended.

MR. W. RITCHIE WHITE: Mr. Chairman, question for whoever might have the information; how many states now allow the filleting of striped bass at sea?

CHAIRMAN O'CONNELL: It doesn't appear like we have that information but we can find out and get back to you, Ritchie. Paul.

MR. PAUL DIODATI: Just to clarify the Commonwealth's fishery; it was sounding as though we were a conduit for a lot of illegal fish, and I just want to set the record straight. First of all, there are some basic criteria regarding our fishery. It is set by season, quota and minimum sizes. The season really extends more than six to eight weeks beginning in July, and we have a minimum size of 34 inches. If you have fish marked as Massachusetts and it's

outside of that criteria, then you know it's not Massachusetts.

Furthermore, although we don't mandate the use of tags in Massachusetts, we facilitate tagging for our dealers because of the fish that are exported are going to states that require a tag that show point of origin. A lot of fish leaving our state are tagged. What we don't do is account for those tags at the end of the season. I'd like to know of the seven states that are tagging fish, what accountability do you have for those states at the end of the year to demonstrate that the tags you issued are the tags that are left on the table at the end of the season?

CHAIRMAN O'CONNELL: Kate, are you able to give a summary in that table?

MS. TAYLOR: Of the states that have a commercial tagging program, if you can refer to Table 8 within the draft addendum, currently Rhode Island does not require unused tags to be turned in, but the remaining jurisdictions either require the fishermen to turn the tags in or in the case of North Carolina the marine patrol officers go to the dealers and pick up the tags.

CHAIRMAN O'CONNELL: Paul, does that answer your question or are you looking more specifically as what the jurisdictions do when they get the tags back?

MR. DIODATI: I'm more curious about is there real accountability in these programs. Collecting the tags, I understand that, but accountability means that you issue a set number of tags at the beginning of the season and an amount is used in the production of the fishery and they balance at the end of the year. Do you actually account for it? Picking the tags up at the end of the year doesn't quite account for it.

CHAIRMAN O'CONNELL: Just speaking from Maryland's perspective, we do have an accountability system in place where the tags are returned to our Natural Resource police officers. We do some auditing, some spot checks. I saw A.C.'s hand up and perhaps A.C. can give an example of what they do in the Potomac River.

MR. A.C. CARPENTER: We issue a fixed number of tags to each individual fisherman before the season begins. We have mandatory weekly reporting of their daily activities. As those weekly reports come in, they are required to report the number of tags used that week, and we track that against the number that were issued to them.

At the end of the season they have to account for all tags that are left outstanding. We have just recently adopted a penalty. It's a one-for-one penalty. If you're either over the number that you are supposed to have or you're less than the number you're supposed to have, the next year you get that number fewer. I'll tell you from personal experience when you reach in the bag and you take out 20 tags or 40 tags or 3 tags and throw them in the trash can and say you don't get these this year because you didn't keep track of them last year, there is a look that comes over their face that they recognize that they've got to keep track of these things. We also have hearings for delinquent people sending in catch reports. If they're not filed timely, we have sat fishermen on the banks for failure to report. That's a routine part of our business.

CHAIRMAN O'CONNELL: Thanks, A.C. Paul, do you have a followup?

MR. DIODATI: It seems that both Maryland and the Potomac have very stringent requirements on your tagging programs. Are these the same requirements that were in place when we had the infractions that resulted in this subcommittee or are these add-ons more recently?

CHAIRMAN O'CONNELL: For Maryland it was add-ons. Recognizing the problems we had, we implemented the tag audit program. A.C.

MR. CARPENTER: Our system was very similar. The one-for-one penalty is new, but prior to that we were still having the accountability and return the tags.

MR. DIODATI: But you did have similar tagging requirements at the time of the infractions?

CHAIRMAN O'CONNELL: At the time of the infractions, watermen were not required to return their tags on an annual basis and there was no year imprinted on the tag, so watermen were holding tags for multiple years.

MR. INGERSON: In addition to Tom's comments about changes in our tagging program, I add that we recovered over 700,000 striped bass tags this year that were unused.

MR. WILLIAM A. ADLER: Mr. Chairman, just a question on Table 8. I don't understand like New York, for example, had a quota of 828 and they issued 94,000 tags. How does that work. If you've got that quota but you've only got that many tags out,

what happens to the rest of the fish that they got in the quota; how did that work?

CHAIRMAN O'CONNELL: I'll let Jim follow up but I think that New York has like an ITQ program and they used average weight and divided by the quota, so that's the amount of tags that you would need to catch that quota. Contrast that to Maryland where the majority of our fisheries are not an individual quota and we have a tremendous amount of latent effort, and it requires us to order a lot of tags. We have been trying to reduce that number but you can see that the average weight of fish in each jurisdiction affects the number of tags in the management system whether it's an ITQ system or kind of an open fishery management structure. Jim.

MR. GILMORE: That's right, Tom, and on top of this, Bill, is we still have area closures because of contamination issues, so there are some sections that are just not opened for harvest. At some point I guess when we open it fully again, we'll be able to go back up to the full quota. Right now it's complicated thing because of places like New York City and even out to the middle of Long Island they're restricted from harvest. The fishermen, trust me, are complaining quite a lot about how they can't get at them.

CHAIRMAN O'CONNELL: Jim, did you have another issue?

MR. GILMORE: Yes, actually I had a separate question for Mark. The issue on essentially the revocation and suspension I think is a good one in terms of consistency. I was wondering if the Law Enforcement Committee considered at all the fact of the varying support you get from different courts or whatever.

That seems to be a big issue we have is that we could have a consistent policy – I think it's a good one, a revocation, but if essentially the fishermen want to challenge, depending upon where they walk in the court – I mean, in urban areas like New York City, our law enforcement guys throw in the towel because they walk in and he says, "Oh, you took a striped bass" next to the five murderers and whatever, and they don't even – they usually succeed very well.

And then other jurisdictions are very supportive of that and the DAs do a great job because they understand it; and then you get to the east end of Long Island and we have a colonial patent so we have the whole issue of even challenging search and seizure right now. Just in our state it's all over the place in terms of the court support for this, so I was

just wondering had you considered that. It may a good approach to do consistently but if essentially the support up and down the east coast is all over the place, I don't how well it's going to work.

MR. ROBSON: Actually there was discussion about that and a couple of the members said exactly what you've said, that it's very hard to sometimes get the attention of the courts for these kinds of cases depending on where you're at. That led to a discussion though where possible civil penalties could also be applied for suspensions and revocations where if you can get through that process, that might be an alternative way than trying to deal through the courts. For those states where you could adopt civil penalties, that has been effective in some states. Lloyd can add to that, I think.

MR. INGERSON: We experienced that very problem in Maryland in a number of our counties. One initiative that we've undertaken in the last couple of years is to arrange through our chief judge to have a Natural Resources Court Docket. Normally it's one day per month. Then you're not following the homicide or some other serious crime that is outside of natural resources. Our officers set their court date for that, either morning or afternoon or some jurisdictions it's an entire day, and we have seen a dramatic change in attitude and results through our court system.

CHAIRMAN O'CONNELL: Thanks, Lloyd. Kate is going to be able to answer your question a little bit, Ritchie, regarding the filet issue.

MS. TAYLOR: Currently New York, Rhode Island and Virginia do have filet regulations in place that I was able to pull up quickly. I did not readily access the filet regulations to the remainder of the states. If they do have them, I apologize, but I was able to access those three.

MR. WHITE: Then those states that have tagging requirements on filet, then this tag has to be on both filets? You can get back to me on that?

CHAIRMAN O'CONNELL: All right, Kate is going to look into that. Mark, are you able to answer that?

MR. ROBSON: As far as tagging filets, the information that we received from our LEC member from New York was that the possession of untagged filets or steaks without the properly tagged carcass where fish are sold or offered for sale, including restaurants, is prohibited. That's where the issue of

having the tagged carcass comes in as well. That is how New York I think has it in their regulations.

MS. TAYLOR: In the case of Virginia the regulations state that processed or filleted striped bass must be accompanied by the tags removed from the fish when processed.

MR. JOHN CLARK: Mark, thanks for the recommendations. I had a question about the tag timing. When you say at point of harvest, was the Law Enforcement Committee defining that as soon as the fish is removed from the net? It's just an issue that has come up quite a bit in Delaware of what the actual definition of point of harvest is. Some of the netters would like the leeway on rough days to be able to pull into a more protected area before they tag, and I just wonder what your recommendation was there.

MR. ROBSON: Yes, I failed to mention that. That was also something that was discussed and a recognition that in some cases, depending on gear in particular, it maybe is not feasible to immediately tag each fish as it comes right over the deck, but to have some provision where as close to immediate tagging as possible.

I believe there is at least one jurisdiction that does have language regarding before you leave the area where a particular gear was set, those fish that are caught have to be tagged. We did have representatives from our Coast Guard on the LEC who also pointed out that there does need to be an acknowledgment in some cases for some form of safety issue. If there is a hazardous situation that would prevent somebody from immediately tagging the fish under whatever regulations the jurisdiction has, to be able to accommodate that if there are hazardous sea conditions.

CHAIRMAN O'CONNELL: All right, we've gone through the list of people with their hands up. Unless the board objects, I think we should move ahead and begin discussing whether or not the board is prepared to advance this draft addendum out for public comment. That is an action item on the board's agenda today. I'll open it up for that discussion. A.C.

MR. CARPENTER: Mr. Chairman, I'd like to make a few comments about the document. I want to start with Figure 1. For those of you who remember Amendment 1 and 2 and 3, we were concerned with controlling the commercial fishery only. We had no data at all on the recreational fishery.

True to form, once we found out that we were treating 25 percent of the problem rather than 100 percent of the problem and we got serious about treating recreational harvest as well as commercial harvest, we began to make some progress. It looks to me like we are repeating that pattern. We're still treating 25 percent of the problem with this entire addendum.

That being said, we've had tagging and I support tagging, but some of the other questions I have is under the options that are presented here under Section 3.1, Item C, tag allowance, Option 2, this says that each state is required to distribute commercial tags based on some biological metric approved by the technical committee. Our technical committee has far more to do than average the size and weight of fish being harvested.

I think that if we just have a biological metric that each state agrees that they'll work on figuring out how many tags to issue, we don't need to bog the technical committee down with that detail. That's simple arithmetic that can be done quite easily. On Item D, the tag accounting, this says that the accounting report must include the disposition of all issued tags to the permittee and signed under the penalties of perjury.

Unless we're dealing with Barry Bonds, I don't know any court in our jurisdiction that's going to put up with a penalty for perjury, so I don't think that's necessary. I think what you need is other actions that the administrative agencies can take and not try to carry this into court. My other comment deals with Option 2 under the reporting standards.

The last sentence in that section, "In addition to the above, the unique commercial striped bass identification tag number, which can be linked to the individual fisherman must be reported." That is totally unworkable. Fishermen themselves can't keep these tags straight. They can't keep a hundred tags straight much less record the numbers on them.

For anybody that has ever been to a fish house while they're putting out fish, if you think the dealers are going to record the striped bass tag number off of each fish harvested that they're putting into their coolers, you've been to a different place than I have. I think that is overkill there as well.

One last thing in listening to all the discussion this morning, I recognized that one thing this addendum does not address is counterfeit tags. We have a provision in our regulations that has specific penalties for anybody who is altering or modifying or

counterfeiting tags. That is what we have used in our case for revoking licenses when we found out that Potomac River fish were being tagged with Maryland tags. That's not in here.

The other thing that we have is a written agreement with the manufacturer that our tag system, our unique tag that we use in the Potomac, they will not manufacture for anybody else. Now, that doesn't mean that some other manufacturer is not going to, but that issue has not been addressed in this.

Section F there, the striped bass exportation, I agree that you do need to add "sold" there because let's face it West Virginia is not going to care what we do in the inland states and these fish go all the way across the country, so you have to have it as sale as well as purchase there.

CHAIRMAN O'CONNELL: Thanks, A.C. Any other comments on the draft addendum? There was one recommendation that the Law Enforcement Committee made in regards to striped bass filets and how long the tags stay with the filets. That is currently not in the addendum if that's something the board wants to consider in its action today. Pat.

MR. AUGUSTINE: Well, why could we not include it; would it be difficult to include it? There is no harm lost or gained by including it; could we include it? Would it be a value added and I think it would.

CHAIRMAN O'CONNELL: I think that's up to the board today, but it is something the Law Enforcement Committee recommends.

MR. AUGUSTINE: Do you need a motion to that effect or with agreement from around the board?

CHAIRMAN O'CONNELL: Is there any objection from the board to include an option for striped bass filets related to how long the tags stay with the filets? A.C.

MR. CARPENTER: There again that is an issue that if the filets are shipped outside of the 15 Atlantic Coast states, how are you going to enforce that? I think that if we can get a uniform system of tagging up and down the coast to get it out of the water and into commerce, then I think that you have accomplished 99 percent of what you need to.

The filet issues are difficult because you soon get into the situation where the health department is going to get involved with going into a restaurant or a retail establishment that has got fish carcasses in the back

and filets in the counter and they're going to want them cleaned out and thrown away. Has anybody dealt with the health department issues of keeping tags that have fish slime all over them in a bin in the back of the room someplace? I don't know; I just raise it as a point of concern.

MR. WHITE: Mr. Chairman, I think A.C. brings up some good issues, but I think these are the types of feedback that we may get from the public. I agree with Pat; let's put it out there and see what comes back and maybe there are other parts of this that we may have to fine tune when we get the public comment.

CHAIRMAN O'CONNELL: All right, we haven't had many comments on the draft addendum. A.C. has identified a couple of concerns; and whether or not the board feels like those need to be removed at this point in time; we've had one recommendation for an addition from the Law Enforcement Committee. What is the board's desire? Mark.

MR. ROBSON: I don't know if it was apparent or not, but what I wanted to also say was that we were hoping that the LEC recommendations that we had prepared based on the draft options could actually be included in the draft document.

MR. DIODATI: I would move to approve the draft addendum with the modifications offered by A.C. Carpenter and the addition of the option that the LEC and Pat Augustine has just referred to. I move to approve it with those changes to go out to public hearing.

CHAIRMAN O'CONNELL: All right, let's get the motion on the board and read it and we may need some clarification on it. We have a motion to move to approve the draft addendum with modifications offered by A.C. Carpenter in addition to the option recommended by the Law Enforcement Committee. Motion made by Paul Diodati; seconded by Pat. Discussion on the motion? Jaime.

DR. JAIME GEIGER: Mr. Chairman, would it be appropriate for A.C. to read into the record his specific recommendations or modifications of the addendum at this time?

CHAIRMAN O'CONNELL: I think that would be very helpful.

MR. CARPENTER: Are you ready?

CHAIRMAN O’CONNELL: If you are, A.C., go ahead.

MR. CARPENTER: All right, my first recommendation was on Item C, Option 2, remove the words “approved by the technical committee”. For the tag accountability, Item D, Option 2, remove “under penalty of perjury”. Under Item E, reporting, Option 2, remove the last sentence in that paragraph. Under Item F, include “the sale or purchase of striped bass; unlawful to sell or purchase”.

CHAIRMAN O’CONNELL: A.C., did you want anything added under counterfeiting; you mentioned that earlier?

MR. CARPENTER: I don’t know whether you need it in the addendum but I do think each state needs to recognize that as they are developing their program and considering it as part of their accountability and penalty schedule.

CHAIRMAN O’CONNELL: And just for the record, the sentence that A.C. references under E, Option 2, is “In addition to the above, the unique commercial striped bass tag identification number which can be linked to the individual fisherman must be reported”; that would be removed; correct? Okay. And just for clarification, the recommendation by the Law Enforcement Committee would be related to how long the tags had to stay with the striped bass filets. Kyle.

MR. KYLE SCHICK: It has been addressed; thank you.

CHAIRMAN O’CONNELL: Lloyd, do you want to respond to A.C.’s comments?

MR. INGERSON: I just wanted to speak to the perjury issue. I don’t think it was the intent of the task force to recommend that each tag number be recorded; only that there be at the end of the year a document which accounts for the tags issued to that person and that person be required to sign that those numbers are accurate. I don’t think it was ever the intent that they record every tag number because we do realize that when you’re dealing with large quantities of fish is highly impractical.

MR. ROY MILLER: I was just going to add regarding the issue of tag number accountability that it may be practical for some jurisdictions. At least in the case of Delaware it is practical to note the sequence of tag numbers issued to an individual fisherman. Fisherman A might be issued – just to

pull numbers out of the air – number one through three hundred. Although there is not reporting of individual tag numbers as they’re used, at least you know which sequence of numbers were issued to an individual fisherman. Thank you.

CHAIRMAN O’CONNELL: Just to comment on that, Maryland has established a similar process where there is a data base that is real-time information accessible to the Natural Resource police officers in the field; so if they intercept somebody, they can look at that tag number, go to the data base and confirm what individual was assigned those tags. Kelly.

MR. KELLY PLACE: Under Option B, having talked to a lot of commercial fishermen in different jurisdictions, I think the two options you have there leave an enormous gap in between. I would suggest there be a third option under B, tag timing, whether you call it underway or prior to landing, to do it at the point of sale leaves enormous room for mischief prior to that point. However, to be required to tag a fish immediately upon possession, whether you’re in a small skiff and subject to all sorts of dangers or whether you’re in a highly mechanized boat, you cannot stop and tag every fish when it comes in.

If anyone has tried to grab a live three pounder, you know what a 20 or 30 pounder is like. You can’t stop fishing to tag every single fish; but to allow fishermen either at the point of harvest, if they can, but before they hit the dock, because at the dock is when the mischief can start. If you do it at the point of harvest, not only is it onerous, there are so many scenarios of danger, but I would just suggest for the addendum add a third option to have it done prior to landing, either underway or prior to landing, if not sooner.

MR. GILMORE: Mr. Chairman, just a point of clarification. The motion has got the recommendation from the LEC, which was to do with the filets. In terms of the report, this is going to be part of the document also, the entire sheet, because I think that would be helpful.

CHAIRMAN O’CONNELL: Yes, that is correct; that is the intention. Michelle.

DR. MICHELLE DUVAL: Mr. Chairman, with regard to the previous comments on sequence of tag numbers, we issue our tags to the dealers but include the sequence of tag numbers that are issued to the dealer, and additionally the dealers are required to report on a daily basis both the number of tags that

are used as well as the poundage that they have purchased from fishermen – just to illustrate the accountability that we’ve built into our system as well.

MR. LUSTIG: Mr. Chairman, I was listening carefully when Paul made the motion. It has been quite a while ago, but I believe that I heard him correctly say to be included in the motion was information or recommendations that Pat had made. I don’t see Pat’s material listed in the motion.

CHAIRMAN O’CONNELL: Thanks; I do recall that in the motion. Pat, did you have specific suggestions?

MR. AUGUSTINE: Well, the issue was to address the filet issue that the law enforcement people brought up. I think what Jim suggested was that the whole report and the motion should be included; that the full report from the LEC become a part of the document when it goes out to the public. What language would you want to use to describe that, but it was in reference to the filet issue that the LEC brought forth and then in addition the whole document to be put in it. Ritchie was the one who elaborated upon the point.

CHAIRMAN O’CONNELL: All right, I think the motion covers Pat’s concern. I don’t think any modification to the motion is necessary. One point where there was some back and forth was in regards to whether or not information needs to be provided on tag numbers by the individual fisherman and whether or not – you heard A.C.’s concern and you heard the Law Enforcement Committee’s feedback on that, that maybe that would need some perfection to the wording, but right now that would be removed from the draft addendum. Ritchie.

MR. WHITE: Not to that point, Mr. Chairman. Do you want me to go ahead or do you want to finish that point?

CHAIRMAN O’CONNELL: I don’t see anybody raising their hand so go ahead, Ritchie.

MR. WHITE: Okay, I agree totally with what Kelly had said previously, and I would like to see that added in the document. If it needs a motion, I’ll make it, but I think it’s critical that the tag be placed on the fish prior to landing. I think that’s the language that needs to be in there.

CHAIRMAN O’CONNELL: I don’t know if the maker of the motion wants to have a friendly

amendment to the motion or need you to amend that. Paul.

MR. DIODATI: This just becomes another option. I thought this was actually included in the draft addendum, the way it was written.

CHAIRMAN O’CONNELL: It’s not included at this point in time.

MS. TAYLOR: The wording in the addendum currently states that the striped bass commercial tag must be securely locked in place through the mouth and the gill of the striped bass immediately after removing the striped bass from the gear and prior to attending another piece of gear. There is kind of some flexibility and that was taken from I believe New York’s regulations as an example.

MR. RUSSELL DIZE: Mr. Chairman, the problem we have in Maryland is what Kelly has spoken to. I don’t know how many of you people have ever been on a boat with it freezing and water bursting over the stern and you’re trying to take fish out of a net and stop and tag each one is not possible. You’ve got to wait until you get the net secured.

Sometimes it gets so bad we have to pull the net into the boat with the fish in it and take the fish out later. On tagging immediately after you catch it is just about impossible in certain scenarios. The same way in pound netting, that’s a big problem with that because you have to tag the fish in Maryland at the pound net. If it’s rough you can’t go ashore and tag it. You’ve got to tag it right at the net. It causes a lot of problems in the middle of the bay, especially in the lower bay. Out of everything you’ve read in this is fine, but that one is a stickler. Thank you.

MR. CARPENTER: Our regulations on immediate or point of harvest right now provides the language what you see before you, but it goes on to say that it is prior to leaving the Potomac jurisdiction or the point of landing, whichever occurs first. We do allow some flexibility there based on weather conditions and other things. I would support this added language to this motion at this point.

MR. SCHICK: In Virginia you’re also allowed to tag after you complete your net but stay at the net. If it is rough and unsafe to do so, there is leeway to get to a safe area to tag it, but you can’t tag it beyond that point. I would support this, too.

MR. ADLER: Okay, I’ve got a 20-pound striped bass I just pulled in. I think he is still alive. You put

the tag through his mouth somehow, without your finger, is that ever a problem if you've got a live, kicking fish that you have to put a tag through his mouth while he is still alive. And he is a good-sized one; is that sort of a problem?

CHAIRMAN O'CONNELL: I think that's one of the issues that Kelly had mentioned and I know that we hear that from some of our fishermen in Maryland, yes. Kelly.

MR. PLACE: It's an enormous problem. It's almost impossible to do that. A 20-pound striped bass that is alive is muscular, has all sorts of spines and sharp gill plates. You're destined to be somewhat injured. It may be a relatively minor injury. That's why prior to landing leaves the flexibility to tag it anytime from possession to prior to landing, but at the same time that stops 99 percent of any mischief that other people might be inclined to do.

MR. ADLER: Mr. Chairman, then can we be a little bit more realistic, please?

CHAIRMAN O'CONNELL: Yes, I'm just hearing from Kate that the intent in the draft addendum was to provide that flexibility. The language may need to be clarified. When I read it, it does provide some flexibility. From what I'm hearing from the board is that it is not that clear, and that may be something that we can clean up in the draft addendum. Paul.

MR. DIODATI: Yes, it would seem to me that given what is already going on in the fishery, it's not really whether we tag or not tag; it's the finer details of when the tags are applied, whether it's on the fish coming out of the water or at the point of sale or on the boat or whatever, but those are the finer details that I think we could decide after the public hearing. I think that's really going to be the meat of these hearings. As long as the addendum covers a wide array of options for people to discuss, then I think when we get back here we'll make those tough decisions.

CHAIRMAN O'CONNELL: Yes, I agree with you, Paul. Pat.

MR. AUGUSTINE: I'd like to divide the question. It's just fogging up the water. There is no question the LEC report is an issue by itself. This option that Mr. Place suggested is very important. I think let's just separate the two out, let's clarify what Mr. Diodati's motion really said and what was included in it, which isn't there.

It's inferred, but it's not said what we wanted in that motion. Then make this as a clear definition within the options about when you tag the fish as Mr. Place had described. We're back and forth and back and forth. I want to make sure we cover in the first part of this option the most critical part, and that had to do with filets and it had to do with the LEC report being a part of the document. I'd divide the question or if someone wants to take that last part out; otherwise, let's just call the question, Mr. Chairman.

CHAIRMAN O'CONNELL: My understanding of the motion is to approve the draft addendum per the modification by A.C. that we put in the public record and per the recommendation of the Law Enforcement Committee pertaining to striped bass filets, and that's in the public record. We've had a lot of time focused on the timing of tagging and the draft addendum provides a broad range of flexibility. As Paul said, I think that's going to be an issue that we get public comment on and we can fine tune for the final action. I don't think we need to divide unless the board feels that way. I think we're ready to call the question. Ritchie, last comment.

MR. WHITE: Bob just pointed out some wordsmithing. I don't think we're approving the draft addendum; I think we're approving it to go to public.

CHAIRMAN O'CONNELL: Thanks; good catch, Ritchie. All right, I'm going to read the motion: move to approve the draft addendum for public comment with the modifications offered by A.C. Carpenter in addition to the option recommended by the Law Enforcement Committee. Motion made by Mr. Diodati and seconded by Mr. Augustine. Do you guys need a few minutes to caucus?

(Whereupon, a caucus was held.)

CHAIRMAN O'CONNELL: All right, all those in favor please raise your right hand; all those opposed please raise your right hand; any null votes; any abstentions. **The motion carries sixteen, zero, zero, zero. Doug.**

MR. DOUGLAS GROUT: I know this is after the fact, but we had a section of that motion just disappear before we voted on it, and I just want to make sure that it was still in there, that we were adding an option that would say that the tagging could occur up and prior to the time of landing. Is that still on there because all it says is added by A.C. Carpenter and LEC?

CHAIRMAN O'CONNELL: My understanding is that was not included in the options. That was language that was being put up there in case somebody wanted to offer it. It was not in the motion with the understanding that the addendum provides that broad flexibility and we will make a final decision based on public comment afterwards. Kate.

MS. TAYLOR: I'm just wondering if any state or jurisdiction knows if they would be interested in holding a public hearing at this time. Thank you.

TECHNICAL COMMITTEE REPORT

CHAIRMAN O'CONNELL: All right, moving ahead, a technical committee report. At the last board meeting Commissioner Grout asked a question pertaining to the projection of the stock assessment that showed us in 2017 of overfishing occurring, overfished, and asked the question regarding if we delayed action on reducing the harvest from 2013 into '14; would we be looking at a much more significant level of reduction if the new stock assessment shows similar results. Alexei Sharov reviewed that issue and came today to report out on that.

DR. ALEXEI SHAROV: Good morning, ladies and gentlemen. I'll briefly bring you up to the history of this. Just to remind you where we were coming from to this discussion, last year we completed the striped bass stock assessment update which identified that the stock is not overfished and we're not overfishing.

This plot shows the history of the striped bass status and exploitation in time. On the X axis you have the spawning stock biomass in units of our threshold spawning stock biomass. On the Y axis you have the ratio of fishing mortality as measured compared to our limit fishing mortality. Ideally we want to be in this box where we are above the threshold spawning stock biomass and below the maximum limit of fishing mortality.

The small red data point, which probably you wouldn't see now, but it's right there, that's where the year 2010 was. As I said, we were not overfished and not overfishing. However, you and many others were concerned that recently – this is the plot of the spawning stock size versus the number of recruits that were produced. Again, this red color is not very well seen here, but the most recent five years of recruitment were pretty low, as you know, even though they were produced by a large size of the spawning stock biomass, which led you to some

concerns as to where are we going and what is going to happen to the population in the future.

To address this issue we did the projections forward for striped bass making certain assumptions that we explored several levels of fishing mortality and we also looked into at least two different options for the future recruitment, which, of course, we cannot predict what it's going to be. We explored the option that the recruitment will continue to be relatively low as it was observed in 2005 through 2010.

We also looked at the more optimistic scenario where the recruitment will be in the range of the years that we have observed in 1999-2008. When we did this and we projected the trend of the population forward, these are the plots for the fish in range of age three through eight. As you can see the several different levels of fishing mortality that we have explored, that the stock is declining and then leveling off; and depending on your actual fishing mortality level, it's either flat or slightly going up.

However, with respect to the age eight-plus fish, which are primarily the spawners, as you can see, some options – well, in particular the option to stay with the current fishing mortality as determined in 2010, we're going downwards while with the lower fishing mortality we're leveling off or we could go up.

When we compared these trends to our current threshold for the spawning stock biomass, well, it became obvious that with the current fishing mortality, the fishing mortality as measured in 2010, if we keep fishing at the same level, we will cross the threshold so we will cross the overfished definition by 2017 even though by a tiny bit but nonetheless.

However, if we would apply lower fishing mortality rates – and we explored several of them – we could reverse this trend and increase the spawning stock size level. However, this will come at the cost – the cost is the loss in landings; and as you can see the lower your fishing mortality that you want to apply, the lower will be your landings.

In this example we're looking to anywhere to about a threefold decrease in landings if we go with the most conservative scenario. That's what we showed you earlier, and the question was if we delay the action – if you decide to not act immediately what would be the cost of this decision?

So, we have done additional projections where we applied this reduced fishing mortality level starting

with either 2013 or 2014 or 2015. This is the summary of the projections for the stock. That is the upper graph starting with 2013, then 2014 and 2015. While generally they show you the same pattern; that is if we stay with the fishing mortality level, we essentially touch the line.

At any other lower fishing mortality level we will be either leveling off at the F of 0.2 – that's the red line on this graph right there – but if the fishing mortality goes down to like 0.5 or even less, we reverse the trend.

The same picture is obtained for both lower recruitment and average recruitment level. To help you sort of look at this in terms of numbers, here is an example for you. Let's take a look at one of the tables. The low recruitment table shows you that if you would use the fishing mortality starting in 2013 to the fishing mortality level of 0.2, which is a very small reduction, then you will end up at 106 percent of the threshold spawning biomass by 2017.

In 2017 the estimated – according to this projection – the estimated population spawning stock size will be about 6 percent above the limit. If you initiate this in 2014, it is going to be only 4.5 percent above the level of the limit, et cetera. So essentially delaying in this case the numbers do not differ appreciably from one year to another, but certainly if you would like to be sure that you stay above threshold, the key is to reduce the fishing mortality by a more significant amount.

I just would like to warn you that you shouldn't take this as the absolute truth. This is the calculation that provides you an idea of the direction of where things are going. This does not account for a lot of uncertainty that is not included in this calculation; that is that we cannot keep the fishing mortality constant, obviously. It's going to vary.

We are several years from that point. We have not accounted for the recruitment in 2011. All those things taken together will smear the potential results, and to some degree that should be all accounted for and reviewed during another assessment, which we're supposed to complete this summer. That's the information that helps you to guide yourself and make your decision about the level of risks that we're looking at. This is what we have for you today. Thank you.

MR. GROUT: Thank you very much Alexei and the technical committee for this information. This certainly allays some of my concerns about the risk

we might have of waiting to take action so that we don't get into an overfished situation. I feel very comfortable right now that we can wait to see what happens with the next assessment, which will be the most up to date and current information, and hopefully we won't have to take action.

MR. WHITE: Alexei, if the size of the spawning stock biomass decreases, isn't it possible then that the mortality rate increases if the same amount of fishing pressure is being applied?

DR. SHAROV: Well, in this particular case in our projections we controlled the fishing mortality rate; that is, we fixed it at the selected level. In this case we selected it to be the current of 0.23 or somewhat lower at 0.2 or 0.15, so we kept it constant. Well, obviously, in reality it is going to vary and it's definitely a function of – it's dependent on the stock size and the fishing effort.

The answer is it is possible that as the spawning stock declines the fishing mortality may rise, but it may not as well because it's a payoff of two different factors. We are not at will to – or at least we're not able to clearly predict what the fishing effort would be because it's also dependent on a number of factors, but it is possible.

MR. DIODATI: Under average or below average recruitment we could expect to reach some management trigger in about five years; and in some probability the likelihood is that we will reach a trigger within about five years, 2017, under the current fishing mortality rates?

DR. SHAROV: Yes, Paul, if we look at this that the recruitment that we're using, there would be needing recruitment for the possible numbers that we looked at, so the appropriate answer probably would be there is a 50 percent chance that we will hit the threshold limit given all other things being as we portrayed them in the projection, given the assumptions that we made.

MR. DIODATI: And if by some chance the fishing mortality rate over the next five years for a year or two jumped up to 0.3 or 0.35, then the likelihood would increase and probably we would hit those targets even sooner than five years?

DR. SHAROV: Yes, that's correct, that is the way it would be, but we should also allow ourselves to consider that there are other factors that will likely play in the opposite direction. The same as the fishing mortality, we don't know whether that will go

up. If it will go up, yes, we will the threshold sooner, but it might be going down as well. We have not accounted for last year's strong year class which if it will hold, if it will survive, they will start contributing to the spawning stock as females probably in five to six years. That will be working in a positive direction.

MR. TERRY STOCKWELL: Thank you, Alexei, for these projections. They are really helpful and certainly answered a lot of questions I've had. Over the years I've pleaded for additional striped bass management. Could you please forward to Kate this powerpoint so they can go on the web so we can explain to our anxious anglers at home where we're at? Kate, am I correct, it's going to be at the annual meeting that we'll receive the report from the updated benchmark?

MS. TAYLOR: The schedule for the benchmark is to go through peer review actually in June of 2013, so it will be received at the August meeting.

CHAIRMAN O'CONNELL: Lastly, a special thanks to Gary Nelson from Massachusetts who did the model runs for this information. All right, the last item on our agenda is to review and populate the tag and subcommittee membership. Kate.

MS. TAYLOR: Angela Guiliano has been nominated to the Striped Bass Tagging Subcommittee.

MR. AUGUSTINE: **Mr. Chairman, I move that we approve Angela Guiliano to be put on the Striped Bass Tagging Subcommittee.**

CHAIRMAN O'CONNELL: Second by Bill. Any objection to the motion? The motion stands approved. Thank you.

ADJOURNMENT

CHAIRMAN O'CONNELL: Any other business to come before the board today? All right, motion to adjourn. Any objection? We are adjourned.

(Whereupon, the meeting was adjourned at 9:58 o'clock a.m., May 1, 2012.)

Atlantic States Marine Fisheries Commission

**DRAFT ADDENDUM III TO AMENDMENT 6
TO THE ATLANTIC STRIPED BASS
INTERSTATE FISHERY MANAGEMENT PLAN
FOR PUBLIC COMMENT**

Measures to Address Illegal Striped Bass Harvest



*ASMFC Vision Statement:
Healthy, self-sustaining populations for all Atlantic coast fish species or successful
restoration well in progress by the year 2015.*

May 2012

Public Comment Process and Proposed Timeline

In February 2012, the Atlantic Striped Bass Management Board approved a motion to initiate the development of an addendum to the Interstate Fishery Management Plan (FMP) for Atlantic Striped Bass to address illegal harvest of striped bass. This draft addendum presents background on the Atlantic States Marine Fisheries Commission's (ASMFC) management of striped bass, the addendum process and timeline. Also provided are a statement of the problem and options of striped bass management for public consideration and comment.

The public is encouraged to submit comments regarding this document at any time during the addendum process. The final date comments will be accepted until **5:00 PM (EST) on July 13, 2012**. Comments may be submitted by mail, email, or fax. If you have any questions or would like to submit comment, please use the contact information below.

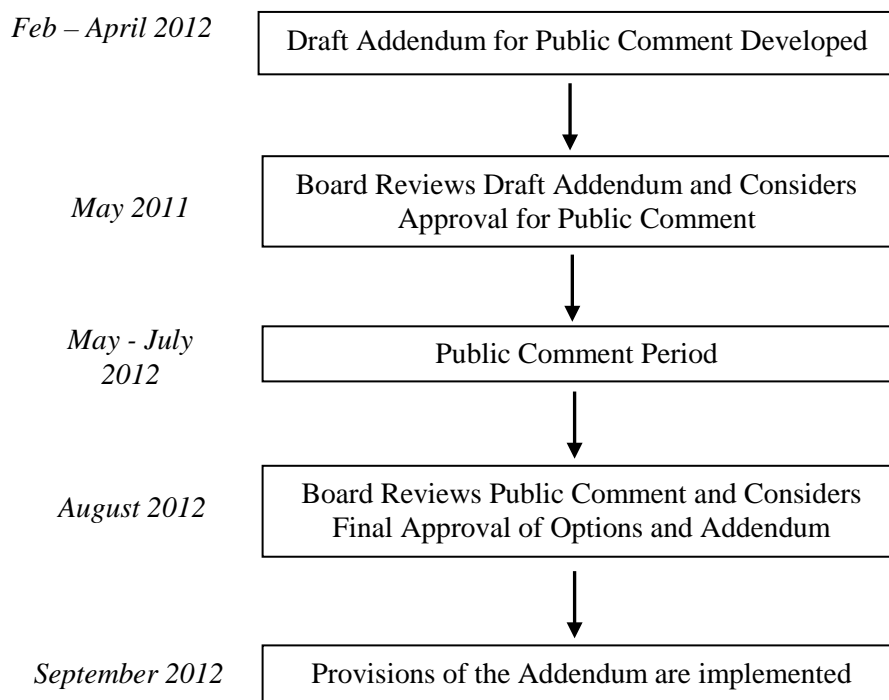
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1.0 Introduction

The Atlantic States Marine Fisheries Commission (ASMFC) has coordinated interstate management of Atlantic striped bass (*Morone saxatilis*) from 0-3 miles offshore since 1981. The management unit includes all coastal migratory stocks between Maine and North Carolina. Atlantic striped bass is currently managed under Amendment 6 to the Fishery Management Plan (FMP), approved February 2003, Addendum I to Amendment 6, approved October 2007, and Addendum II to Amendment 6, approved in November 2010. Management authority from 3-200 miles from shore rests with NOAA Fisheries.

At the February 2012 ASMFC Striped Bass Management Board Meeting in Alexandria, VA, the Board passed a motion initiating the development of an addendum to incorporate recommendations by the Interstate Watershed Task Force (IWTF) and ASMFC Law Enforcement Committee (LEC) on reducing illegal harvest of striped bass. Provisions of the addendum, if approved, will be implemented prior to the start of the 2013 fishing year.

2.0 Management Program

2.1 Statement of the Problem

The illegal harvest of striped bass has the potential to undermine the sustainability of striped bass populations on the Atlantic Coast, as well as reduce the economic opportunities of commercial fishermen who are legally participating in the fishery. This addendum was initiated in response to the IWTF's multi-year, multi-jurisdictional investigation conducted within Chesapeake Bay. This investigation resulted in over \$1.6 million dollars in fines levied against 19 individuals and 3 corporations for more than one million pounds of illegal striped bass harvested estimated to be worth up to seven million dollars. The investigation revealed that some of the control measures in place for regulating the harvest of striped bass were ineffective or inadequately designed to maximize compliance. The investigation also found that greater accountability of wholesalers would be difficult to achieve without uniform tags (colors, design) and tagging requirements, valid year and size limits inscribed on tags, and increased dealer compliance education. The Board is also concerned about the potential for illegal harvest occurring within other jurisdictions along the Atlantic Coast.

2.2 Management Background

Striped bass, *Morone saxatilis*, have formed the basis of one of the most important fisheries on the Atlantic coast for centuries. However, overfishing and poor environmental conditions led to the collapse of the fishery in the 1980s and a moratorium on harvest from 1985 – 1990. The fishery was reopened in 1990 under Amendment 4 to the Striped Bass Fisheries Management Plan (FMP), with regulations designed to limit harvest to 20% of the average landings during a 1972-1979 reference period. In 1995, when the fishery was declared restored, Amendment 5 to the Striped Bass FMP put in place regulations to allow harvest up to 70% of the average landings during the reference period.

Amendment 6, approved in 2003, increased the coastal¹ commercial quotas to allow 100% of the landings during the reference period (Table 1). Along with the minimum size limit of 28", states implement additional regulations to limit harvest to the commercial quotas. Any state quota overage is paid back through modified management measures to reduce the quota in that state the following year. Amendment 6 places no quota on the states' recreational coastal harvest; rather recreational management measures include generally the same minimum size limits as in the commercial fishery, and a two fish creel limit. Amendment 6 allows states to propose alternative and/or conservationally equivalent regulations to the Amendment 6 standards, resulting in regulatory inconsistency along the coast (See Appendix 1).

Table 1. Amendment 6 coastal commercial harvest allocations as modified by commercial prohibitions and management equivalencies.

State	Am6 Harvest Allocation (lbs)
Maine	250*
New Hampshire	5,750*
Massachusetts	1,159,750
Rhode Island	243,625†
Connecticut	23,750*
New York	1,061,060†
New Jersey	321,750**
Delaware	193,447
Maryland	131,560†
Virginia	184,853
North Carolina	480,480
Total	3,806,275

* Commercial harvest/sale prohibited, with no re-allocation of quota.

** Commercial harvest/sale prohibited, with re-allocation of quota to the recreational fishery.

† Quota reduced through management program equivalency; NY (828,293 pounds) and MD (126,396 pounds) beginning in 2004, RI (93,788 pounds) beginning in 2007.

Within the Chesapeake Bay and Albemarle-Roanoke areas there is a lower minimum size limit (18") than required for the coastal areas (28") due to the size availability of fish during most of the year and separate quotas are established separately for these two areas. For the Chesapeake Bay, there is a single Baywide quota for all jurisdictions' (Maryland, Virginia, PRFC) commercial and recreational fisheries, combined. Quota in the Chesapeake Bay is currently allocated based on historical harvest, and each jurisdiction then allocates portions of the quota to its recreational and commercial fisheries (Table 3). In the Albemarle Sound and Roanoke River System, the annual quota of 550,000 pounds is currently allocated evenly between the recreational and commercial fisheries, with 25% for the Roanoke River recreational fishery, 25% for the Albemarle Sound recreational fishery, and 50% for the Albemarle Sound commercial fishery (Table 4).

The Exclusive Economic Zone (EEZ) has been closed to the harvest and possession of striped bass since 1990, with the exception of a defined route to and from Block Island in Rhode Island. A recommendation was made in Amendment 6 to re-open federal waters to commercial and

¹ The coastal stock can be defined as the entire management unit (i.e., all coastal and estuarine areas of all states and jurisdictions from Maine through North Carolina) minus the Chesapeake and Albemarle Sound / Roanoke River management areas.

recreational fisheries. However, NOAA Fisheries concluded opening the EEZ to striped bass fishing was not warranted at that time.

2.2.1 Commercial Fishery Status

Total and state-specific commercial harvests of striped bass have varied little from year to year, since the implementation of Amendment 6, due to quota management. Refer to Appendix 1 for jurisdiction specific regulations. The total coastal commercial harvests from 2003 to 2010 range between 2.82 and 3.15 million pounds (Table 2) and average 2.95 million pounds (Figure 1). Massachusetts and New York land on average 60% of the total coastal allocation.

The total non-coastal commercial harvests from 2003 to 2010 ranged between 4.14 and 4.52 million pounds and averaged 4.38 million pounds annually. Within that time period, the Chesapeake Bay commercial fishery has landed 3.95 – 4.4 million pounds annually (Table 3), with Maryland landing, on average, 50% of the harvest, followed by Virginia (35%) and PRFC (15%). The total Baywide quota has not been exceeded. Within Albemarle Sound Management Area, commercial landings have averaged 68% of the total management area commercial quota (Table 4).

In total, the commercial fishery landed an estimated 7.29 million pounds in 2010, which is lower than landings in 2009 (7.32 million pounds) and also slightly lower than the 2003-2010 average of 7.3 million pounds.

2.2.2 Recreational Fishery Status

Since 2003 total coastal recreational harvest has ranged between 23.2 million pounds in 2006 to 15.7 million pounds in 2009 (Figure 1) and averaged 19.6 million pounds annually. While harvest in 2010 increased by 17%, it was still below the average. Landings from Massachusetts, New York and New Jersey have comprised approximately 70% of annual recreational landings since 2003 (24%, 24%, and 22% respectively). The number of fish released alive increased annually after the passage of Amendment 6 to a high of 19.5 million fish in 2006. Since then, the number of fish released alive has decreased by 75% to a low of 4.8 million fish in 2010. Reasons for the decline may be attributed to a decreased availability of fish staying in nearshore areas, a reduction in stock size from the peak in 2004, and changes in angler behavior in response to socioeconomic factors.

Recreational harvest in the Chesapeake Bay has fluctuated by more than a million pounds nearly annually since 2003. The largest harvest occurred in 2009, at more than 5.67 million pounds, followed by a decrease of 50% to a low of 2.8 million pounds in 2010. The number of fish released alive has decreased 70% from a high of 5.5 million fish in 2003 to approximately 1.5 million fish in 2009 and 2010. The Albemarle Sound / Roanoke River recreational quota is set at 275,000 pounds and is divided between the two areas equally (Table 3). The average harvest from the combined areas (135,339 pounds) has been less than half the allowable quota since 2003 (Table 3).

Table 2. Total *coastal* commercial harvest (in pounds) of striped bass by state, 2003-2010.

Year	MA	RI	NY	NJ*	DE	MD+	VA+	NC**	Total Harvest ***
2003	1,055,439	246,312	753,261	121,410	188,419	98,149	159,786	434,369	3,057,145
2004	1,206,305	245,204	741,668	81,870	181,974	115,453	160,301	421,645	3,154,420
2005	1,104,737	242,303	689,821	29,866	173,815	46,871	184,734	454,521	2,926,668
2006	1,312,168	238,797	688,446	23,656	185,987	91,093	194,934	352,036	3,087,117
2007	1,040,328	240,627	729,743	13,615	188,668	96,301	165,587	424,723	2,899,592
2008	1,160,122	245,988	653,100	7,345	188,719	118,005	164,400	299,162	2,836,841
2009	1,138,291	234,368	789,891	10,330	192,311	127,327	140,420	189,995	2,822,933
2010	1,224,356	249,520	782,402	12,833	185,410	44,802	116,338	272,632	2,892,096

* NJ values reflect striped bass harvested recreationally via the Bonus Fish Program

** NC values represent harvest during the December 1-November 30 fishing year

***Total harvest counted toward quota. NJ's quota is not counted toward the coastal quota.

+MD, VA and NC harvest from ocean only. Does not include Chesapeake Bay or Albemarle Sound/ Roanoke River.

Table 3. Total (commercial and recreational) Chesapeake Bay quotas and harvests, in pounds (2003-2010).

Year	Quota	Harvest
2003	10,500,000	8,726,383
2004	8,417,000	7,766,412
2005	9,285,588	8,646,183
2006	9,590,238	8,496,213
2007	9,590,238	8,432,214
2008	10,132,844	7,641,785
2009	10,132,844	8,467,818
2010	9,489,794	7,956,566

Table 4. Albemarle Sound / Roanoke River annual quota* and harvest (2003 – 2010), in pounds.

	Commercial		Recreational	
	Quota	Harvest	Quota	Harvest
2003	275,000	266,555	275,000	90,964
2004	275,000	273,636	275,000	187,288
2005	275,000	232,693	275,000	171,007
2006	275,000	186,399	275,000	120,518
2007	275,000	171,683	275,000	89,125
2008	275,000	74,921	275,000	64,353
2009	275,000	96,134	275,000	106,894
2010	275,000	199,829	275,000	83,507

* Quota is allocated 25% for the Roanoke River **recreational** fishery, 25% for the Albemarle Sound **recreational** fishery, and 50% for the Albemarle Sound **commercial** fishery

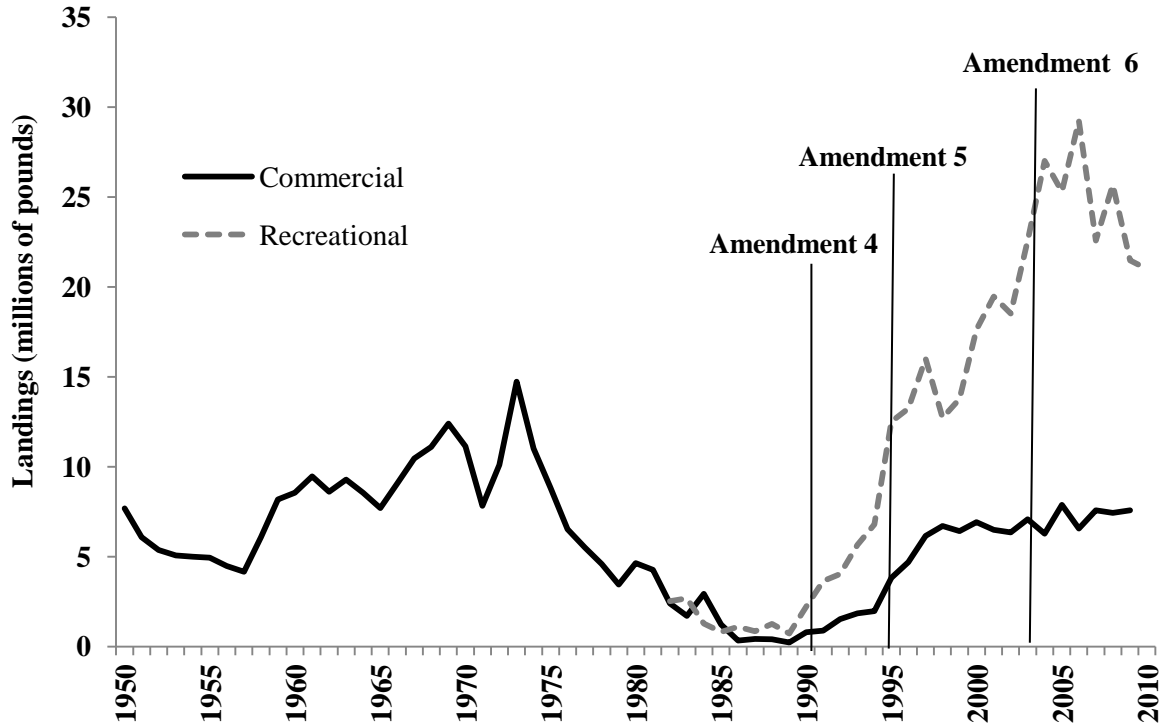


Figure 1. Annual migratory striped bass landings (in pounds) from coastal and Chesapeake Bay fisheries, 1950 – 2011. Source: pers. communication with NMFS Fisheries Statistics Division, Silver Spring, MD

2.2.3 Stock Status

Based on the results of the 2011 stock assessment update, Atlantic coast striped bass are not overfished and overfishing is not occurring. The statistical catch at age (SCA) model estimates female spawning stock biomass (SSB) at 50,548 metric tons (mt), above the SSB target and threshold levels of 37,500 and 30,000 mt, respectively (Figure 2). Estimates of recruitment (age-1 abundance) in 2010 increased from 2009 and were slightly higher than the recent (2005-2010) average. However the estimate was still below the post recovery time period average (1995-2010). While biomass estimates have remained relatively stable due to the growth and maturation of the 2003 year class and the accumulation of spawning biomass from year classes prior to 1996, stock abundance has declined from the time-series high in 2004 of 67.5 million fish to 42.3 million fish in 2010. The decline, as reflected by landings, is more prevalent in areas largely dependent on the Chesapeake Bay stock than in areas dominated by the Hudson River stock. A benchmark stock assessment for striped bass is scheduled for 2013.

2.2.4 Juvenile Recruitment

The Striped Bass Technical Committee annually examines the juvenile abundance indices (JAIs) for recruitment failure. Under Addendum II to Amendment 6, recruitment failure is defined as a value that is below 75% of all values in a fixed time series appropriate to each juvenile abundance index (as designated by the Q1 line in Figure 6). If any JAI shows recruitment failure for three consecutive years, the Technical Committee recommends appropriate action to the Striped Bass Management Board.

For the 2011 review of the JAIs, the trigger analysis was performed with the 2008, 2009, and 2010 index values. Single years of recruitment failure occurred in Maryland (2008), North Carolina (2009) and Maine (2010); however, three consecutive years of recruitment failure did not occur in any of the surveyed areas, so no action was triggered.

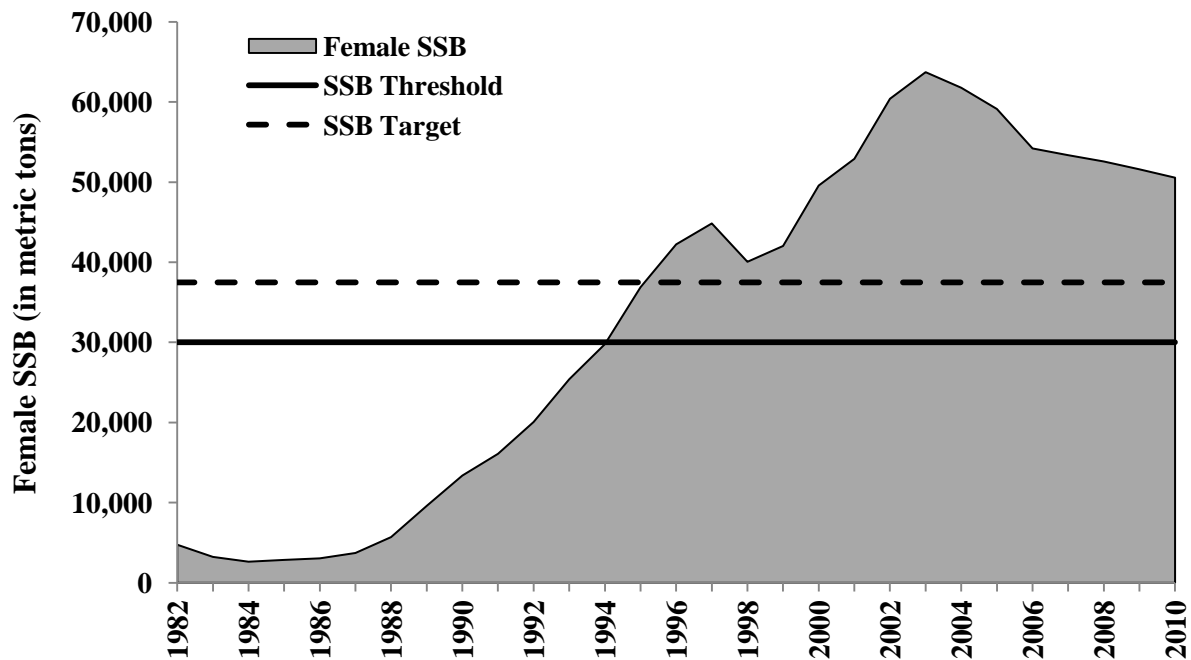


Figure 2. Estimated female spawning stock biomass (SSB, in metric tons) of striped bass. Source: ASMFC 2011 Striped Bass Stock Assessment Update.

2.2.5 Illegal Striped Bass Harvest

There are currently no reliable estimates of coastwide illegal harvest available, for either commercial or recreational fisheries, but data is available from specific law enforcement cases conducted by states and also among regions. The Interstate Watershed Task Force (IWTF) began investigations on illegal commercial harvest focused on the western shore of the Chesapeake Bay and the Potomac River in 2003. Their investigation indicated that numerous incidents of illegal striped bass commercial violations on the Potomac River were occurring. Fishermen from Virginia were targeting very large spawning fish in closed waters of the Potomac River Fisheries Commission and Maryland and oversized fish were being taken during the spawning season and sold illegally. Additionally fishermen in Maryland were taking advantage of loopholes in the state tagging system to falsely report large numbers of smaller fish, and obtain more tags to exceed quota limits.

Wholesale dealers were also complicit through false recordkeeping, false check-in, and knowingly buying illegal or untagged fish. Specific illegal activities included: taking fish during closed commercial season and tagging with open season tags; taking oversized striped bass; overharvest of quota; disguise of true gear used for harvest; re-use of commercial tags; use of expired tags; illegal use of other fishermen's commercial tags; sale of commercial striped bass tags; unmarked, oversized gill nets targeting breeding stock; and untagged fish being sold.

At the conclusion of the IWTF's investigation it was determined that over 1 million pounds of illegal striped bass were taken. The investigation resulted in conviction of 19 individuals and three corporations for a total of 140 months of cumulative prison time and 41 months of cumulative home detention, as well as \$1,628,352 in fines and restitution. The investigation revealed that some of the control measures in place for regulating the harvest of striped bass were ineffective or inadequately designed to maximize compliance. The investigation has also shown that greater accountability of wholesalers would be difficult to achieve without uniform tags (colors, design) and tagging requirements, valid year and size limits inscribed on tags, and increased dealer compliance education.

The IWTF and LEC made the following recommendations based on the investigation:

1. Implement a uniform commercial tagging system among all states and jurisdictions where striped bass are harvested and landed for sale.
 - a. Uniformity by year, style, color and inscriptions.
 - b. Make tags valid for one year only.
 - c. Inscriptions should include year, state, state size limits, and unique number.
 - d. Use standardized, tamper-proof tags.
2. Require all fish harvested for sale to be tagged immediately upon possession.
3. Issue a set number of tags based on a sound scientific sample of the average (mean) weight of legal-sized fish harvested in open season for that gear type divided into the weight quota.
4. Require all unused tags to be returned on an annual or seasonal basis and prohibit license renewal if unused tags are not returned.
5. Implement license revocation or suspension as a primary penalty for state or federal violations.
6. Ensure that law enforcement officers have real-time access to tag numbers issued to each fisherman.

The State of Maryland has already enacted regulation changes to address some of the issues uncovered by the investigation, including inscription of year of validity on tags, a limited number of tags are issued to each pound net licensee, unused tags for all gear types must be returned annually and commercial license suspension or permanent revocation of repeat or egregious violators. Additionally, the Potomac River Fish Commission has prohibited some subjects from commercially fishing again in their jurisdiction and the State of Virginia suspended the commercial licenses of some subjects for two years.

2.2.6 Commercial Striped Bass Tagging Programs

Commercial striped bass fisheries occur in Massachusetts, Rhode Island, New York, Delaware, Maryland, the Potomac River Fisheries Commission, Virginia, and North Carolina. While not required under Amendment 6, commercial striped bass tagging programs exist in most states with a commercial fishery. These programs vary in many aspects, including the type of tags used, the level of monitoring occurring in the fishery, and the method of tag distribution. The following sections describe the commercial striped bass tagging programs, if any, occurring within Commission jurisdictions.

Massachusetts

For commercially harvested striped bass that will remain within the Commonwealth of Massachusetts, commercial tagging is not required of harvesters or dealers. Licensed dealers are required to buy tags (\$0.16 apiece) if they are: 1) selling the fish out of state and 2) that state or jurisdiction requires striped bass harvested from its waters to possess a commercial tag. It is the dealer's responsibility to determine if the state or jurisdiction they are shipping to requires a tag. The state provides the order forms to the dealers and the dealers purchase tags from the tag maker directly. Tags are imprinted with the year and state of origin.

Dealer reporting requirement included weekly reporting to the Massachusetts Division of Marine Fisheries or SAFIS system of all striped bass purchases. In 2010 there were 178 permitted dealers authorized to purchase striped bass from fishermen.

Commercial fishermen may apply for a commercial striped bass license at anytime during the year, regardless if the commercial season is open or closed. The commercial striped bass season opens on July 12th (or the next open fishing day) and closes when the quota (1,140,807 pounds) is reached. Commercial fishermen may not possess striped bass less than 34" in total length and may take striped bass by rod-and-reel or handline only. Additionally commercial striped bass fishermen may not possess or land more than 30 striped bass per day on Tuesdays, Wednesdays, and Thursdays and 5 striped bass per day on Sundays during the open season. All striped bass which are the subject of a first sale shall be in the round, with the head, body and tail fully intact.

Commercial fishermen are required to accurately report their catch at the trip-level, including the location, dealer sold to, and quantity of all striped bass harvested during the open season and their monthly trip-level reports shall be filed no later than the 15th of the following month. Failure to complete and submit accurate and timely trip-level reports or falsification of any such report may result in a non-renewal of the striped bass endorsement. In 2010 there were 3,951 permitted striped bass commercial fishermen.



Figure 3. Example of commercial striped bass dealer tags for Massachusetts. Dealers are required to attach a tag to any striped bass shipped to a state that with tagging requirements.

Illegal possession of striped bass may result in: (a) revocation of the special permit, wholesale dealer permit, retail dealer permit, or authorization to purchase striped bass; (b) confiscation of all striped bass caught, possessed or sold in violation; (c) seizure and forfeiture of all property used in violation; (d) a fine not less than \$ 100 nor more than \$ 1,000; or (e) a combination of (a) through (d).

Any imported striped bass must be marked with a numbered tag that identifies the state of origin and must be accompanied by documents that verify state of origin. Nonconforming (undersized) striped bass may be imported into the Commonwealth only during the period corresponding to the Massachusetts closed commercial season, and those fish must have been legally taken, shipped and meet documentation requirements.

Rhode Island

In Rhode Island, the commercial tagging program occurs at the point of sale (i.e. striped bass are tagged when the fish is transferred from a licensed fisher to a licensed dealer.) No striped bass may be sold unless it has been properly identified with a special tag provided by the Rhode Island Division of Fish and Wildlife (RIDFW). RIDFW may designate tagging agents as appropriate. All designated tagging agents shall keep and maintain the required forms and logs specified by the Division of Fish and Wildlife. Tags are distributed to dealers by RIDFW. There are approximately 30 dealers. Dealers may pick up tags (200 at a time) for no charge at RIDFW office. Dealers may request additional tags so long as previously distributed tags have been accounted for. It costs approximately \$2,000 annually for the state to produce the tags.

Regulations for the commercial striped bass fishery in Rhode Island include minimum sizes, possession limits, gear restrictions, seasons and quotas. The commercial quota, as determined by ASMFC, is divided between two sectors, floating traps (39%) and general category (61%). The quota for the general category, primarily rod and reel, is made available during two seasons (June 6th – August 31st: 75% and September 11th – December 31st: 25%). The entire floating trap fishery quota is available from January 1st through December 31st. When the RIDFW has determined that the annual floating fish trap quota has been reached, the floating fish trap harvest of striped bass will terminate. Floating fish trap operators are required to report landings of striped bass to SAFIS three times per week. If there is non-compliance with the reporting requirements, the possession limit for floating fish trap operators for striped bass will be unlimited until eighty percent of the floating fish trap allocation has been projected to be harvested. Once eighty percent has been harvested, there will be a possession limit of 500 pounds per fish trap licensee per calendar day.

To harvest striped bass within Rhode Island waters, a fisherman needs one of the following: a Multi-Purpose License, a Principal Effort License with a restricted finfish endorsement, a Resident Multi-Purpose Landing Permit or a Non-Resident Restricted Finfish Landing Permit. Additionally, floating trap fishermen need a gear endorsement to participate in the fishery. To be considered for a Principal Effort License, an application must be submitted by February 28th of the fishing year. New licenses are not made available unless a current license is retired. Anyone holding a license may renew the license the following year. A limited number of new Principal Effort Licenses with Restricted Finfish endorsements were available in 2012.



Figure 4. 2012 commercial striped bass tags for Rhode Island. Tags are 8.25 inches in length. Black tag (left) is valid for harvest with a “Fish Trap” permit. Yellow tag (right) is valid for harvest under a “General Category” permit. Tag colors change annually.

Floating trap landings are reported three times a week. General category fishermen have no reporting requirements; however dealers purchasing general category striped bass are required to report through SAFIS twice a week. The license or permit of any individual who fails to report required information in a timely fashion or who files a false report shall be subject to suspension or revocation. No application for a license renewal will be accepted from a person who has failed to submit reports in a timely fashion.

Any person, firm, or corporation shall be fined not more than fifty dollars (\$50) for each striped bass taken, possessed, sold, possessed for sale, or offered for sale in violation of the regulations. In addition to the fine, the fish trap license of the person, firm, or corporation in violation shall be suspended for a period of one year.

New York

In order to participate in the commercial striped bass fishery, fishermen must possess both a striped bass commercial harvester permit and a food fish license. There are two types of striped bass commercial harvest tag allocations: a full quota share and a partial quota share. The striped bass commercial harvester permits are issued at no cost to persons who: 1) currently possess a valid New York State commercial food fish license; 2) who previously held a New York State license to sell striped bass during 1984, 1985, 1990, 1991, 1992, 1993, 1994, or 1995; and 3) who can demonstrate, for a full share, that 50 percent or more of their earned income resulted from direct participation in the harvest of marine species in any one year during the period 1994 through 2004. Participants who meet all three criteria are issued a full share quota tag allocation. Participants with a partial share quota tag allocation do not meet the income requirement above, but may apply for a full share by meeting the income requirement during the preceding year in which the permit is issued. Applications for striped bass commercial harvesters permits will be accepted until close of business June 1st. At this time no new striped bass permits are being issued by the state. Dealers must obtain a Food Fish and Crustaceans Dealers and Shippers license and must submit weekly reports of all Marine food fish purchases.

The department will issue serialized tags to permitted fishers. Individual tag allocations for all permit holders are achieved by first dividing New York's commercial striped bass quota by all

eligible permit holders. A partial share permit holder receives 20 percent of this individual allocation. The full share individual quota is derived by subtracting the partial share quota from the total and dividing by the number of full share permit holders to achieve the individual full share allocation. Each permit holder will be provided a number of tags equal to their individual quota. The permit holder is required to pay \$0.25 per tag for all tags issued to them, paid in full prior to receiving the tag allocation for the current year. It is unlawful to reuse or alter any striped bass tag. A striped bass commercial permit holder who takes and possesses a striped bass of legal commercial slot size shall immediately attach and securely lock into place through the mouth and gill a numbered strap tag issued by the Department immediately after removing said striped bass from their gear and prior to attending another piece of gear. All striped bass not of legal commercial slot size shall be returned to the water immediately without unnecessary injury.

Fishing Vessel Trip Reports are completed, signed, and submitted to the department each month; if no fishing trips were made for striped bass during a month, a report must be submitted for that month stating no striped bass trips were made. Any permit holder that has lost tags must report such loss to the department on their reports. Permit holders must submit all required information, including, but not limited to, the name of the vessel, the permit number(s), trip type, all species taken, the striped bass tag serial numbers used for the trip, the weight (in pounds), and number of striped bass taken, the name and signature of the permit holder, and the date signed. Once commercial striped bass permit holders have reported 100 percent use of the individual allocation of tags, they are no longer required to submit reports for striped bass. Permit holders who fail to submit acceptable fishing Vessel Trip Reports to the department may be denied future commercial striped bass fishing permits. All striped bass commercial permit holders must return any unused tags to the department by December 20 of the year the tags were issued. Permit holders who fail to return unused tags may be denied future commercial striped bass fishing permits. Permit holders who fail to accurately account for all tags may receive a reduction in the number of tags allocated in the next fishing season in which the permit holder applies for a striped bass commercial permit. This reduction in tags will be equal to the number of tags not accounted for in the previous fishing season.



Figure 5. 2008 striped bass tag for New York. Tags are 8.5 inches in length. The metal tags are imprinted with a seven digit code which designates the year (first two digits) and the serial number (last five digits). Tag colors do not change annually.

It is unlawful to sell or offer for sale untagged striped bass or striped bass fillets or steaks unless the tagged carcass from which such fillets or steaks were removed is present and available for inspection. Possession of untagged striped bass or striped bass fillets or steaks without the properly tagged carcass in establishments where fish are sold or offered for sale (including wholesale establishments, retail establishments and restaurants) is presumptive evidence of intent

to sell, trade, or barter such striped bass. Retail markets may prepare portions of legally tagged striped bass for the consumer and must retain the tagged carcass until all portions are sold. The tag must then be removed from the rack and then destroyed by cutting the tag in two.

Delaware

In Delaware, all commercial fishermen and dealers must be licensed to harvest or purchase striped bass. Commercially harvested striped bass may be taken with the following gears: gill nets or hook and line. The spring striped bass gill net fishery occurs from February to May, the winter striped bass gill net fishery occurs in November and December and the striped bass hook and line fishery occurs from April to December. All three are considered separate fisheries. All commercial striped bass gill net fishermen must have a valid gill net fishing permit and are required to register in writing with the Delaware Department of Fish and Wildlife (DDFW) by February 1st for the February gill net fishery and by November 1st for the November gill net fishery. In order for a commercial fisherman to be authorized to participate in the commercial hook and line fishery, the fisherman must register in writing with DNR by March 15th of the fishing year.

Each fishery receives a portion of Delaware's total striped bass commercial quota². Each fisherman in the gill net fishery is assigned an equal share of the total pounds of striped bass allotted by the DDFW to that fishery. A share is determined by dividing the number of pre-registered participants in that fishery into the total pounds of striped bass allotted to that fishery by DDFW. It shall be unlawful for any commercial fisherman to land, during a striped bass fishing season, more than the total pounds assigned to the fisherman. The hook and line fishery occurs derby style until the quota is filled. Any overage of Delaware's commercial quota will be subtracted from the next year's commercial quota proportionally to the appropriate fishery.

DDFW issues tags, at no cost, to each registered and licensed commercial fisherman. Tags cost \$0.13 each to produce. For the gill net fishery, each fisherman is initially issued a quantity of tags determined by dividing the number of fishermen assigned a share in pounds by the estimated weight of a striped bass expected to be landed. In 2012 each commercial gill net fishermen was issued 200 tags by DDFW. If a commercial fisherman needs additional tags to fill his or her quota, DDFW will issue additional tags after verifying the balance of the share remaining from reports submitted by an official weigh station. For the hook and line fishery, DNR initially issues 20 tags to each registered fishermen. Tags may not be transferred, unless the transfer is made prior to the tags being issued by DDFW.

All striped bass harvested must immediately have a tag issued to the fisherman locked into place through the mouth and gill. A tag may not be applied if it had previously been applied to another striped bass. Additionally, all commercially harvested striped bass must be weighed and tagged with a second locking tag at an official weigh station. Tags are provided, at no cost, by DDFW. Tags cost \$0.08 each to produce. Weigh stations receive tags based on the previous year's

² The total pounds of striped bass allotted to each fishery by DDFW is divided as follows: 95% of Delaware's commercial quota, as determined by the ASMFC, for the February - May gill net fishery, 10% of Delaware's commercial quota for the April - December hook and line fishery and, provided that in excess of two percent of the February - May gill net fishery allocation was not landed, the remainder is allocated for the November - December gill net fishery.

landings. The weigh stations maintained written logs of the date landed, number of fish, total daily weight, and also reported each fisherman's daily catch through an Interactive Voice Reporting system.

Each commercial fisherman participating in a striped bass fishery is required to file a harvest report to DDFW detailing all striped bass landed within 30 days after the end date of the fishery. All unused tags issued or legally transferred must be returned with the report. Failure to file an acceptable report or failure to return all unused tags may disqualify the commercial fishermen from future striped bass fisheries.



Figure 6. Striped bass tags for Delaware. Delaware regulations require commercial fishermen to tag striped bass with their allocated commercial striped bass tags (left). Tags are inscribed with state, approved gear and a unique identification number. Commercially caught striped bass must also be weighed and tagged (right) at a weigh station. The fishermen and weigh station tag colors change annually.

Maryland

Maryland's commercial striped bass fishery is managed under a limited entry program with a maximum of 1,231 permits issued. The commercial striped bass fisheries occur in two areas: the Chesapeake Bay and its tidal tributaries, and the Atlantic Ocean, its coastal bays and their tributaries. Within the Chesapeake Bay, commercial fishermen may use either pound nets, haul seines, gill nets, or hook and line. When fishing in the Atlantic Ocean, commercial fishermen may use otter and beam trawl or gill nets. When registering for a striped bass allocation permit, fisherman must specify the area and gear the permit will apply to. Fishermen can hold permits declared into more than one fishery and also transfer allocation permits to other fishermen. Permits may be transferred on an annual basis or a permanent basis. If a permit is transferred on an annual basis, the transaction must occur during a designated transfer period. Permanent transfers may be completed at any time. Fishermen may hold more than one permit in the gill net, pound net and Atlantic gear sectors, while hook and line fishermen are limited to one permit

allocation. Certain restrictions apply. Each gear type, except gill net and hook and line, receives an annual quota and fishing occurs until the quota is used. The gill net and hook and line fisheries occur derby-style until the quota is reached. All commercial fishermen must be registered for a striped bass allocation permit to participate in a striped bass season with Maryland Department of Natural Resources (MDNR) by August 31st of each year.

Prior to the start of a striped bass season, MDNR provides tamper-evident locking tags, free of charge, to each commercial fisherman based on the gear type. The cost to MDNR is \$0.14/tag. MDNR will issue additional tags to participants in the gill net and hook and line fishery throughout the open season only if the harvest report submitted by the fisherman indicates that the quantity of tags issued is insufficient to complete the season. Participants in the pound net, haul seine, and Atlantic fisheries are issued a specific number of tags for the year based on the annual allocation. The number tags issued is based on the median weight of commercial harvested striped bass sampled by MDNR Biologists. The median is used because it is a more accurate representation of the fish harvested by most commercial fishermen when compared to the mean. Tags cannot be transferred. MDNR may not provide replacement tags for tags that are lost.

Area	Gear	Tag Color	# Tags Issued *	Individual Allocation	Season
Bay	gill net	Red	1,000	None	Jan 1 - Feb 29; Dec 1 - Dec 31
Bay	pound net	White	1,000	2,800	June 1 - Nov 30
Bay	haul seine	White	1,000	1,050	June 7 - Nov 30
Bay	hook and line	Dark Blue	1,000 - active; 500 - moderately active	None	June 7 - Nov 30
Atlantic	trawl/gill net	Gray	300	1,600	Jan 1 - Apr 30; Nov 1 - Dec 31

*Table 5. Commercial striped bass tagging information for Maryland. * Numbers issued to "active" fishermen. Fishermen that are not considered "active" will receive a form from MDNR each year they are registered, to request tags. The fishermen must submit this form to MDNR in order to receive tags.*



Figure 7. Maryland hook and line commercial striped bass fishery for 2011. Tags are inscribed with the year, gear code, state, fish code and a unique number.

All tags shall be securely affixed through the mouth and one gill opening immediately upon harvest by hook and line, within 200 yards of the pound net from which the striped bass was harvested from or before removing a striped bass from a boat or removing a boat from the water for all other gears. Only striped bass tags issued by the Department may be on board a vessel while engaged in fishing for striped bass in the Chesapeake Bay and its tidal tributaries. An allocation permit and striped bass tags for only one fishing-gear type may be on board a vessel at any one time. Current regulations require that any fillets be accompanied by a tag until sale to the final consumer.

All commercially caught striped bass must be counted and weighed at an approved check station, where a record of the numbers and weight of fish, date checked, commercial fish license number, and striped bass allocation permit number will be recorded and must be submitted to MDNR by Tuesday of the following week. The check station also calls in the daily total of poundage checked each day. Fishermen are required to file commercial fishing reports to the Department each month.

Any unused tags and the striped bass harvest permit card must be returned to the Department within 14 days immediately following the end of the quota year. Failure to return the permit card and unused tags may result in exclusion from a fishing year and eventual revocation of the permit. Failure to submit a monthly report may result in license revocation for one year.

Potomac River Fisheries Commission

Commercial striped bass fisheries in the Potomac River operate under an individual fish tagging system. Each commercially caught striped bass must be individually identified with a striped bass identification tag provided by the Potomac River Fisheries Commission at no cost to the fishermen. Identification tags must be applied as soon as feasible and in no event shall any commercially caught striped bass be removed from the Potomac River or from the boat at the point of landing, whichever occurs first, without the identification tag being firmly affixed through the mouth and gill opening. The tags shall be issued to a licensee and they cannot be transferred or sold, nor otherwise used by anyone except that licensee. However, a licensee may release his license back to the Commission, and it can be either issued to another person or made available in a public random drawing. All unused tags must be returned to the Commission after each respective fishing season.

The commercial gear types used in the Potomac to harvest striped bass include gill net, pound net, commercial hook & line, haul seine, fyke net, fish trot line and fish pot. There are approximately 400 commercial striped bass fishermen in the Potomac River. A fixed number of tags - based on the estimated size of fish available, the number of eligible fishermen, and the target cap for each gear type's fishery - are issued to each fisherman prior to the opening of a gear specific season. Limited entry fisheries include gill net, pound net and commercial hook & line. Striped bass tags for pound nets and fyke nets are not issued until the net has been verified as properly set by law enforcement. Haul seines also have to be measured and sealed prior to receiving tags. The striped bass tags are color-coded according to the gear type. The different gear types have various seasons.

The Potomac River Fisheries Commission has a mandatory daily harvest reporting program. Each fisherman is required to file detailed daily harvest reports for each gear type used. These daily harvest reports shall be delivered to, or mailed in time to arrive at, the Commission Office no later than Thursday of the following week. Any fisherman who cannot account for allocated tags within a fishing year will have a one-for-one deduction of tags allocated the next fishing year.



Figure 8. 2012 commercial tag from Potomac River Fisheries Commission. Tags are 13.5 inches in length. Tag shown (in black) is for the haul seine gear. Refer to Table 5 information on tag color scheme for other gears.

Tag Color	Tag Text	Gear
White	Black	Gill Net
Red	Black	Pound Net
Blue	Black	Hook/Line
Gray	White	Fyke Net
Black	White	Haul Seine
Orange	White	Fish Trot Line
Green	White	Fish Pot

Table 6. 2012 commercial tag description by gear type for the Potomac River Fisheries Commission

It is unlawful to counterfeit, alter or modify any Potomac River Fisheries Commission striped bass identification tag, or to possess, use or attempt to use any counterfeit, altered or modified tags. All such tags found by any agent of the Commission are to be seized, together with any fish and all other tags in possession. The Commission may, after a hearing, revoke or suspend licenses and/or recall all striped bass identification tags issued to any person found guilty, and refuse to issue any tags in the future to him or his assignee.

Virginia

In Virginia, all commercial fishermen must have a fishing license, appropriate gear license, and a special permit to fish for striped bass. Permits for the commercial harvest of striped bass in the Chesapeake area or coastal area shall be issued to any registered commercial fishermen holding striped bass quota shares. The total allowable level of all commercial harvest of striped bass from the Chesapeake Bay is 1,430,361 pounds of whole fish and from the coastal areas is 184,853 pounds of whole fish. A weight quota, in pounds, is assigned to each individual fisherman according to his/her share percentage of the total quota. Shares of the commercial striped bass quota held by any permitted fisherman may be transferred to any other person who is a licensed registered commercial fisherman. Certain limitations apply. For the purposes of assigning commercial striped bass tags, the fisherman's weight quota, in pounds, is converted to an

estimate in numbers of fish based on the average weight of striped bass harvested by the fisherman during the previous fishing year. The number of striped bass tags issued is equal the estimated number of fish to be landed by that fisherman, plus a buffer of 10% of the total number of tags issued to that fisherman. Tags are distributed, free of charge, by the Virginia Marine Resources Commission (VMRC) prior to the start of the fishing season on a designated date in January. In 2012 there were 445 fishermen that held Chesapeake Bay shares and 32 fishermen that held coastal shares. Most fishermen with a coastal share also hold a Chesapeake Bay share. At the beginning of the 2012 season, there were 410 fishermen who held Chesapeake Bay shares and 31 fishermen who held coastal shares. Sixteen fishermen who held a coastal share also held a Chesapeake Bay share.

Tags issued for Chesapeake area harvest quota shall only be used for striped bass harvests in the Chesapeake area, and tags issued for the coastal area harvest quota shall only be used for striped bass harvests in the coastal area. If a fisherman holds a permit for both the Chesapeake Bay and coastal fisheries, that fishermen may receive only one type of area-specific tag allotment (i.e. either Chesapeake Bay or coastal tags), of their choosing, prior to the start of the fishing season. The remaining area tags are distributed either when it has been determined, through the harvest reporting program, that the fisherman has used all of the first allotment of tags and has not exceeded his individual harvest quota or if the fisherman surrenders any remaining tags of his first allotment of tags.

All legal, commercially caught striped bass must be tagged at the place of capture, and before leaving that place of capture. Tags must be passed through the mouth of the striped bass and one gill opening, and interlocking ends of the tag must be connected such that the tag may only be removed by breaking. Striped bass tags are valid only for use by the fisherman to whom the tags were allotted. The fisherman must be on board the boat or vessel when striped bass are harvested and tags are applied. It is unlawful to possess striped bass in a quantity greater than the number of tags in possession. Any person who possesses any amount of striped bass in excess of the maximum number allowed for a licensed recreational fisherman shall be considered as possessing all striped bass for the purpose of sale. When any person possesses striped bass in excess of the maximum number allowed a licensed recreational fisherman, all striped bass must be tagged, and the possession of any untagged striped bass shall be prima facie evidence of a violation. Processed or filleted striped bass must be accompanied by the tags removed from the fish when processed.

Unlawful striped bass tags shall be confiscated and impounded by the commission and returned to the issuing agency for the following reasons:

1. Chesapeake area tags in the coastal area.
2. Tags issued for previous years for either the Chesapeake area or coastal area.
3. Potomac River Fisheries Commission striped bass tags in Virginia waters, excluding the Virginia tributaries of the Potomac River.
4. Maryland striped bass tags in Virginia waters.
5. Tags from any other jurisdiction in Virginia waters.



Figure 9. 2012 commercial striped bass tags from the Virginia Marine Resources Commission (top). Blue tag (top tag in bottom left photo) is valid for harvest in Virginia's portion of the Chesapeake Bay. Black tag (bottom tag in bottom left photo) is valid for harvest in the Atlantic Ocean off of the Virginia coast. An example of a legal sized commercially tagged striped bass in Virginia in 2011 (bottom right photo).

Any fisherman that has used all their allocated tags but has unused striped bass commercial quota can request additional tags from VMRC, after providing accounting for all previously issued tags. All fishermen are required to return all unused tags from the previous commercial season to VMRC within 30 days of harvesting their individual harvest quota, or by the second Thursday in January, whichever comes first. Any unused tags that cannot be turned in to the commission shall be accounted for by the harvester submitting an affidavit to the commission that explains the disposition of the unused tags that are not able to be turned into the commission. Each individual shall be required to pay a processing fee of \$25, plus \$0.13 per tag, for any unused tags that are not turned in to the commission. This report must be submitted prior to receiving the next season's commercial tag allotment.

All commercial fishermen must record and report daily striped bass harvest by specifying the number of tags used on striped bass harvested for each day by area and the daily total whole weight. Catch report must be submitted no later than the fifth day of the following month.

Any buyer permitted to purchase striped bass harvested from Virginia tidal waters shall provide written reports to the commission of daily purchases and harvest information including the date of the purchase, buyer's and harvester's striped bass permit numbers, and harvester's Commercial Fisherman Registration License number, the gear type, water area fished, city or county of landing, weight of whole fish, and number and type of tags (Chesapeake area or coastal area) that applies to that harvest. These reports are submitted monthly to VMRC no later than the fifth day of the following month. In addition, during the month of December, each permitted buyer shall call the Marine Resources Commission interactive voice recording system on a daily basis to report his name and permit number, date, pounds of Chesapeake area striped bass purchased and pounds of coastal area striped bass purchased.

North Carolina

In North Carolina, all commercial fishermen and dealers must be licensed to harvest or purchase striped bass. Commercial fishermen are required to first obtain a Standard/Retired Commercial Fishing License and then, for harvest in the Atlantic Ocean, apply for an Atlantic Ocean Striped Bass Commercial Gear Permit. There is no charge for the permit and there is no limit of the total number of permits available. Each fisherman must declare which gear (gill net; trawl; or beach seine) will be used to commercially harvest striped bass under the Atlantic Ocean Striped Bass Commercial Gear Permit. The permit is valid for three years and the fisherman may only use the approved gear to commercially harvest striped bass within that time period. (i.e. gear declarations are binding). A fisherman is not eligible for more than one Atlantic Ocean Striped Bass Commercial Gear Permit regardless of the number of Standard/Retired Commercial Fishing Licenses held by the person. There are no specific gear permits to harvest striped bass in the Albemarle Sound or Central Southern Management Areas; striped bass may be sold if harvested from any legal commercial gear, although the majority of landings occur from gill nets followed by a small amount of landings from pound nets.

In order to purchase striped bass, licensed dealers must obtain a Striped Bass Dealer Permit validated for the applicable harvest area: Atlantic Ocean, Albemarle Sound Management Area (ASMA) and/or the joint and coastal fishing waters of the Central/Southern Management Area (CSMA). The Dealer Permit is valid for one year. It is unlawful to import, buy, sell, transport, offer to buy or sell, or possess ASMA, CSMA, or Atlantic Ocean commercially caught striped bass except during any open striped bass season established for the ASMA, CSMA, or Atlantic Ocean. It is illegal to possess striped bass from another state without possession of a bill of lading and a numbered, state-issued tag from the State of origin affixed through the mouth and gill cover. This tag must remain affixed until processed for consumption by the consumer. The NC Division of Marine Fisheries shall specify the quantity of tags to be issued based on historical striped bass landings. Tags are free of charge to dealers and can be obtained by contacting the Division of Marine Fisheries. Each tag is inscribed with a unique number and the area of allowable harvest. Each permitted dealer must submit a daily harvest report which specifies the total number of tags used and the total weight. It is unlawful for the dealer to fail to surrender unused tags to the Division upon request. North Carolina Division of Marine Fisheries striped bass tags shall not be bought, sold, offered for sale, or transferred.

The majority of harvest in the ASMA occurs in the spring, but in general the same dealers and fishermen participate in both the spring and fall fisheries. In 2011, approximately 29,467 tags were used for 134,098 pounds harvested (total quota = ~60,000 fish). There were 27 active striped bass dealers that purchased striped bass. The eight most active dealers accounted for 90% of tags used. Recently the number of commercial fishermen in the ASMA selling fish to dealers ranges from ~250 to 350 participants.

In 2011, ~13,509 tags used for 424,600 pounds of ocean harvested fish (total quota = ~24,000 fish). No dealer used more than 3,900 tags. Approximately 21 dealers purchased at least one striped bass, but 88% were bought by the top 8 dealers. The number of permitted fishermen has been as high as 800 when striped bass are abundant, but in recent years there have been approximately 200-500 participants.

Table 7. 2012 commercial tag descriptions by water body and gear for North Carolina.

Tag Color	Water body
White	Atlantic Ocean
Blue	Albemarle Sound
Green	Central/Southern



Figure 10. 2012 Commercial striped bass tags for North Carolina. Tags are seven inches in length. Blue tags (top) are valid for harvest in the Albemarle Sound Management Area. White tags (bottom) are valid for harvest in the Atlantic Coast off of North Carolina.

State	Massachusetts	Rhode Island	New York	Delaware	Maryland	PRFC	Virginia	North Carolina
2011 Weight Quota (Lbs.)	1,159,750	232,974	828,293	203,120	1,963,873	739,097	1,615,214	480,480
Number of Tags Issued	None	~25000	~90,000	~31,000 harvest, ~33,000 dealer	~1,421,000	~107,000	284,000	40,000
# of Participants	~4,000	Unknown	~490	111	1,231	~400	~450	700-800
Limited Entry	No	Yes	Yes	Yes	Yes	Yes	Yes	No
License Application Deadline	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Point of Tag	N/A	Sale	Harvest	Harvest*	Harvest	Harvest	Harvest	Sale
Unused Tags Turned In	N/A	No	Yes	Yes	Yes	Yes	Yes	Yes
Annual Tag Color	N/A	Yes	No	Yes	Yes	Yes	Yes	No
# of Tag Colors	N/A	2	1	2	5	7	2	3
Tag Color By	N/A	Gear	N/A	Fishermen/Dealer	Gear/Area	Gear	Area	Area
Year on Tag	N/A	Yes	Yes	Yes	Yes	Yes	Yes	Yes**
Size Limit on Tag	N/A	No	No	No	No	No	Yes	No

Table 8. 2012 Commercial Tagging Regulations by State/Jurisdiction.

*DE also requires tagging of commercially caught striped bass at official weigh stations.

**Will be in place for the 2013 fishing year.

3.0 Management Options

3.1 Commercial Tagging Program Implementation

Option 1 – No Action

Under this option states are not required to implement a commercial tagging program.

Option 2 – Mandatory Commercial Tagging Program

Under this option states would be required to implement a tagging program when striped bass are commercially harvested within the state or jurisdictions waters. There are five categories the Board will consider in implementing a tagging program (A – G). The Board may choose to adopt some or all of provisions in each category.

LEC Recommendation

The LEC recommends option two. Implementing a mandatory commercial tagging program among all the states will reduce the likelihood of illegally harvested and untagged fish finding their way into the market. The findings of the interjurisdictional task force and subsequent arrests and convictions point out the significant potential for illegal harvest and sale of fish wherever there is inadequate tagging and monitoring in place.

A. Tag Information and Type

Option 1 – State Program

Under this option, states and jurisdictions would be required to submit a Commercial Tagging Report to ASMFC no later than the date specified in Section 4. The Commercial Tagging Report will include a description of the tag color, style, and inscription for all gears and/or seasons issued. Tags must be tamper-evident. Tags are required to be valid for only one year or season. Tags are required to be inscribed with, at a minimum, the year of issue, the state of issue, and a unique number that can be linked back to the permit holder. Where possible, tags should also be inscribed with size limit and the permit holder's identification number. State should consider the use of bar codes imprinted on tags, for use in tracking fish from harvester to dealer to buyer, as the technology becomes more available. Changes to the tags, with the exception of year, are required to be reported to ASMFC as specified in Section 4.0.

Option 2 – Uniform Tagging Program

Under this option, the Board will develop a uniform tagging program to be implemented coastwide no later than the date specified in Section 4.0.

LEC Recommendation

The LEC recommends option two with some qualifications. Members of some states recognized the desirability of continuing to use more than one color tag to identify fish caught in certain gear or areas. Nonetheless a uniform tagging program should be developed by the Board that incorporates the requirements spelled out in option one, while allowing some flexibility to states in their use of more than one tag color per year. The overall goal however should be to use a

standard color or colors each year among all of the states. The Board should also consider ways to address counterfeit tag operations, such as developing agreement with tag manufacturers to ensure tags are only sold to Commission member states and jurisdictions.

B. Tag Timing

Option 1 – No Action

Under this option the state or jurisdiction may choose to implement their commercial tagging program at either the point of harvest or the point of sale.

Option 2 – Point of Harvest (Fishermen Tagging)

Under this option, commercially permitted striped bass fishermen who take and possess striped bass of legal commercial size shall attach and securely lock into place through the mouth and gill a striped bass commercial tag issued by the permitting state or jurisdiction either after removing the striped bass from the gear, prior to attending another piece of gear, moving beyond a specified distance from the gear, or before removing a striped bass from a boat. Exceptions are permitted for safety concerns, such as under hazardous or adverse weather conditions. Currently point of harvest tagging occurs in New York, Delaware, Maryland, PRFC, and Virginia.

If the Board approves this option, they will need to determine if the measures should be adopted coastwide or state/jurisdiction specific.

Sub-Option A – Approve for coastwide

Sub-Option B – Approve for new commercial tagging programs implemented through this Addendum.

Option 3 – Point of Sale (Dealer Tagging)

Under this option, no striped bass may be sold unless it possesses a commercial tag issued by the state or jurisdiction. Tagging occurs by the dealer at the time of first sale. All tags must be securely locked into place through the mouth and gill with a striped bass commercial tag issued by the permitting state or jurisdiction. Currently point of sale tagging occurs in Rhode Island and North Carolina.

If the Board approves this option, they will need to determine if the measures should be adopted coastwide or state/jurisdiction specific.

Sub-Option A – Approve for coastwide

Sub-Option B – Approve for new commercial tagging programs implemented through this Addendum.

LEC Recommendation

The LEC recommends option two, sub-option B. The most effective enforcement of a tagging program results from tagging fish at the point of harvest. This optimizes on-water as well as

dockside monitoring and enforcement. Sub-option B would allow two states that currently require tagging at the point of sale to continue doing so.

C. Tag Allowance

Option 1 – No Action

Under this option no action is required by states or jurisdictions. Amendment 6 to the Striped Bass FMP does not specify commercial tag allowance measures.

Option 2 – Biological Tag Allowance

Under this option states or jurisdictions will be required to distribute commercial tags to permit holders based on a biological metric. This option is intended to help prevent state or jurisdictional commercial quota overages, which will contribute to the health and sustainability of the striped bass population. Program examples include:

- In New York, the number of tags issued is equal to the average weight of striped bass harvested in the fishery in the previous year divided by the total striped bass quota assigned to New York by the ASMFC.
- In Virginia, the number of striped bass tags issued to each permitted fishermen equals the estimated number of fish to be landed by that fishermen's harvest quota based on their average catch from the previous year. A buffer of 10% of the total number of tags issued to the fishermen is included. Fishermen may request additional tags from the VMRC if they use their initial allotment.

LEC Recommendation

The LEC recommends option two. This would provide a closer match between the number of available tags and the number of fish that might be harvested within a weight-based quota. A key finding of the interjurisdictional investigation was that fish weights were being underreported in order to obtain additional tags that were readily available. This was a primary mechanism for exceeding allowable weight quotas. Where violations were occurring, average fish weights being reported were significantly less than biologically-determined average weights of striped bass in that particular fishery. The LEC recognizes that this method of distributing tags in an open fishery where a state issues tags to licensed dealers may not be feasible. However a state quota combined with biologically based average weights could still be used to inform the total number of tags to be made available each year. The goal should be to reduce the availability of excess tags that could be used to mask illegal harvest.

D. Tag Accounting

Option 1 – No Action

Option 2 – Tag Accountability

Under this option, states and jurisdictions with a commercial tagging program must require permit holders issued tags to turn tags in or provide an accounting report for any

unused tags prior to the start of the next fishing season. Tags or the accounting report shall be turned in to the agency issuing the tags. The accounting report must include the disposition of all tags issued to the permittee and signed under pain of perjury. Five of the eight states (New York, Delaware, Maryland, PRFC, and Virginia) with a commercial fishery currently require return of unused tags prior to the start of the next fishing year, while one state (North Carolina) requires enforcement officers to pick up unused tags from dealers at the end of the fishing season. Permit holders who do not comply with this section will be subject to penalties as set forth in Section 3.2.

LEC Recommendation

The LEC recommends option two. Most states are already adopting this provision, which significantly enhances accountability for tags being used and reduces the likelihood of illegal activities that were documented in the interjurisdictional investigation.

E. Reporting

Option 1 – No Action

Under this option no action is required by states or jurisdictions. Amendment 6 to the Striped Bass FMP does not specify commercial monitoring measures.

STATE	COMMERICAL REPORTING - FISHERS	COMMERICAL REPORTING - DEALERS
Massachusetts	Monthly	weekly
Rhode Island	Floating Trap - 3x/week; Gen. Cat. - none	bi-weekly
New York	Monthly	Weekly
Delaware	30 days after end date of fishery	daily
Maryland	Monthly	Weekly
PRFC	weekly	X
Virginia	monthly	monthly
North Carolina	None	daily

Table 9. Current Reporting Requirements by State/Jurisdictions

Option 2 – ACCSP Standards

Under the option, states and jurisdictions shall, at a minimum, approve the ACCSP standards for catch and effort data collection. The ACCSP standard for commercial catch and effort data is mandatory, trip-level reporting of all species commercially harvested with reporting of specific minimum data elements; including species, quantity, state and port of landing, market grade and category, areas fished and hours fished. Dealers and/or harvesters landing catches must report to the state of landing monthly or more frequently, if possible. Each gear and area combination should be detailed; such as separate listings

each time the fisherman changes gear or fishing area within a trip. Price data are preferred at the trip-level, but partners may opt to collect prices through dealer surveys.

LEC Recommendation

The LEC supports option two. They further recommend that reporting should be more frequently than monthly wherever possible. More frequent reporting allows better and timelier enforcement monitoring.

F. Striped Bass Processing

Option 1 – No Action

Option 2 – Under a mandatory commercial tagging program, tags must remain affixed until processed for consumption by the consumer. Retail markets may prepare portions of legally tagged striped bass for the consumer and must retain the tagged carcass until all portions are sold. The tag must then be removed from the rack and destroyed (e.g. by cutting the tag in two). Possession of untagged striped bass or striped bass fillets or steaks without the properly tagged carcass in establishments where fish are sold or offered for sale (including wholesale establishments, retail establishments and restaurants) is presumptive evidence of intent to sell, trade, or barter such striped bass. Currently, New York, Maryland, and Virginia have similar restrictions in place.

LEC Recommendation

The LEC strongly supports Option 2, but notes the Board will need to consider when fillets are removed from larger fish and do not go to the same market, in which case one tag may be insufficient for compliance.

G. Striped Bass Exportation

Option 1 – No Action

Option 2 – Under a mandatory commercial tagging program it would be unlawful to sell or purchase striped bass without a commercial tag. This is to prevent the sale or purchase of striped bass into a state or jurisdiction where there is currently no commercial fishery program.

LEC Recommendation

The LEC strongly supports Option 2.

3.2 Penalties

Under this option it is recommended that states and jurisdictions strengthen their penalties for striped bass violations, including counterfeit tag operations, so that the penalties are sufficient to deter illegal harvest of striped bass.

The LEC recommends license revocation or suspension as a primary penalty for state or federal violations. The LEC notes the state of Maryland has implemented revocations and suspensions as a result of the IWTF investigation and law enforcement officials believe it is improving compliance. Civil and/or criminal penalties can be effective deterrents.

Tag Accountability Penalty

The LEC recommends that if the permit holder cannot account for unused commercial striped bass tags, then that individual will not be issued a commercial striped bass permit for the subsequent fishing year.

4.0 Compliance

If the existing striped bass management program is revised by approval of this draft addendum, the Striped Bass Management Board will designate dates by which states will be required to implement the addendum. The compliance schedule will take the following format:

XXXXX: States must submit programs to implement Addendum III for approval by the Striped Bass Management Board

XXXXX: All states must implement Addendum III through their approved management programs. States may begin implementing management programs prior to this deadline if approved by the Management Board.

Appendix 1. Summary of Atlantic Striped Bass Commercial Regulations in 2012

STATE	SIZE LIMITS	SEASONAL QUOTA	OPEN SEASON
ME	Commercial fishing prohibited		
NH	Commercial fishing prohibited		
MA	34" min.	1,159,750 lb. (minus any overage from previous year) Hook & line only	7.12 until quota reached; 5 fish/day on Sun; 30 fish/day Tues-Thurs
RI	Floating fish trap: 26" min. General category (mostly rod & reel): 34" min.	Total: 239,963 lb. (minus any overage from previous year) Split 39:61 between trap and general category. Gill netting prohibited.	Trap: 1.1 until quota reached; if there is non-compliance with reporting requirements, once 80% of the seasonal allocation is projected to be harvested, there will be a possession limit of 500 pounds/fish trap licensee/calendar day. General Category: 6.1-8.31 or 75% quota; 9.13-12.31 or 100% quota; 5 fish/day Sun-Thu.
CT	Commercial fishing prohibited		
NY	24-36" Ocean only (Hudson River closed to commercial harvest)	828,293 lb. (minus any overage from previous year). Pound nets, gill nets (6-8" stretched mesh), hook & line.	7.1 – 12.15 Gill nets <6 or >8", 7 fish/trip; trawls 21 fish/trip. Gill nets prohibited in Great South, South Oyster, and Hempstead Bays.
NJ	Commercial fishing prohibited		
PA	Commercial fishing prohibited		
DE	28" minimum except 20" spring gillnet in DE Bay/River & Nanticoke River (5.5" max mesh & 0.28mm max twine)	193,447 lb. (minus any overage from previous year)	Gillnet: 2.15-5.31 (3.1-31 for Nanticoke) & 11.15-12.31; drift nets only 2.15-28 & 5.1-31; no fixed nets in DE River Hook and Line: 4.1-12.31 Except 4.1-5.31 closed spawning areas
MD	Bay and Rivers: 18-36" Ocean: 24"	Bay and River: 2,254,831 lbs (part of Baywide quota) Gear specific quotas and landing limits Ocean: 126,396 lb. (minus any overage from previous year)	Bay Pound Net: 6.1-11.30, Mon-Sat Bay Haul Seine: 6.7-11.30, Mon-Fri Bay Hook & Line: 6.7-11.30, Mon-Thu Bay Drift Gill Net: 1.1-2.28, 12.1-12.31, Mon-Fri Ocean Drift Gill Net & Trawl: 1.1-4.30, 11.1-12.31, Mon-Fri

STATE	SIZE LIMITS	SEASONAL QUOTA	OPEN SEASON
PRFC	18" min all year 36" max 2.15-3.25	739,097 lbs (part of Baywide quota)	Hook & line: 2.15-3.25, 6.1-12.31 Pound Net & Other: 2.15-3.25, 6.1-12.15 Gill Net: 11.14.11 – 3.25.12
DC	Commercial fishing prohibited		
VA	Bay and Rivers: 18" min, 28" max & complimentary gill net mesh size limit 3.26-6.15 Ocean: 28" minimum	Bay and Rivers: 1,538,022 lbs in 2010 (part of Baywide quota) Ocean: 184,853 lb. (minus any overage from previous year)	Bay and Rivers: 2.1-12.31 Ocean: 2.1-12.31
NC	Albemarle Sound: 18" Ocean: 28"	Albemarle Sound: 275,000 lb Ocean: 480,480 lb. (minus any overage from previous year) split 160,160 lbs each to beach seine, gill net & trawl	Albemarle Sound: 1.1-4.30, 10.1-12.31; daily trip limit ranging from 5 to 15 fish; striped bass cannot exceed 50% by weight of total finfish harvest; season and daily trip limits set by proclamation. Ocean: gear requirements; open days and trip limits for beach seine, gill net, and trawl set via proclamation

**Draft Addendum III to the
Interstate Fishery Management Plan for Striped Bass**

PUBLIC HEARING SUMMARIES

<u>Date</u>	<u>Location</u>
June 5, 2012	Hanover, Massachusetts
June 5, 2012	Annapolis, Maryland
June 6, 2012	Narragansett, Rhode Island
June 7, 2012	Dover, Delaware
June 18, 2012	Newport News, Virginia
June 19, 2012	Manteo, North Carolina
June 21, 2012	East Setauket, New York

August 2012

Summary

- 44 people attended 7 public hearings.
- Every state with a commercial fishery held a hearing, with the exception of the jurisdiction of PRFC.
- No public attendance at three hearings (RI, DE and NC)..

Members of the public that stated a positive preference for a specific management option are summarized as follows:

Commercial Fishery Management Options

Status Quo – 0

Tagging Program – 31

Tag Information and Type

- Uniform Tagging Program – 3
- State Program – 24

Tag Timing

- Point of Sale – 4
- Point of Harvest – 28 (with expressed concerns for safety)

Tag Allowance – 26 in support of Option 1 (No Action)

Tag Accounting – 26 in support of Option 2

Reporting – 26 in support of Option 2

Processing – 26 in support of Option 2

Exportation – 26 in support of Option 2

Penalties – 0

Massachusetts

Massachusetts Division of Marine Fisheries
Hanover High School
Hanover, MA
June 5, 2012

Public Attendance:

Three commercial fishermen
One dealer

State and ASMFC Personnel:

Paul Diodati, MA DMF
Mike Armstrong, MA DMF
Nichola Meserve, MA DMF
Kate Taylor, ASMFC

Commercial Fishery Management Options

- All were in favor of a tagging program
- All were in support of point of sale tagging rather than point of harvest tagging. There was concern for safety, fishermen not having access to tags when they have fish, and the added cost of purchasing the tags.
- Concern on the traceability of fillets when processing a high volume of fish which are shipped all over the world during a short time period.

Additional Comments

- The hook and line caught striped bass are sustainable and humanely caught and people buy Massachusetts fish as a brand. We want to differentiate our fish.
- A barcoding system on the tags should be considered.
- There should be more MSC certification for the striped bass fisheries.

Rhode Island

Rhode Island Division of Fish and Wildlife
Narragansett, Rhode Island
June 6, 2012

Public Attendance:

One recreational fisherman /AP member

State and ASMFC Personnel:

Nicole Travisono, RI DFW

Jason McNamee, RI DFW

Kate Taylor, ASMFC

Commercial Fishery Management Options

- No comments were given

New York

New York Department of Environmental Conservation
E Setauket, New York
June 21, 2012

Public Attendance:

One representative from Stripercoast Surfcasters Club

State and ASMFC Personnel:

Steve Hines, NY DEC

Brian Culhane, Legislative Proxy

Pat Augustine, GA

Kate Taylor, ASMFC

Commercial Fishery Management Options

- Support required tagging program, with point of harvest tagging

Delaware

Delaware Dept. of Natural Resources & Environmental Control
Dover, Delaware
June 7, 2012

Public Attendance:

One recreational fisherman

State and ASMFC Personnel:

John Clark, DDNR

Kate Taylor, ASMFC

Commercial Fishery Management Options

- No comments

Maryland

Maryland Department of Natural Resources
Maryland DNR Fisheries Service
Annapolis, Maryland
June 5, 2012

Public Attendance:

26 attendees, which included 24 industry members (not all signed in)

State and ASMFC Personnel:

Two DNR Staff
Toni Kerns, ASMFC

Commercial Tagging Program Implementation

- The group supports option 2, that all states with a commercial fishery implement a tagging program in the interest of saving the stocks.

Tag Information and Type

- The group supports option 1, that every state should have some type of tagging system, but we want each state to manage their own tagging system.

Tag Timing

- The group supports a modified version of option 2. Fishermen should be tagging the fish but the group feels the fish should be tagged before they come off the boat, not immediately after they have been removed from the gear due to safety concerns. It is possible that tagging requirements could depend on the type of gear that is used.

Tag Allowance

- The group supports option 1, no action. Maryland already has a program that works. Half the gear types already use a biological allowance to distribute tags, including the pound netters. Fishermen are going to have to start paying for their tags, so it is possible the number of active fishermen will decline.

Tag Accounting

- The group supports option 2, all states should have an accountability program. In Maryland we return all of our unused tags.

Reporting

- The group supports option 2, all states should have monitoring. Everyone should report under the same standards that Maryland uses.

Striped Bass Processing

- The group supports option 2, tags should stay on the fish. There is an issue when a large bass is filleted and the fillets are sold to different buyers, in which case the tag cannot

stay with all the fillets. There should be a provision worked out to allow fillets go to more than one buyer.

Striped Bass Exportation

- The group supports option 2, tags should stay on the fish for exportation.

Additional Comments

- Maryland had done more for the fishery first before the other states. We have made more concessions since 1985.

Virginia

Virginia Marine Resources Commission
Newport News, Virginia
June 18, 2012

Public Attendance:

12 public members

*This public hearing was held in conjunction with a VMRC Advisory Committee Meeting

State and ASMFC Personnel:

Rob O'Reilly, VMRC

Joe Grist, VMRC

Adam Kenyon, VMRC

Kate Taylor, ASMFC

Commercial Fishery Management Options

- VA has a tagging program with all of these requirements in place. There should be a uniform tagging program with the other states.
- Tagging at the place of capture is really difficult. It's a big safety issue. It should be tagging before landing.

Additional Comments

- VMRC has done a good job with their tagging program
- Many of the states are way behind Virginia's requirements and program implementation. ASMFC needs to put pressure on them and needs to get them in line. Massachusetts has the second largest quota and no tagging program at all
- ASMFC assumes what the commercial discard rate will be and that is calculated into the quota. However there has been so much less discarded fish especially in VA since we went to the ITQ weight system and we should get ASMFC to adjust this in the quota allocation.
- It's unfortunate what happened in Maryland and Virginia with illegal harvest.

North Carolina

North Carolina Division of Marine Fisheries

Manteo, North Carolina

June 19, 2012

Public Attendance:

None

State and ASMFC Personnel:

Michelle Duvall, NC DMF

Charlton Godwin, NC DMF

Kathy Rawls, NC DMF

Kate Taylor, ASMFC

Commercial Fishery Management Options

- No comments

**Draft Addendum III to the
Interstate Fishery Management Plan for Striped Bass**

PUBLIC COMMENT SUMMARY

Summary

The following table summarizes the public comment received via email and mail. The public comment period was open from May 22 to July 13, 2012. Comments were received by 24 individuals. Not all individual submissions commented on specific items contained in the addendum. Form letters were submitted by Stripers Forever (9 letters) and an unknown organization (6 letters). Additionally the Jersey Coast Anglers Association, Atlantic Surfcasters Club, and the New York Coalition for Recreational Fishing also submitted comments.

- **The numbers below represent comments expressed in support of the specific items.**
- **No comments were received in support of the “No Action” (Option 1) alternative for categories B- G.**
- Specific comments can be found on the following pages.

		Individual	Organization*
Status Quo		0	0
A. Tagging Program		18	18
Option 1	Uniform Program	4	18
Option 2	State Program	1	
B. Tag Timing			
Option 2	Point of Harvest	4	18
	Sub-Option A Coastwide		1
Option 3	Point of Sale		
	Sub-Option A Coastwide		
C. Tag Allowance, Option 2		5	18
D. Tag Accounting, Option 2		6	18
E. Reporting, Option 2		5	18
F. Processing, Option 2		5	18
G. Exportation, Option 2		5	16
Increased Penalties		5	16

* Organization numbers include form letters received.

Additional Comments

Quota

VA and MD should have their quota reduced until the illegal overages are compensated for.

Illegal Harvest

Illegal harvests piled on top of already high commercial catches of the fish are not helping stabilize the populations of this very important game fish.

Illegal practices and over-harvest are far more commonplace than we would like to believe, but are difficult to prove with limited resources of fishery departments

Action, or inaction, taken by one state affects all of the others.

Penalties

Even significantly larger fines too often are regarded as only a cost of doing business to some fishermen.

The only way to ensure both commercial and recreational fishermen play by the rules and respect our resources is to make the penalties much more severe.

Population

Striped Bass numbers on the north Atlantic coastline are declining drastically in population and average size.

Over the last three years, my fellow fishermen in the midcoast of Maine have seen the near-total disappearance of stripers in our local waters.

Something needs to be done to maintain a healthy resource for not only ourselves but for our kids and grandkids

The population is clearly in trouble and we need corrective action now before it's too late.

I see fewer and fewer big fish every year.

Commercial Regulations

The best solution would probably be the banning of all commercial taking.

Stop all commercial striped bass fishing.

Commercial harvest of striped bass should be eliminated completely

Ban taking of Stripers commercially

Illegal the use of treble & J hooks in favor of circle hooks as the commercial guys often throw back shorts destined to die with hooks in the gullet

Recreational Regulations

I would like to see party boats only allowed to take one fish per customer, not the two allowed.

I would endorse reinstatement of the 32 inch recreational size limit

It is important to remain diligent in monitoring the recreational harvest

If the striped bass population is in jeopardy, the potential for greater damage lies with recreational overfishing.

The recreational fishery needs to be addressed. The catch data available is poor and there needs to be mandatory harvest reporting.

DRAFT ADDENDUM III TO AMENDMENT 6 TO THE ATLANTIC STRIPED BASS

INTERSTATE FISHERY MANAGEMENT PLAN FOR PUBLIC COMMENT

Measures to Address Illegal Striped Bass Harvest

6/19/2012

Stripers Forever submits these comments on the Draft Addendum III to Amendment 6 to the Atlantic Striped Bass Interstate Fishery Management Plan.

Stripers Forever believes that the commercial harvest of striped bass should be eliminated completely since it has been repeatedly shown that it is neither economically or socially in the public interest to waste this valuable public resource in this manner. Nonetheless, the practice continues in some states, and when enforcement officials have made the effort, serious violations of harvesting laws have been uncovered. In some other states with commercial fisheries it is well-known that illegal practices and overharvest are commonplace, but aren't important enough for fishery departments to spend their limited resources trying to catch these criminals.

Even a well-designed tagging program adopted by all states with a commercial harvest offers limited protection to the resource when compared to simply eliminating the illegal market that tempts people to break the law, but at least improved tagging procedures will provide better tools for law enforcement.

3.1 Commercial Tagging Program Implementation – Option #2. All states under the ASMFC should be required to institute a tagging program approved by the ASMFC.

A. Tagging Information and Type – Option #2. The tagging program should be uniform in all states.

B. Tag Timing – Option #2, Sub-Option A - The fish should be tagged at the point of harvest with tags that cannot be removed and reused for high-grading. The procedures should be adopted coastwide.

C. Tag Allowance – SF agrees that tags should be produced only in proportion to the

expected catch and distributed based on the individual participant's previous reported catch. A maximum increase of some modest percentage could be allowed annually, but only if the permit holder reports the details of harvest and sale and the report is verified. This would be especially important in states where recreational fishermen masquerade as commercial fishermen, including using a commercial license to circumvent recreational bag limits. These fish are often never reported as caught, and thus are never counted against quotas, and in many cases are sold under the table.

D. Tag Accounting – Option #2. Commercial tagging programs should require permit holders issued tags to turn tags in or provide an accounting report for any

unused tags prior to the start of the next fishing season.

E. Reporting – Option 2. Frequent reporting, while not immune to false information, is the best way to keep management as close as possible to the progress of the harvest.

F. Processing – Option 2. Tags should be left on the fish as long as there is a fish to identify.

G. Exportation – Option 2 – Tags should be able to identify where fish sold were originally caught.

3.2 Penalties – SF agrees that revocation of harvest privileges be a primary penalty for illegal harvest of striped bass. We also agree that an improper accounting for unused commercial tags – as determined by comparing reported catch to tags returned – is grounds for losing harvesting privileges.

4.0 Compliance – all states should submit a plan to the ASMFC by the set deadline, and the plan should be in place before the next commercial fishing season or the quota will be suspended.

Sincerely:

A handwritten signature in black ink, appearing to be 'BB' followed by a long horizontal line.

Brad Burns President

Stripers Forever

6 Letters Received

From: "Messina, Edward" <EJ_MESSINA@NYMC.EDU>
To: "ktaylor@asmfc.org" <ktaylor@asmfc.org>
Date: 06/21/2012 11:34 AM
Subject: Draft Addendum 3 to Amendment 6

Dear Members of the ASMFC:

I highly recommend that The Atlantic States Marine Fishery Commission approve draft Addendum III to Amendment 6 of the Striped Bass Management Plan. The recommendations by the ASMFC Law Enforcement Committee would go a long way to curtail the illegal poaching of striped bass.

The adoption of these measures will go a long way to help a this fishery that is in dire straits due to over fishing, illegal poaching by commercial and recreational fisherman, the incidence of mycobacteriosis in the population and the lack of several good years of a juvenile abundance index

Edward J. Messina, Ph.D.
Professor of Physiology
New York Medical College
Valhalla, NY 10595
Phone: 914-594-4099

Atlantic Surfcasters Club, Inc.



James Callahan, President
256-20 East Williston Ave.
North Floral Park, NY 11001



July 6, 2012

Ms. Kate Taylor
Atlantic States Marine Fisheries Commission
1050 North Highland Street
Suite 200A-N
Arlington, VA 22201

Dear Ms. Taylor;

Our Club is in alignment with The New York Coalition for Recreational Fishing's position and are writing this letter to support their position on the pending Addendum III to Amendment 6 to the Atlantic Striped Bass Interstate Fishery Management Plan.

Our position is that the loopholes in the regulations managing the commercial harvest of striped bass should be closed, that more stringent measures should be taken to prevent overharvests, and more exacting penalties imposed for illegal harvest and sale of striped bass.

Specifically, the Coalition supports the second option in each category. Therefore, we support uniform tagging, tagging at the point of harvest, a biological tag allowance to prevent overage, the demand of the states to account for unused tags, that states provide catch per unit effort data, and that tags remain affixed to the fish until the fish reaches the consumer.

We and the Coalition have long been concerned about poaching (both recreational and commercial), illegal commercial harvests, and various means by which commercial anglers have been able to circumvent the intended management principles. Furthermore, the ongoing threat posed by Mycobacteriosis, poor recruitment in the last decade, and substantially increased fishing pressure in the last twenty years all threaten to undermine the proper and intended management of striped bass.

Thank you for consideration of our position.

Sincerely,

A handwritten signature in blue ink, appearing to be "Jim", written in a cursive style.



New York Coalition For Recreational Fishing

89 Narwood Road
Massapequa, NY 11758-5925
Tel: 516-647-8492



July 1 2012

Ms. Kate Taylor
Atlantic States Marine Fisheries Commission
1050 North Highland Street
Suite 200A-N
Arlington, VA 22201

Dear Ms. Taylor;

The Coalition for Recreational Fishing is writing this letter to express our positions on the pending Addendum III to Amendment 6 to the Atlantic Striped Bass Interstate Fishery Management Plan.

Our overarching position is that the loopholes in the regulations managing the commercial harvest of striped bass should be closed, that more stringent measures should be taken to prevent overharvests, and more exacting penalties imposed for illegal harvest and sale of striped bass.

Specifically, the Coalition supports the second option in each category. Therefore, we support uniform tagging, tagging at the point of harvest, a biological tag allowance to prevent overage, the demand of the states to account for unused tags, that states provide catch per unit effort data, and that tags remain affixed to the fish until the fish reaches the consumer.

The Coalition has long been concerned about poaching (both recreational and commercial), illegal commercial harvests, and various means by which commercial anglers have been able to circumvent the intended management principles. Furthermore, the ongoing threat posed by Mycobacteriosis, poor recruitment in the last decade, and substantially increased fishing pressure in the last twenty years all threaten to undermine the proper and intended management of striped bass.

Thank you for your time and consideration.

A handwritten signature in blue ink, which reads 'William A. Young', is written over the typed name.

William A. Young
President, The Coalition of Recreational Fishing

Joseph Puntesecca, President
Jersey Coast Anglers Association
1201 Rt. 37 E, Suite 9
Toms River, N.J. 08053



7/7/12

ASMFC
Kate Taylor, Fisheries Management Plan Coordinator
1050 North Highland St., Suite 200 A-N,
Arlington, Va. 22201

Kate,

At a recent meeting, JCAA members discussed Addendum III to Amendment VI to the Atlantic Striped Bass Interstate Fishery Management Plan. We believe the best way to resolve the illegal sale of striped bass would be to make them a no sale or game fish. However, we support any measures that will help curtail the illegal harvest of striped bass. Specifically pertaining to Addendum III we encourage the ASMFC to adopt the following options:

- 3.1 Commercial Tagging Program Implementation - Option 2, Each state be required to have a tagging program.
- 3.1 A Tag Information and Type - Option 2, There should be a uniform coast wide tagging program.
- 3.1 B Tag Timing - Option 2, Fish should be tagged at the point of harvest rather than the point of sale.
and Sub-Option A, There should be no exceptions for the two states that currently have point of sale tagging.
- 3.1 C Tag Allowance - Option 2, We agree with the biological tag allowance.
- 3.1 D Tag Accounting - Option 2, There should be tag accountability and strict penalties for non-compliance.
- 3.1 E Reporting - Option 2, Reports should be as frequent as possible with no less than ACCSP standards.
- 3.1 F Processing - Option 2, Tags should remain with the fish until they are processed for consumption by the consumer. Fillets from the same large fish should be required to go to the same market.
- 3.1 G Exportation - Option 2, All fish sold should have a commercial tag attached.
- 3.2 Penalties - We believe that penalties should be as strict as possible and include suspensions and revocations as well as the denial of tags in the year following one where the permit holder failed to account for all of his tags.
- 4.0 Compliance - A date should be set for states to implement the addendum once it is approved.

Sincerely,

Joseph Puntesecca
President - JCAA

June 25, 2012

JUN 27 2012

Fred Schwab
3735 Deep Hole Dr.
Mattituck, NY 11952

STRIPED BASS MANAGEMENT BOARD
Atlantic States Marine Fisheries Commission
1050 N. Highland St., Suite 200A-N
Arlington, VA 22201

Attn: Kate Taylor, Fishery Management Coordinator

Re: Atlantic Striped Bass Draft Addendum III

Having read the subject proposed Addendum I strongly support the recommendations of the Law Enforcement Committee (LEC). However I must admit that I do not fully understand Section C "TAG ALLOWANCE", specifically what biological metric means?

Mortality translates into the NUMBER of fish, not their weights. the number of tags issued limits the number of striped bass which may be legally harvested and sold. Presumably that is the objective of biological metrics? To prevent commercial quota overages, commercial reporting of tag use and weights of striped bass harvested must be on a frequent basis, perhaps weekly or by-weekly and relative jurisdictions must record such data in a timely fashion. As to under-reporting of fish weights it is reasonable to assume that it will continue. As long as striped bass have a price on their flesh there will be falsification of data submitted.

I strongly support the implementation of a tagging program for ALL jurisdictions and the requirement that the harvester promptly and properly tag these fish harvested regardless of where and to whom they are sold.

ALL unused tags must be returned or accounted for in writing at the conclusion of a fishing season or well before the start of a new fishing season, failure to do so should result in a penalty.

With respect to Section 3.2 "Penalties", I strongly agree with the LEC recommendations. Inasmuch as this addendum focuses on the commercial fishery the following may appear to be out of place, but the Board might want to consider recommending that the various jurisdictions review their existing penalties relating to the recreational sector and to marketing outlets which engage in the untagged and consequently unrecorded purchase and sale of striped bass. At the present time I do not know how extensive this activity is but in the past sales to eateries, local markets and individuals was a common practice. Penalties of a substantial nature would tend to discourage this.

Relative to section F "Striped Bass Processing"; the LEC notes that the Board must consider when fillets are removed from larger fish and do not go to the same market one tag may be insufficient for compliance. One solution would be to prohibit fillets from a large fish going to more than one market.

As to section 4.0 "Compliance"; I offer little comment, it being noted that in general procedure and timing are factors determined by the Board. But given the magnitude of documented unlawful activities and what may not be known it is urged that the implementation of this Addendum not be delayed and hopefully be in place for 2013.

With reference to section 2.2.5 "Illegal Striped Bass Harvest"; perhaps this comment falls under the heading of "nit-picking". Having not read Appendix 1 prior to reading this section, the use of the words "oversized fish" puzzled me. Had it read "fish above the maximum size limit" or "illegal oversized fish" I would have understood.

Sincerely,


Fred Schwab

Kenneth W. Wicker
341 Cherry Orchard Lane
Montross, Va. 22520

July 10, 2012

Kate Taylor
Fisheries Management Plan Coordinator
1050 North Highland Street, Suite 200 A-N
Arlington, Va. 22201

Dear Ms. Kate Taylor,

I am writing you to comment on the Striped Bass Draft Addendum 111 proposals. I commercial gillnet for striped bass in Virginia and the Potomac River Fisheries Commission jurisdictions. I have been a member of the Potomac River Fisheries Commission Finfish Advisory Committee for many years. I am also a retired law enforcement officer familiar with enforcement issues. In my opinion, the Potomac River Fisheries Commission has one of the best commercial striped bass programs on the east coast. Our commercial harvest is well documented. We have spent years developing a safe, effective, user friendly striped bass tag. The use of color coded for each commercial user group, serial numbered and year season striped bass tag has improved law enforcement success. This enhances prosecution of illegal striped bass harvests.

I am amazed that some coastal states do not require the fish to be tagged at point of harvest. The Chesapeake Bay Commercial Striped Bass Fishery has one of the best catch monitoring programs in place. If our program was used coast wide, most illegal harvest would be alleviated. There will always be a criminal element. In our fishery, illegal harvest penalties are extreme.

The recreational striped bass fishery needs restructuring coast wide. There is extremely poor catch data available. Until there is mandatory harvest reporting required, the catch data is just a guesstimate. This is discriminatory in nature. All striped bass harvesters need to report accurate catch data.

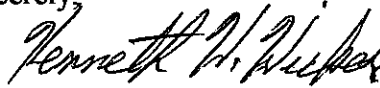
I personally observe recreational striped bass fishermen making numerous trips a day. They return to their landing and drop off their catch. Then go back out to catch

another creel limit. This situation needs to be addressed. Recreational striped bass licenses, creel limit control tags and mandatory telephone reporting at time of landing needs to be in place coast wide. Affordable recreational license fees would cover the cost of an automated telephone reporting system. Virginia has a similar system in place for their big game hunting license. It is quite effective in preventing illegal harvests and obtaining harvest management data. The license is made of a waterproof type paper. At the point of harvest, the tag is notched on the license. Then the harvest is reported through their automated toll free telephone number. The approximate length, weight and harvest location would be documented. Bonus tags are available at a reasonable price. The revenue generated by the license fees would cover the expense of the program. Revenue would also be generated by prosecution of violations.

Marine law enforcement officers that I have addressed this issue with are in favor of this type of program for the striped bass recreational fishery. The main issue pointed out to me was the daily catch data that would be available by neighboring jurisdictions.

Should you have any questions or comments regarding my opinions, please do not hesitate to contact me.

Sincerely,



Kenneth W. Wicker

804 472-2587

From: "Mike Polisson" <lgeo@verizon.net>
To: <ktaylor@asmfc.org>
Cc: "Paul Diodati" <Paul.Diodati@state.ma.us>
Date: 02/10/2012 08:01 PM
Subject: stripers
both the states mentioned...VA MD..... should have their quota reduced until the illegal overages are compensated for.....other states should not have their quotas adjusted due to these illegal activities and not suffer any economic losses due to the occurrences in VA and MD

From: Tim Hergenrader <timraderart@yahoo.com>
To: "ktaylor@asmfc.org" <ktaylor@asmfc.org>
Date: 05/25/2012 07:24 AM
Subject: Atlantic Coastal Striped Bass Draft Addendum III

As an angler, I reside in coastal North Carolina, I support any efforts on behalf of the Atlantic striped bass populations. Illegal harvests piled on top of already high commercial catches of the fish are not helping stabilize the populations of this very important game fish. Thank you.

From: william martin <williamhmartin341@gmail.com>
To: ktaylor@asmfc.org
Cc: kenbonnyl@aol.com, Jonathan Farber <jfarber@passivecapital.com>
Date: 05/25/2012 05:28 PM
Subject: Atlantic Striped Bass Draft Addendum III

Dear Ms. Taylor,

This email is sent to endorse the proposed measures to better control illegal commercial harvest of striped bass. I was once a professional fisherman and I am very aware of the relentless disregard some commercial fishermen show toward disciplined harvest. It is very clear that even moderate penalties are not deterrents to certain individuals. Even significantly larger fines too often are regarded as only a cost of doing business to some fishermen. Illegal harvest (which is reported to be materially under-reported) combined with the as yet unknown scope of damage caused by micobacteriosis plus the number of recent years in which poor spawning results occurred combined to present material threats to the striped bass population.

Please act to tighten controls on illegal harvest. The striped bass need the type of controls that are in place to protect the Alaska salmon populations. If commercial fishermen don't join the program to manage this resource responsibly, the only alternative is to make this fish a game fish only.

William H. Martin, Ph.D.

From: craig caldwell <craigcaldwell@comcast.net>
To: ktaylor@asmfc.org
Date: 06/08/2012 10:33 AM
Subject: tagging striped bass

Dear Ms. Taylor:

The proposal to require the tagging of all striped bass in the Atlantic states is a sure way to prevent misuse of this precious resource. I wholeheartedly encourage the ASMFC to adopt such a program immediately.

Thank you,

Craig Caldwell
Cape Cod (Harwich)
Massachusetts

From: Keith Goodman <floridadryflyguy@yahoo.com>
To: ktaylor@asmfc.org
Date: 06/20/2012 11:41 AM
Subject: Striped Bass populations

Good day and thank you for your time,

My name is Keith Goodman, and I am writing you to reinforce a message you have already heard; Striped Bass numbers on the north Atlantic coastline are declining drastically in population and average size. I actually live in Florida, but as a frequent visitor to the coastlines of Massachusetts and New Hampshire in pursuit of the striped bass, I can attest to the significance of the loss of recreational benefit and in turn, tremendous economic stimulus. My trips to the area are dictated by the presence of striped bass as they migrate along the coastline. And it is getting harder to justify the expense of the hotels, guides, meals and tackle, in light of the undeniable decrease in fish size and numbers. If I can answer any questions, please feel free to contact me.

Regards, Keith Goodman. (239)248-8380

From: George Little <gpatlittle@gmail.com>
To: ktaylor@asmfc.org
Cc: Brad Burns <stripers@whatifnet.com>
Date: 06/20/2012 12:22 PM
Subject: Addendum III to Amendment 6/Striped Bass Management Plan

Dear Ms. Taylor

The writer wishes to add testimony to what you have or will receive regarding the tagging of striped bass in those states that have not yet banned commercial taking of this valuable species of fish.

Over the last three years, my fellow fishermen in the midcoast of Maine have seen the near-total disappearance of stripers in our local waters. Despite frequent and regular fishing trips, my total catch for the entire three years was FOUR fish. This compares to my personal average of EIGHTY-EIGHT per year during the previous four years. While there are no doubt other factors that have mitigated against the population, commercial taking has had an ever-increasing impact.

The best solution would probably be the banning of all commercial taking. (Look at the recovery of red drum in the southern states when they were declared a recreational fish and all commercial taking was banned). Until this takes place, the tagging program would be a good start.

Thank you for taking the time to consider my point of view.

Respectfully, George P. Little, Topsham, Maine

From: nelson200@comcast.net
To: "." <ktaylor@asmfc.org>
Date: 06/20/2012 01:05 PM
Subject: striped bass

Stop all commercial striped bass fishing.

From: Gregg Nelson <gdn443@sbcglobal.net>
To: ktaylor@asmfc.org
Date: 06/20/2012 02:38 PM
Subject: Amendment 6 of the Striped Bass Management Plan

As a long time striper fisherman I implore you to pass this measure to help our fishery.
Gregg Nelson

From: Dale Petty <dale@surforsound.com>
To: "ktaylor@asmfc.org" <ktaylor@asmfc.org>
Date: 06/20/2012 03:10 PM
Subject: Draft Addendum III to Amendment 6 of Striped Bass IFMP

Ms. Taylor:

To date, North Carolina has not exposed high profile cases of Striped Bass poaching, such as MD. However, violations do occur on a regular basis. Illegal fishing (poaching) in the EEZ is common, particularly from Oregon Inlet, NC to the VA border. There is very little enforcement in that area and most of it is provided by the USCG, not NCDMF. As you know, NC is the only state in the country that does not have a Joint Enforcement Agreement. Also, because of political influence in Raleigh, NC fish dealers have been exempt from the type of investigations conducted in MD. If similar investigations were conducted in NC, there is little doubt that serious violations would be exposed. With this background, I offer the following comments in support of Draft Addendum III to Amendment 6 of the Striped Bass IFMP.

3.1 Commercial Tagging Program Implementation – Option #2. All states under the ASMFC should be required to institute a tagging program approved by the ASMFC.

A. Tagging Information and Type – Option #2. The tagging program should be uniform in all states.

B. Tag Timing – Option #2, Sub-Option A - The fish should be tagged at the point of harvest with tags that cannot be removed and reused for high-grading. The procedures should be adopted coastwide.

C. Tag Allowance – tags should be produced only in proportion to the expected catch and distributed based on the individual participant's previous reported catch. A maximum increase of some modest percentage could be allowed annually, but only if the permit holder reports the details of harvest and sale and the report is verified. This would be especially important in states where recreational fishermen masquerade as commercial fishermen, including using a commercial license to circumvent recreational bag limits. These fish are often never reported as caught, and thus are never counted against quotas, and in many cases are sold under the table.

D. Tag Accounting – Option #2. Commercial tagging programs should require permit holders issued tags to turn tags in or provide an accounting report for any unused tags prior to the start of the next fishing season.

E. Reporting – Option 2. Frequent reporting, while not immune to false information, is the best way to keep management as close as possible to the progress of the harvest.

F. Processing – Option 2. Tags should be left on the fish as long as there is a fish to identify.

G. Exportation – Option 2 – Tags should be able to identify where fish sold were originally caught.

3.2 Penalties –Revocation of harvest privileges be a primary penalty for illegal harvest of striped bass. We also agree that an improper accounting for unused commercial tags – as determined by comparing reported catch to tags returned – is grounds for losing harvesting privileges.

4.0 Compliance – all states should submit a plan to the ASMFC by the set deadline, and the plan should be in place before the next commercial fishing season or the quota will be suspended.

I appreciate the ASMFC's consideration of these important measures.

Sincerely,

Dale Petty, NCDMF Striped Bass Advisory Committee

From: "nedgerber" <nedgerber@verizon.net>
To: <ktaylor@asmfc.org>
Date: 06/20/2012 03:22 PM
Subject: tagging

Hello-I am writing to ask that you require tagging by commercial striped bass fishermen and dealers in all states that allow commercial fishing for stripers. These valuable fish deserve the best protection that we can afford them.

Sincerely,

Ned Gerber

Wildlife Habitat Ecologist/Director
Chesapeake Wildlife Heritage
Easton, Md 21601
410-310-1141
<nedgerber@verizon.net>

From: Ron Hoff <bronh22@yahoo.com>
To: "ktaylor@asmfc.org" <ktaylor@asmfc.org>
Date: 06/20/2012 03:40 PM
Subject: Re:

The striped bass fishing has been just terrible and getting worse each year. I fish 3 to 4 times a week and have only caught 2 striped bass this season. If it wasn't for catching blue fish I would stop fishing all together. If the tagging program helps the striped bass to recover than I am for it. I would like to see party boats only allowed to take one fish per customer, not the two allowed. I

have been surf fish for 55 years and I am very disappointed in the way the striped bass have been managed. The enjoyment one receives from catching a bass from the surf is a great feeling. Please do what you can to help this wonderful fish, I do my part by doing C.P.R. which is Catch, Photograph and Release. So please do what's best for this magnificent fish.

Thank You,

Ronald Hoff

Long Beach, NY 11561

From: Charles Young <cyoung77@yahoo.com>
To: "ktaylor@asmfc.org" <ktaylor@asmfc.org>
Date: 06/20/2012 04:20 PM
Subject: Tagging Striped Bass

I believe that states that allow commercial fishing of striped bass should have to tag.

From: "Doug Jowett" <dougjowett@comcast.net>
To: <ktaylor@asmfc.org>
Date: 06/20/2012 05:32 PM
Subject: FW: draft Addendum III to Amendment 6 of the Striped Bass Management Plan

To: Atlantic Stated Marine Fisheries Commission

I support Option 2 of the proposed striped bass tagging program, identified as Addendum III to Amendment 6 of the Striped Bass Management Plan. There is only one option which allows for accurate counting of dead, commercially caught striped bass and that is a forceful tagging program in each state with revocation of licensing privileges for any and all violations.

Captain Doug Jowett

**61 Four Wheel Drive
Brunswick, Maine 04011
207-725-4573**

dougjowett@comcast.net

www.mainestripedbassfishing.com

<http://www.mainestripedbassfishing.blogspot.com/>

From: David James <david@srinvestments.com>
To: "ktaylor@asmfc.org" <ktaylor@asmfc.org>
Date: 06/21/2012 08:26 AM
Subject: Striped Bass Management Plan

I am writing you to voice my support for Addendum III to Amendment 6 of the Striped Bass Management Plan.

The addendum is good economics, good science and will be good for the resource. Let's make it happen and take care of this the tremendous resource.

Thanks.

David James, Managing Partner
Swift River Investments
58 Wilder Road, Bolton, MA 01740

From: Gene Go <ego_gearhead@hotmail.com>
To: <ktaylor@asmfc.org>
Date: 06/21/2012 08:57 AM
Subject: Striper fisheries comment

Kate Taylor
Atlantic States Marine Fisheries Commission
1050 North Highland Street Suite 200A-N
Arlington, VA 22201

Ms. Taylor,

I am a concerned citizen who is an avid sport fisherman and environmentally aware individual. With the recent data presented on our striped bass fisheries, I realize that the time to make a sustained change is in order.

As a youngster, I watched as the striped bass population was overfished and became on the brink of collapse. I had vowed to not keep any of the fish until the population had returned to a sustainable level. That was a long wait and I thought we were moving in the right direction. Now, it seems there are still areas with drastic harvesting of this species with little enforcement necessary to not bring this fishery back into decline.

From: rmrifchin@comcast.net
To: ktaylor@asmfc.org
Date: 06/21/2012 09:36 AM
Subject: Atlantic Striped Bass Management Plan ... Draft Addendum III to Amendment 6

Robert M. Rifchin
12 Lotus Path
Natick, MA 01760
6/21/2012

As a Massachusetts resident recreational striped bass angler and former striped bass commercial fisherman (I sold my catch before the days of any regulation), I submit these comments on the Draft Addendum III to Amendment 6 to the Atlantic Striped Bass Interstate Fishery Management Plan:

Commercial harvest of striped bass should be eliminated completely as it is not in the public interest to waste this valuable resource in this manner. In my 50+ years of fishing for this species, income from the fish served only to fund more fishing trips, and never really added to my family income. Commercial striper fishing continues in some states, and when law enforcement has found funding to investigate, serious violations of harvesting laws have been discovered. Illegal practices and over-harvest are far more commonplace than we would like to believe, but are difficult to prove with limited resources of fishery departments.

A tagging program adopted by all states with a commercial harvest offers limited protection, but will provide better tools for law enforcement. Such a program should exist in a uniform manner in all states coast-wide, and fish should be tagged at the point and time of capture. Tags should be of a one-use type, provided to users based on previously reported catches (with modest provisions for upgrading if the resource condition allows). This would help prevent unreported catches, and in fact support better data returns from such a fishery. Unused tags should not be transferable, and be turned in to the issuing authority. Tagged fish should retain those markers until sold to an end user, then reported and retained by the party making the final sale in a manner subject to inspection (numbers on tags should identify the source and retained information shows disposition). Any violation should result in immediate and permanent revocation of permits, and a fine substantial enough to make illegal activity unprofitable.

Sincerely,

Robert M. Rifchin

From: "David Lloyd" <dlloyd1940@gmail.com>
To: <ktaylor@asmfc.org>
Date: 06/21/2012 10:01 AM
Subject: Comments submitted re draft Addendum III to Amendment 6 of the Striped Bass Management Plan

Greetings:

As a sport fisherman for many years – with striped bass so often being my primary objective – it has been frightening to witness the dramatic decrease in the number of stripers out there. I used to think it was because I was losing my “touch.” However, in talking with friends who are also experiencing a dramatic falloff in stripers, I’m convinced that something needs to be done to maintain a healthy resource for not only ourselves but for our kids and grandkids. My 8- and 5-year old grandsons may never experience the great pleasure of catching these beautiful (and delicious!) fish if we don’t do something NOW!

It is my understanding that the draft Addendum III to Amendment 6 of the Striped Bass Management Plan would require all states with existing commercial fisheries to have a “tagging” program. And that the rules of these programs would be tightened up in a number of important areas.

I am sensitive to the fact that we are never going to completely ban commercial striper fishing – however much that would be wonderful! – but there is absolutely no reason why we can’t protect the species to the fullest extent possible. Experience has shown in many areas that limiting catches for at least a period of time allows for dramatic improvement in the quantity of resources in the ocean. Let’s face it: if we are dumb enough to allow commercial fishing to destroy this resource, we would just be postponing the day when commercial fishermen would have to find some other way to make a living.

This valuable resource should have the greatest protection possible!

David Lloyd
9794 Martingham Circle
St. Michaels, Maryland 21663 (Not a Mailing Address)
dlloyd1940@gmail.com

From: John Moy <jmoy@ospf.org>
To: ktaylor@asmfc.org
Date: 06/22/2012 09:25 AM
Subject: Comments on Addendum III to Amendment 6 of the Striped Bass Management Plan
Sent by: jmoy.ospf@gmail.com

I support the options in the Addendum (to Amendment 6 of the Striped Bass Management Plan) recommended by the ASMFC Law Enforcement Committee. Striped Bass are a migratory fish. In the fish's lifetime, it swims through the waters belonging to many different states. Action, or inaction, taken by one state effects all of the others. In particular, lax enforcement by one state effectively raises its portion of the striped bass quota. As a result, all states should use the same enforcement mechanisms. And for the health of the striped bass population, the stricter the enforcement of catch quotas the better.

I am a Massachusetts recreational angler. The striped bass that I catch have originated from New York, Maryland and Virginia. Currently Massachusetts does not do a good job enforcing its commercial catch limits for striped bass. I would like Massachusetts to implement a tagging program similar to New York's.

Thanks for taking my comments,
John Moy
8 Castle Drive
Acton, MA 01720
617-784-1872
jmoy@ospf.org

From: Tony Marchisotto <tmarchisotto@yahoo.com>
To: "ktaylor@asmfc.org" <ktaylor@asmfc.org>
Date: 06/23/2012 09:46 PM
Subject: Tagging commercialy caught striped bass

Please pass a law that requires all striped bass caught by commercial fishers to be tagged. Based on records kept by most surf fishing clubs the numbers of striped bass are in decline.

Anthony Marchisotto
659 Hawkins Rd East
Coram, NY 11727
631 846 6678

From: "Albano, Albert" <aalbano@lirr.org>
To: "ktaylor@asmfc.org" <ktaylor@asmfc.org>
Date: 06/25/2012 01:46 PM
Subject: Addendum 3 to Amendment 6 - Striped Bass

Dear Members of the ASMFC:

I highly recommend that The Atlantic States Marine Fishery Commission approve draft Addendum III to Amendment 6 of the Striped Bass Management Plan. Without question, the ASMFC's Law Enforcement Committee's suggestions would help to curtail the illegal poaching of striped bass. I would also like to add that it is encouraging to see that the ASMFC recommends "that states and jurisdictions strengthen their penalties for striped bass violations, including counterfeit tag operations, so that the penalties are sufficient to deter illegal harvest of striped bass". It would be even better if harsher penalties can be somehow mandated. There always seems to be a lack of funding for adequate enforcement of size and bag limits. The only way to ensure both commercial and recreational fishermen play by the rules and respect our resources is to make the penalties much more severe. Let's get on with it.

Thanks,

Al Albano
Recreational fisherman
601 Chester Rd.
Sayville, NY 11782

From: Steve McDonald <mcdonald@optonline.net>
To: ktaylor@asmfc.org
Date: 06/25/2012 06:17 PM
Subject: Approval of Draft Addendum 3 to Amendment 6

To the members of the ASMFC

I have been fishing for striped bass for almost 25 years. During that time I have seen the population go from the where it was unusual to catch even one to a fairly healthy recovery in the late 90's. Unfortunately things appear to be headed right back to the days of the moratorium. Whether it's overfishing, poor spawning, poaching, abuses in the EEZ, disease or a combination isn't the issue. The population is clearly in trouble and we need corrective action now before it's too late. That's why I urge members of the Commission to approve draft Addendum III to Amendment 6 of the Striped Bass Management Plan.

Steve McDonald
Wantagh
New York

From: "Eric Brosler" <eric@metrowestcre.com>
To: <ktaylor@asmfc.org>
Cc: <scott@drgillman.com>, <cboardman@eastlandpartners.com>
Date: 07/10/2012 03:51 PM
Subject: Striped Bass Testimony for the record.

RE: Addendum III to AMENDMENT 6

To Whom it May Concern:

It has been brought to my attention that maybe something is finally going to be done to save the few Striped Bass we still have swimming in our coastal waters. I have been a life long avid coastal waters recreational fisherman and sometimes Charter Boat Operator. I was enthusiastic when many years ago, a two fish limit and 32 inch minimum size was imposed on all of us. The effect was tremendous and led to the gradual repopulation of the species. I was equally concerned when the recreational size was reduced to 28 inches but took a wait and see position.

Together with the INSANE commercial 30 fish limit (commonly cheated upon by catching on "off" days and passing extra fish off to buddies or also fishing Rhode Island waters) the 28 inch recreational size has led to an obvious decline in breeders. I see fewer and fewer big fish every year. Last year was the worst. In areas where we would see a plentitude of big fish, Quickest Hole and Robinson's Hole in the Elizabeths, there are NONE to be caught. Something drastic needs to be done NOW. I would endorse reinstatement of the 32 inch recreational size limit together ideally with and all together ban on the taking of Stripers commercially. If that is unrealistic, I would endorse the tag system for Stripers. At least that might help limit the cheating that is so prevalent. I would also endorse commercial gear restrictions making illegal the use of treble & J hooks in favor of circle hooks as the commercial guys often throw back shorts destined to die with hooks in the gullet. I also would end the use of YO-Yoing as I really don't like having to discard fish after dead when filleting and discovering bright lead sinkers in stomachs; a clear health hazard.

Please consider my written testimony hear and once and for all take the appropriate action.

Capt. Eric Brosler
Sole Mate Sportfishing
204 Ridge St
Millis, MA 02054
508-272-3318

From: Robin Hurley <robvila@optonline.net>
To: ktaylor@asmfc.org
Date: 07/11/2012 09:04 PM
Subject: Public comments on Draft Addendum III to Amendment 6

Atlantic States Marine Fisheries Commission
Draft Addendum III to Amendment 6 to the Atlantic Striped Bass Interstate Fishery Management Plan

Ms. Taylor,

I would like to add my comments to the proposed draft addendum to Amendment 6. I have studied your position paper thoroughly and am in agreement with most of your recommendations to address the illegal striped bass harvest in the commercial fishery. Your paper was clearly presented and contained sufficient description and illustration for the layman to understand the differences between the various commercial tagging methods in use. I believe in addition to addressing the instances of illegal commercial harvest, it is important to remain diligent in monitoring the recreational harvest as well. During these times of reduced manpower and budget, some recreational fisherman are taking smaller fish and exceeding their daily limits. If the striped bass population is in jeopardy, the potential for greater damage lies with recreational overfishing. This however, was not the goal of this present amendment.

My choices for tagging implementation are as follows:

Option 2 – A mandatory commercial tagging program for all participating states.

A. Tag Information and Type – Option 1 adoption of a state program that clearly addresses all scenarios of commercial sale of striped bass, both interstate and intrastate. Tags used must be tamper evident and valid for only 1 year. I note that the tags in use in the various state programs are clearly marked and contain enough data to track and identify.

B. Tag Timing – Option 2 sub option B – Affixed at the point of harvest, approve for new programs implemented.

C. Tag Allowance – Option 2 – biological tag allowance

D. Tag Accounting – Option 2 – Return unused tags, account for all tags issued.

E. Reporting – Option 2 – I would like to see uniformity of reporting by the user group, weekly for dealers and at least monthly for fishermen. I am not familiar with the ACCSP standards, am not sure areas and hours fished are necessary to track. This data could potentially be used to create MPA's which I don't agree with.

F. Striped Bass Processing – Option 2 – tag should remain fixed to the carcass until processed for consumption.

G. Striped Bass exportation – Option 2 – no sale of striped bass without a commercial tag.

Thank you for the opportunity to add my comments to this discussion.

Sincerely,
Mr. Robin Hurley
Baldwin, NY



COMMONWEALTH of VIRGINIA

*Marine Resources Commission
2600 Washington Avenue
Third Floor
Newport News, Virginia 23607*

Douglas W. Domenech
Secretary of Natural Resources

Jack G. Travelstead
Commissioner

July 17, 2012

MEMORANDUM

TO: Kate Taylor,
ASMFC Fishery Management Plan Coordinator

FROM: Joseph D. Grist,
Acting Deputy Chief, Fisheries Management Division

SUBJECT: Request to Amend Virginia's Commercial Fishing Season and Size Limit

The enclosed report provides background and justification information for Virginia's request to open the Virginia commercial striped bass fishery on January 16, 2013, and to allow pound net harvesters to keep up to 50 fish, per day, over 28-inches, that would be tagged as part of their ITQ allocation, from May 1 through June 15. These requests are to provide Virginia's commercial harvesters more flexibility as to when to harvest at the beginning of the season, and to reduce regulatory discards in the Virginia pound net fishery. Virginia operates an Individual Transferable Quota management program for striped bass harvest in both the Chesapeake Bay and Coastal Areas and this proposal does not change Virginia's intent to strictly adhere to the area harvest quota limits, as allocated annually by the Atlantic States Marine Fisheries Commission.

JDG:jg
FM

cc: Robert L. O'Reilly, Chief, Fisheries Management Division

An Agency of the Natural Resources Secretariat

www.mrc.virginia.gov

Telephone (757) 247-2200 (757) 247-2292 V/TDD Information and Emergency Hotline 1-800-541-4646 V/TDD

REQUEST TO AMEND VIRGINIA'S COMMERCIAL FISHING SEASON AND SIZE LIMIT

BACKGROUND:

Commercial Fishery for Striped Bass

Virginia's commercial striped bass fishery is divided into two management units: the Coastal Area and the Chesapeake Area. The Coastal Area is defined as the area that includes Virginia's portion of the Territorial Sea, plus all of the creeks, bays, inlets, and tributaries on the seaside of Accomack County, Northampton County (including areas east of the causeway from Fisherman Island to the mainland), and the City of Virginia Beach (including federal areas and state parks, fronting on the Atlantic Ocean and east and south of the point where the shoreward boundary of the Territorial Sea joins the mainland at Cape Henry). The Chesapeake Area is defined as all tidal waters of the Chesapeake Bay and its tributaries within Virginia, westward of the shoreward boundary of the Territorial Sea, and the Potomac River tributaries within Virginia. The Chesapeake Area fishery is prosecuted on the Chesapeake stock; whereas the coastal fishery is prosecuted on a mixed stock.

The Coastal Area commercial quota is determined by the Atlantic States Marine Fisheries Commission (ASMFC) but has been static at 184,853 pounds, since 2003. The Chesapeake Area commercial quota is determined by the Maryland Department of Natural Resources' Harvest Control Model, based on the inter-annual change in exploitable Chesapeake Area stock biomass, current (tag-based) and target fishing mortality rates, natural mortality and presumed migration rates. This model is updated annually to determine the total allowable harvest of striped bass for the commercial and recreational fisheries in Chesapeake Bay. This total allowable harvest is then allocated among the three jurisdictions that manage striped bass in the Chesapeake Bay: Maryland, Potomac River Fisheries Commission and Virginia. Virginia's share of the total allowable harvest is divided equally between the commercial and recreational fisheries.

Commercial striped bass quota holders receive their permits and striped bass tags in late January, with the season starting on February 1. Each permitted commercial harvester is assigned a number of striped bass tags which have tamper proof seals and unique serial numbers. These tags are affixed to the fish, at the time of capture, by passing the tag through the mouth and gill opening and then zipping the ends together to create a seal. In order for a permittee to receive their permits and tags they must submit all of their previous seasons' harvest reports to the Virginia Marine Resources Commission's (VMRC) Mandatory Harvest Reporting Program, and all of their unused tags must be accounted for by the custodian of the striped bass Individual Transferable Weight Quota (ITWQ) database. A limited number of harvesters are eligible for quota in both the Coastal and Chesapeake Area fisheries, however, they are only allowed to participate in one fishery at a time, and are prohibited from possessing permits, and tags, for both management areas.

Transfers of quota are allowed, starting in early February and continuing through the end of November. The minimum amount of quota that can be transferred is 200 pounds, and any Virginia commercially licensed harvester is eligible to receive a quota transfer. A quota cap also

exists, whereby no individual can be issued more than 2% of the Chesapeake Area quota or 11% of the Coastal Area quota. The striped bass commercial season ends on December 31, at which time any unused striped bass tags must be turned in to the VMRC, as well as any mandatory harvest reports that had not been previously submitted.

The 2012 Chesapeake Area quota is 1,430,361 pounds with 410 permanent share holders, and the 2012 Coastal Area quota is 184,853 pounds with 31 permanent share holders. The commercial fishing season can be closed, for either area, if it is determined that the annual quota has been achieved by that fishery. The minimum size limit in the Coastal Area is 28 inches with no maximum size limit. In the Chesapeake Area, the minimum size limit is 18 inches, with no maximum size limit, except during the period of March 16 through June 15. At that time the maximum size limit in the Chesapeake Area is 28 inches, to avoid the intrusion of the spawning coastal migratory stock. During the period of April 1 through May 31, it is unlawful for any person to set or fish any anchored gill net or staked gill net for any purpose within the spawning reaches (upper tidal areas) of the James, Pamunkey, Mattaponi, and Rappahannock rivers. These conservation measures were implemented in response to the ASMFC striped bass management plan's recommendation of protecting spawning striped bass. Drift or float gill nets may be set and fished within the spawning reaches of these rivers during this period, provided that the person setting and fishing the net remains with the net during the time it is fishing, and all striped bass that are caught are returned to the water immediately.

ISSUES:

Pertaining to the Virginia commercial striped bass season

Anchored gill nets are the most utilized commercial gear in the Virginia commercial striped bass fishery. In 2011, 61% of the harvesters in the Chesapeake Area, and 81% of the harvesters in the Coastal Area, used anchored gill nets to harvest striped bass. However, various gill net tending and area closures provisions of the Atlantic Large Whale Take Reduction Plan and the Harbor Porpoise Take Reduction Plan have greatly reduced the fishing time and flexibility needed by commercial striped bass harvesters in Virginia to participate in the winter time striped bass fishery in the lower Chesapeake Area and in the Coastal Area (see Appendix I). This hardship is not just economical, but also has become a safety concern, as there is only a two week window in early February that some harvesters can attempt to harvest striped bass before gill net area closures come into effect. If the fishermen do not try to attain their individual quota share during this time period, then they must rely on a strong abundance of striped bass in December to fulfill their quota allocations. For example, from 2010 through 2011, Coastal Area fisherman failed to harvest 22% of their combined quota allocation of 184,853 pounds. In the Chesapeake Area fisherman failed to harvest 10% of their combined quota allocation of 1,430,361 pounds. If the striped bass fishery, under the same harvest limits and quota controls, were allowed to open two weeks earlier, on January 16, instead of February 1, it would allow harvesters more flexibility in obtaining their harvest quota in the early part of the year, as well as mitigate concerns about having to operate in unsafe conditions due to a short fishing season brought on by the various take reduction plans and spawning protection plans.

Pertaining to regulatory discard concerns in the Virginia pound net fishery

Pound nets are utilized in the Chesapeake Area fishery but not the Coastal Area fishery. In 2011, only 6 % of the total harvest of commercial striped bass, in the Chesapeake Bay Area, came from pound nets. On June 18, 2012, an ASMFC public hearing for Addendum III of Amendment 6 of the Striped Bass Fishery Management Plan was held at VMRC. During that meeting, which coincided with a VMRC Finfish Management Advisory Committee Meeting, public comment was taken that harvesters using pound nets along the Eastern Shore side of the lower Chesapeake Bay were having to throw back striped bass during the months of May and June that were over 28-inches, while recreational anglers could keep many of the same fish during a recreational trophy season. It was noted at the meeting that many of the fish were spent, meaning they had spawned. It was suggested the capture and handling of the fish by the pound nets, a passive gear, was leading to unnecessary regulatory discards and waste within the fishery during May and early June. Staff contacted the Virginia Institute of Marine Science for a determination of when the spawning season for striped bass in Virginia waters slows down, and it was noted by Phil Sadler that the tagging of striped bass from a pound net on the Rappahannock River ends at the end of April because that is when striped bass spawning is considered over. Sampling by VMRC, of the commercial catch, during May and June from 2002-2012 shows 55% of fish harvested can no longer be sexed by pressing on the stomach of the fish, (896 of the 1,633 samples). Only 5% (68 fish in May and 13 in June) of the fish sampled were females described as in spawning condition.

As noted in the background section, during the period of March 16 through June 15 the maximum size limit in the Chesapeake Area is 28 inches, to avoid the intrusion of the spawning coastal migratory stock. If the striped bass during May and early June are already considered post-spawn, or spent, by VIMS, then the forced discard of post-spawn striped bass from the pound net fishery appears unnecessary.

REQUEST:

The VMRC is requesting support of the ASMFC Striped Bass Technical Committee for a proposal to be presented to the ASMFC Striped Bass Management Board in August, 2012, to approve the following two requests:

1. Approval for Virginia to extend the commercial striped bass season, from the current dates of February 1 through December 31, to January 16 through December 31.
2. Approval for Virginia to allow pound nets in the Chesapeake Area, from May 1 through June 15, to harvest up to 50 striped bass over 28-inches.

All harvest allocations for the Chesapeake Area and Coastal Area fisheries would be maintained and management of Virginia striped bass fishery through the current individual transferable quota program would continue.

Protected Species Plans

Large Mesh (**Greater than or equal to 7 inches**), striped bass federal fishing restrictions for coastal Virginia. Please note: some exact regulation dates are on the 14th or 16th. Shaded areas represent dates when large mesh fishing is allowed with restrictions.

Closures=X Night-fishing prohibited= N or Tending Req. = G or T	Night-Gear Mods	Jan	Jan	Feb	Feb	Mar	Mar	Apr	Apr	May	June	Sep	Nov
		1-15	15-31	1-15	15-28	1-15	15-31	1-15	15-30	1-31	-Aug	-Oct	-Dec
Harbor Porpoise Plan				G	X	X	G	G	G				
Large Whale Plan		G	G	G	G	G	G	G	G	G		G	G
Bottlenose Dolphin Plan >>NC border to Smith Island Inlet >>North of the Smith Island Inlet											T	T	N
Sea Turtle Plan * >>NC border to Wachapreague* >>Wachapreague Inlet to Chincoteague*		X						X	X	X	X	X	N
		X							X	X	X	X	N

* Sea turtle restrictions in state waters are regulated by 4 VAC 20-430-65 and include the striped bass exemptions for November and December. These areas are closed in the EEZ by federal regulations.

Current Commercial Season for Bay and Coastal Striped Bass Fisheries: February 1 through December 31