

Atlantic States Marine Fisheries Commission

Atlantic Striped Bass Management Board

*May 1, 2012
8:30 – 10:00 a.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*) 8:30 a.m.
2. Board Consent 8:30 a.m.
 - Approval of Agenda
 - Approval of Proceedings from February 7, 2012
3. Public Comment 8:35 a.m.
4. Review Draft Addendum III for Public Comment **Action** 8:40 a.m.
 - Review of Draft Addendum III (*K. Taylor*)
 - Review Law Enforcement Committee Recommendations (*M. Robson*)
 - Consider Draft Addendum III for Public Comment
5. Technical Committee Report (*A. Sharov*) 9:45 a.m.
6. Other Business/Adjourn 10:00 a.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
Tuesday May 1, 2012
8:30 - 10:0 a.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: February 7, 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 February 7, 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 (8:40 – 9:45 a.m.) Action
<p>Background</p> <ul style="list-style-type: none"> • 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 (Briefing CD). • 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 (Briefing CD).
<p>Presentations</p> <ul style="list-style-type: none"> • Overview of Draft Addendum III for Public Comment by K. Taylor (Briefing CD). • Review of Law Enforcement Recommendations by M. Robson
<p>Board actions for consideration at this meeting</p> <ul style="list-style-type: none"> • Approve Draft Addendum III for Public Comment

5. Technical Committee Report (9:45 – 10:00 a.m.)

Background

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| <ul style="list-style-type: none">• At the February 2012 Board Meeting the Technical Committee was tasked with estimating the potential reduction in fishing mortality that would be necessary in order to prevent reaching an overfished status by 2017, as was estimated in the 2011 stock assessment update. |
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Presentations

- | |
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| <ul style="list-style-type: none">• Technical Committee Report by A. Sharov |
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6. Other Business/Adjourn

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

Crowne Plaza Hotel - Old Town
Alexandria, Virginia
February 7, 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 November 8, 2011** by consent (Page 1).
3. **Move to develop an addendum to address the Law Enforcement Committee recommendations** (Page 6). Motion by Pat Augustine; second by Paul Diodati. Motion carried (Page 7).
4. **Move to approve Connecticut's alternative plan for management for the year 2012 for striped bass** (Page 8). Motion by Pat Augustine; second by Mike Johnson. Motion carried (Page 9).
5. **Motion to adjourn** by consent (Page 12).

ATTENDANCE**Board Members**

Terry Stockwell, ME, proxy for P. Keliher (AA)	Tom Fote, NJ (GA)
Steve Train, ME (GA)	Leroy Young, PA, proxy for J. Arway (AA)
Sen. Brian Langley, ME (LA)	Loren Lustig, PA (GA)
G. Ritchie White, NH (GA)	Gene Kray, PA proxy for Rep. Schroder (LA)
Doug Grout, NH (AA)	Bernie Pankowski, DE, proxy for Sen. Venables (LA)
Rep. David Watters, NH (LA)	Roy Miller, DE (GA)
Rep. Sarah Peake, MA (LA)	John Clark, DE, proxy for D. Saveikas (AA)
Paul Diodati, MA (AA)	Tom O'Connell, MD (AA)
Bill Adler, MA (GA)	Russell Dize, MD, proxy for Sen. Colburn (LA)
Mark Gibson, RI, proxy for R. Ballou (AA)	Bill Goldsborough, MD (GA)
Bill McElroy, RI (GA)	Jack Travelstead, VA, proxy for S. Bowman (AA)
Rick Bellavance, RI, proxy for Rep. Peter Martin (LA)	Cathy Davenport, VA (GA)
David Simpson, CT (AA)	Mike Johnson, NC, proxy for Rep. Wainwright (LA)
Rep. Craig Miner, CT (LA)	Louis Daniel, NC (AA)
Lance Stewart, CT (GA)	Michelle Duval, NC, Administrative proxy
James Gilmore, NY (AA)	Bryan King, DC
Brian Culhane, NY, proxy for Sen. Johnson (LA)	A.C. Carpenter, PRFC
Pat Augustine, NY (GA)	Steve Meyers, NMFS
Russ Allen, NJ, proxy for D. Chanda (AA)	Jaime Geiger, USFWS

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

Ex-Officio Members

Alexei Sharov, Technical Committee Chair	Kelly Place, Advisory Panel Chair
Mark Robson, Law Enforcement Committee Rep.	

Staff

Vince O'Shea	Bob Beal
Kate Taylor	Mike Waine

Guests

Wilson Laney, US FWS	Brad Spear, SFP
John Croft, VMRC	Lloyd Ingerson, MD NR Police
Jack Bailey, MD NR Police	Michael Burnham, MD NR Police
Wayne Hittenbach, US DOJ, DC	Ed Liccione, CCA MD
Kenneth Endress, US F&W	David Skorski, CCA MD
Ellen Cosby, PRFC	Ed O'Brien, ASMFC AP
Harry T. Hornick, MD DNR	Bill Windley, MSSA
Beth Versak, MD DNR	Greg Shute, MSSA
Lynn Fegley, MD DNR	Patrick Paquette, MA SBA
David Pierce, MA DMF	Raymond Kane, CHOIR
Pete Himchak, NJ DFW	Rob O'Reilly, VA MRC
Mike Armstrong MA DMF	

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, February 7, 2012, and was called to order at 4:20 o'clock p.m. by Chairman Tomas O'Connell.

CALL TO ORDER

CHAIRMAN THOMAS O'CONNELL: Good afternoon, everybody. I'd like to call the Striped Bass Management Board to order. My name is Tom O'Connell and I am taking over as chairperson. I think we owe Jack a level of gratitude for his last two years of leadership and facilitation through a couple of difficult issues. Thanks, Jack, you leave some big shoes to fill and I hope I can do a good job for you guys. The first order of business is approval of the agenda.

APPROVAL OF AGENDA

MR. PATRICK AUGUSTINE: Thank you, Mr. Chairman, and congratulations and congratulations to you, Jack, for having done such a yeoman's job. I was concerned that some items might come up in today's meeting that might require some input from our new chairman. I would leave it up to him to suggest maybe changing the election of the vice-chair and move it up to one of the first items in the event that happens.

However, Mr. Chairman, you may feel comfortable there isn't any issue on there that may impinge upon your being chairman and you might want to step aside or recuse yourself to address, for what it's worth.

CHAIRMAN O'CONNELL: Is there any objection to moving up the election of the vice-chair after public comment? All right, we'll go ahead and move that item up. Any other modifications to the agenda? Seeing none, the agenda will stand approved.

APPROVAL OF PROCEEDINGS

The next action item is approval of proceedings from the November 8, 2011, meeting. Are there any modifications? Is there any objection with approving those minutes? Seeing none, the November 8, 2011, proceedings stand approved.

PUBLIC COMMENT

Public comment; this is an opportunity for the public to provide comment on items that are not on the agenda.

Is there any public comment at this time? Depending if time allows, we will try to make public comment available if there are actions that the board is taking today. The next item is election of a vice-chair. Terry Stockwell.

ELECTION OF A VICE-CHAIR

MR. TERRY STOCKWELL: Mr. Chair, I would like to nominate Doug Grout.

CHAIRMAN O'CONNELL: We've got a motion to elect Doug Grout as vice-chair by Terry Stockwell; seconded by Pat Augustine.

MR. AUGUSTINE: Mr. Chair, I move to second that and close nominations and cast one vote for our new vice-chairman.

REVIEW OF THE INTERSTATE WATERSHED TASK FORCE RECOMMENDATIONS

CHAIRMAN O'CONNELL: Thank you and welcome aboard, Doug. The next item is a review of the Interstate Watershed Task Force Recommendations. You may remember that at our November board meeting this task force presented information from their investigation in the Chesapeake Bay and Watershed and concluded with some recommendations.

At our last meeting there wasn't sufficient time to have adequate discussion on the recommendations and the board requested that the task force come back. You have received a handout that summarizes their recommendations. I'm going to turn it over to Mark. I appreciate the task force members for being here today.

MR. MARK ROBSON: We appreciate this opportunity to come back and have this continuing discussion. As you recall at the last meeting we had members of the Interstate Task Force give you a presentation. They have returned, plus one, and let me go ahead and introduce you to them now. On my immediate left is Wayne Hettenbach from the Department of Justice. We have Jack Bailey from the Maryland Natural Resource Police; Ken Endress

from U.S. Fish and Wildlife Service; and John Croft from Virginia Marine Police.

They're here to continue that discussion with you and to have some give and take as the chairman has talked to you about. At the meeting in November you recall this team gave you some recommendations that were pretty specific and targeted to address some of the issues that they found in the course of this investigation.

Since that meeting we have also had an opportunity to review those recommendations with the members of the Law Enforcement Committee, your Law Enforcement Committee. We are able to bring to you today not only a continuing discussion of those task force recommendations but knowing that the Law Enforcement Committee has also looked at those and has supported them and continues to make these kinds of recommendations along the lines of what the task force has provided to you.

Those are summarized in the little summary document that we did. The significant part, of course, is on the second page where we talk about law enforcement recommendations. Again, these are coming from the Law Enforcement Committee, but they basically fold in the task force recommendations that you saw last week.

We also do have at least a screen shot that we can give of the specific recommendations that came out of the Law Enforcement Committee discussion; and then also if you need to refer back to the task force recommendations from their PowerPoint at the last meeting, we have that well. I'm going to step out of the way and turn it over to you, Mr. Chairman, and to the members of the task force.

CHAIRMAN O'CONNELL: As part of the board's discussion today is to take a look at these recommendations and determine if there is any action that the board would like to take. I think there are probably three different courses that the board can take. One option is the board takes a look at these recommendations and takes them back home and applies them as needed.

A second option maybe is the board is interested in getting more information as to where states currently stand with these recommendations, what some of the benefits and challenges would be for implementing these; and, thirdly, whether or not the board would want to consider moving this forward as an addendum to make these as compliance requirements.

Before the board begins, I will just share with you that based upon this investigation in the Chesapeake Bay Region and Maryland specifically, that we formed a pretty strong partnership with law enforcement both at the state and federal level, and through that partnership I know fisheries managers on my staff learned a lot, and we applied that information to make some pretty significant reforms in the Chesapeake Bay.

By listening to the advice of the Law Enforcement Committee in our state and the federal government has really motivated them. They see the fisheries managers trying to establish rules that make a difference. I think this is a great opportunity today. I really appreciate the work that you guys have done and bringing it before the board to see how we can improve the enforcement and accountability of this important fishery. With that, I'll open it up for questions or comments.

MR. JOHN CLARK: I just had a question about the recommendation for having a uniform color and style for every state. I know in Delaware the enforcement agents have been asking us to have different colors for the different fisheries. Was that an issue that you considered to make it easier to identify where the fish came from?

MR. WAYNE HETTENBACH: We know that some states have different colors in the same year, depending on the gear type that is being used by the fishery. I guess the thinking was for the goal of the uniform color system up and down the entire east coast is to increase accountability – not only to allow ease of enforcement for law enforcement officers for fishermen, but to increase accountability for fish houses that are buying.

It is much easier to do an education and outreach to a fish house and say in 2010 the color is green, period. You see any tag that comes in your door that isn't green, it's an illegal fish or it's from a prior year. Now, could you do that if you had three – as you add more colors to that very simple statement it becomes not as easy to enforce and its effectiveness is not as much there.

That is a weighing and balancing. I think some of the states – I'll let Maryland talk about it, but I think some of the states are moving away from a different color scheme for different gear types, and I think that helps enforcement to some extent. There are pluses and minuses, and I don't know if anyone else want to talk about those tradeoffs. We've talked about some of them.

MR. KENNETH ENDRESS: I think one of the other benefits of having a uniform color would be that state officers who are out on the water can look at a boatload of fish and determine – just do a quick glance that all the fish have tags and that they're all the color of the year that they are supposed to be, so it aids in that as well.

MR. JACK TRAVELSTEAD: On the color issue, we have two fisheries in Virginia, one in the ocean and one in the bay, and do issue tags of a separate color for those two fisheries. With the thinking that if a police officer comes upon a vessel and finds tags of the wrong color in the boat, without having to look at the tag and study the written language on the tag, he can pretty readily recognize wait a minute you've got ocean tags in a boat in the bay that's fishing, and I can look a little bit closer and do what I need to do. I can see some benefit to a uniform color up and down the coast, but I see far more benefit to separate colors. I know we strive hard in the bay region to actually have separate colors between us and Maryland and PRFC once again to keep track on the water to make sure that the tags are where they should be and not elsewhere.

MR. A.C. CARPENTER: We also have multiple colored tags for gear types. We have seven different gear types that we use, three primarily gear types. Again, it's exactly the same reason that Jack specified, that the officer on the water is the one that has got to make the decision when he pulls up to inspect the boat. If it has got multi-colored tags in the boat, there is a problem with it, and that is the point at which the enforcement needs to occur.

We do have the year and I think that is sufficient information that the fish house can deal with; that if it says 2011, then it's a 2011 fish. If it says 2012, it is supposed to be there. I don't know that we need uniformity in the color. Uniformity in the style, there are only so many manufacturers that make these tags, and I think all of us are under our purchasing guidelines that we have to go out and find a manufacturer that makes a product that suits our needs.

I'm not sure that we want to create a monopoly or a sole source for these tags. I'm afraid that is going to add significantly to the cost. While I have the mike, the size limits on the tag, every digit, everything that you put on that tag costs you more money at least with all the manufacturers that we've dealt with.

We have a situation where we have a slot limit from February 15th through March 25th. We have nothing

less than 18 or greater than 36. The rest of the year you can have any size fish greater than 18, so I'm not sure how I'm going to put all that information on a tag that is going to be useful and we can still afford.

Those are some of the concerns that I have with these recommendations. Virtually all of the recommendations have been in force and are enforced on the Potomac, so the only one that we don't have is the tagging requirement for the dealers and we have no authority to regulate dealers.

MR. JACK BAILEY: The issue is accountability. When we're dealing with law enforcement, as everyone in here is familiar, it would be in a perfect world absolutely the fact that we would like to have uniformed officers out there and they would be patrolling on the water and they would actually be checking people while they were working the gear type.

That is not occurring in our state because we don't have enough people. From dealing with adjacent states, they don't have enough people either. We're not on the water like we were 25 years ago. I don't want to get into a whole discussion about that, but the thing is we have to work on choke points. We have to work on areas in the market where all the fish from a certain area are coming through.

Somewhere in the neighborhood of about 80 percent of the fish that come out of the Chesapeake Bay are exported out of this area. They go through markets, they go through the Fulton Fish Market, and there is absolutely no way if we do not regulate and put the information on those tags that a uniformed officer can look at them and see that there is violation. It comes back to accountability.

If we're going to make accountable, then we're going to be able to track it and have somebody look at a tag and see whether or not it's legal or not. The adage that a fish is simply legal because it has a tag in it has no bearing. That does not make a fish legal and that is what is happening right now. Every state officer sees fish from other states and other jurisdictions. If it has a tag in it, they pretty much have to walk away from it, so it has no bearing really on accountability.

MR. HETTENBACH: On the size issue, I know that Virginia in some years has put the slot limit size on it that said it had an 18- or 36-inch limit. It did print on the tags and it did give out tags to be used during that slot limit season, which is a very critical time period during the spawning season.

Yes, I think we understand it costs more money, but in terms of the enforcement that we're looking at, as Jack said, without other states being able to look at other state's tags and determine the legality of those fish, there is real trouble with enforcement. The bang for the buck of enforcement isn't coming on the water. It's really coming in the choke points and these recommendations are geared more towards trying to address those issues than the patrol driving by on the water.

MR. ROY MILLER: I'll be brief because most of my concerns have already been raised by other members of the board. There may one benefit to uniform tags and that's some economy in purchasing. There may be a better price available with a volume discount, if you will, but differing states' purchasing procedures may confound the savings that would be gained from buying tags en masse. That's all I'll say for now. Thanks.

MR. PAUL DIODATI: I want to thank the members of the task force for coming here today. I really appreciate all the work you have done on this. I have to say that sitting in many, many fisheries management meetings, I haven't had many enforcement task forces come to make a recommendation; and so when it happens, I think we need to pay attention. Ultimately this is going to help us manage the resource and I support the recommendation.

I represent Massachusetts, by the way, and we're one of the only states I think that don't require fish to be tagged, although many of our seafood dealers do acquire tags on their own in order to get their products into other states that require them. But, most states by regulation now do require some type of tagging. It's just that it's not part of a management plan and so it's kind of a mixture of what is being done.

I think that the board really needs to consider an addendum, and to do that I think it would be helpful if our PDT or drafting committee works with either the task force of our LE coordinator to go through the list and narrow it down to the essential items that we have to coordinate on, whether its color, size, numbers, whatever it is.

I think to simplify and standardize the tagging process I think would be the easiest thing; not that this would be easy for Massachusetts. We have a lot of harvesters in our state. It's a hook-and-line commercial fishery and it's a large quota, so we have over a thousand harvesters in any given year, so I'm

not looking to administering that. But, I think that's the way we need to proceed; and when the time comes, I'll make a motion if we need one, but I think everyone might agree that an addendum might be the correct way to go.

CHAIRMAN O'CONNELL: Thanks, Paul. Let's take a few more comments and then we'll come back to you. John Clark.

MR. CLARK: I also would like to thank the task force for a great job. We're trying to implement some of these recommendations in Delaware. I just had a quick comment. I don't know if it's feasible but the major producer of the tags that we use, Tide and Brooks, will now put a bar code on the flag. Knowing that in our state, many of enforcement agents have smart phones already, would that be something that would be feasible for enforcement? Would that make things easier? Instead of having to look for all the information, you could scan a bar code and get all that information. Thank you.

CHAIRMAN O'CONNELL: Not to that extent but in Maryland one thing we just implemented a couple of weeks ago was our IT staff developed a data base of all the tag numbers and who the individual is who has got those tag numbers. An NRP, while in the field, can tap into their smart phone a tag number of an individual's fish based on upon if it's on the boat or on the road and it tell the NRP officers who should have that tag. I know that has been a great tool that our officers in Maryland appreciated. Doug.

MR. DOUGLAS GROUT: Thank you, Mr. Chairman, and thank you to the task force members for coming up with some recommendations to address what was a problem with enforcement. I mean, there was an issue here that caused a tremendous amount of illegal striped bass to be taken. I agree with your suggestion, Paul.

I think that's a great idea and I would go one further, given that there has been a number of commissioners here that have identified issues with some of these recommendations that maybe it should be a group of the PDT, maybe Mark and a core group of commissioners whose states have commercial fisheries with tags in it to try and bring in the issues they would have with some of these recommendations and see if there is some kind of a compromise that could be put in place in the addendum or some kind of recommendations on how to do this.

Clearly, from my standpoint the one thing that would apply coastwide would be some kind of guidance on color here. The other things could probably be done internally within each state. I would suggest expanding that to a subcommittee that would include a small group of commissioners, too, to help flesh these things out. Thank you.

CHAIRMAN O'CONNELL: Thanks, Doug. In talking to some of the Law Enforcement Committee members, I think they began discussions on prioritizing these recommendations, which would be helpful. I've got two more people on the list and then we'll come back to seeing how the board wants to move forward with this. Pat Augustine.

MR. AUGUSTINE: Mr. Chairman, I think I'm at a loss for words. The last three gentlemen have spoke to the issue and again you gentlemen have done an outstanding job, yeoman's work, and I hope you set the stage for other groups to do the same thing you're doing. The only thing I would add to it, we talked about color briefly. I do think we need a subcommittee.

I do think we have to maybe consider different colors for different states. All the other information may very well be the same. The bar code was my suggestion; and without any further words, I'll say thank you. Keep up the good work, gentlemen.

DR. JAIME GEIGER: I want to congratulate the members of the task force. I think these recommendations are solid. I think they are well thought out and they're long overdue. Again, as I heard you all say, it's all about accountability. We have billion dollar plus fishery along the Atlantic coast. This has been going on for far too long. We're all concerned about striped bass, status of the stocks, and the future of the fishery.

Certainly, these are great, solid recommendations. I urge us to as soon as possible try to implement these. I understand there are concerns. There always will be, but I would certainly urge the board to seriously move forward quickly to implement these recommendations, all of them in as expeditious and quickly manner as you can. I think again they are well vetted out. I think they're excellent and again long overdue, and I congratulate the task force for bringing them to our attention. The Fish and Wildlife Service strongly supports all of these recommendations.

MR. KELLY PLACE: The advisory panel is going to be extremely gratified at the efforts that you all put

forward. We've been pushing for about five years for better enforcement in a number of ranges, and this is very impressive work. There is one other side to the coin, though, that I know the advisory panel would want to know.

Thanks to Mr. O'Brien who has pushed these types of issues at the advisory panel for years and years. I can already say that he'll want to know do you still have an investigation going on with the illegal catch in Wave 1, so-called Wave 1 off of Virginia, Carolina and to a lesser extent Maryland because there is pretty much generally the opinion that the illegal poundage that is being taken out of stock, which is mostly spawning stock, possibly rivals what we've seen illegally taken in the commercial sector. Basically, are you all still investigating what is going on in the EEZ or at some point will we have report on those issues?

CHAIRMAN O'CONNELL: Anybody want to comment on that?

MR. HETTENBACH: I didn't know if that was directed at us. Unfortunately, we're only here talking about an investigation and this task force work was concluded. We can't talk about ongoing investigations, whether there are or aren't going on or any of the details of those. We're over here to talk about these recommendations from this past task force; but whether there are or aren't other investigations currently underway we can't speak to.

MR. PLACE: We had been told at a previous meeting that those investigations were ongoing and there certainly has been certain activity off Virginia and Carolina that I know of. Understand that we are again real impressed with the work you've done on this; and I wouldn't expect if it's not your purview to be involved in that, but I would ask the board or staff, whoever is necessary, that I can tell you in advance that the advisory panel would really like to have a report on what is being done on the illegal fishery in the EEZ, specifically the Wave 1 fishery off of Maryland, Virginia and North Carolina, but mostly Virginia and North Carolina. But, good job, guys, thanks.

CHAIRMAN O'CONNELL: All right, we've gone through the list of people that wanted to comment. It seems like the suggestion that has been talked about is directing staff along with maybe a core group of law enforcement and state representatives to draft an addendum to provide more clarity of this issue, the benefits, the priorities of these recommendations, the challenges. I think it would be useful for the board, if

they wanted to go forward down that pathway, to have a motion. Pat.

MR. AUGUSTINE: Mr. Chairman, myself or Mr. Diodati – I think Mr. Diodati outlined it quite well. If he is ready to make a motion; otherwise, I'll make a motion.

MR. DIODATI: Pat, why don't you go ahead?

MR. AUGUSTINE: That's strange for you people telling me to make a motion. **Okay, I move that we develop an addendum to address the law enforcement recommendations** and encompass the bulk of the recommendations they have presented in this I'll call it a white paper. Now, please help me wordsmith this. Paul, do you want to jump in on this? I tried not to be too specific.

MR. DIODATI: I don't think we want to say the bulk. I think you want to move to develop an addendum to address LEC recommendations.

MR. AUGUSTINE: That's clean; thank you, Paul.

MR. DIODATI: And I think that Doug had recommended some type of different ad hoc group to work on this. I don't think that belongs in this motion.

CHAIRMAN O'CONNELL: Is it the understanding of the board with this motion that the plan development team with some assistance from state representatives and law enforcement would work together on this?

MR. AUGUSTINE: Absolutely.

CHAIRMAN O'CONNELL: Okay, so we have a motion move to develop an addendum to address the Law Enforcement Committee recommendations. Motion made by Mr. Augustine; second by Paul Diodati. Discussion on the motion? Jaime.

DR. GEIGER: Mr. Chairman, it would certainly be beneficial from my perspective to put some kind of timeframe in there by which we can anticipate the group to come to some kind of closure on this rather than leaving it open-ended in terms of a timeframe.

MR. AUGUSTINE: Could we ask Bob, Mr. Chairman, what the budget looks like?

MR. ROBERT E. BEAL: I think it's more of a staff time issue than a budget issue. Kate is wrapping up the stock assessment and peer review for American

eel and river herring between now and the May meeting. We can help her out and do the best we can to pull something together by the May meeting and we can work with Mark as some additional help. We'll do the best we can for May; and if it needs more work after the May meeting, we can send it back to the PDT and they can beat on it some more for the August meeting.

CHAIRMAN O'CONNELL: So unless there is objection, we'll move forward with trying to work towards a draft addendum for the May meeting. Seeing no objection, that's the timeline that we'll go on. We do have a motion on the table. Any other comments on the motion? Mark.

MR. MARK GIBSON: Mr. Chairman, I don't object to initiating the addendum, but I will point out for the record that second bullet about requiring every fish harvested to be tagged upon possession, that's going to be a substantial lift for some agencies. The Commonwealth doesn't require any tagging. Rhode Island distributes tags to dealers and that's point when they enter into commerce where they're required to be tagged.

To follow that bullet we will have to provide tags to every commercial fisherman participating in the fishery, and we have to be forced into situations of examining individual fishing quotas, sectors all kinds of things that could be unintended consequences of that requirement of tagging a fish. Possession occurs as soon as you unhook it and leave it in your boat, as soon as you take it out of the net and leave it in your boat.

We may have to think closely about that as this addendum moves forward. I don't want to have to decide how many a tags a hook and liner gets, an otter trawler gets, a fish potter gets. That's going to create a big problem for us. Thank you.

MR. DIODATI: Well, that's precisely what my point was and I think Doug's was to use as much of our collective experience in order to develop pragmatic recommendations for the addendum. I think we all recognize that kind of hardship or actually it might be one of those tasks that we couldn't succeed at if I had to deal with all the fishermen that we have. I think this ad hoc committee could come up with a refined recommendation for us to consider, we go through the hearing process, the discussion here and hopefully we work it out.

DR. MICHELLE DUVAL: Mr. Chairman, I just want to wholeheartedly echo Mark Gibson's

comments. We distribute our tags to the dealers. With that said, I would be more than happy to participate in any ad hoc group that might be called upon to assist in that regard.

CHAIRMAN O'CONNELL: Okay, if the motion passes I'll ask for a show of hands who wants to help Kate on this PDT effort. Vince.

EXECUTIVE DIRECTOR JOHN V. O'SHEA: Mr. Chairman, recall about three or four years ago when some of these cases were first coming out, there was considerable outcry up and down the coast, some of it directed at individual states about their ability to control their fisheries and whether or not they should even be allowed to have fisheries. I mean, this is the public outcry.

I think the states that are anticipating some problems might want to just consider that there but for the Grace of God it wasn't them and what would have happened had the task force settled into another region of the country and found these types of problems. This in my mind is moving in the direction to take advantage of an opportunity and learning from a lesson.

CHAIRMAN O'CONNELL: Thanks, Vince. Any other comment on the motion? Since we are on schedule, is there anybody from the public that would want to comment on the motion before the board takes action? All right, seeing none, does the board want a brief minute to caucus?

(Whereupon, a caucus was held.)

CHAIRMAN O'CONNELL: All right, is everybody ready? All right, we're going to take a vote here. All those in favor of the motion please raise your right hand; all those opposed please raise your right hand; any abstentions; any null votes. **The motion carries fourteen, zero, two abstentions, no null votes.** In regards to getting a few people together to help work on this plan, can I get a show of hands on who would be interested to work with that: Jaime Geiger, Michelle Duval, A.C. Carpenter, Steve Meyers from NMFS and Paul Diodati. It sounds like a pretty good list there. A.C., do you have a question?

MR. CARPENTER: Is it within the purview of this addendum to require that the tag remain on the fish until the final consumer; is that something that can be added into this?

CHAIRMAN O'CONNELL: Is there any objection from the board to include that as a possible inclusion

in the draft addendum? Seeing none, let's include that and we'll have a board discussion when it becomes available. Kelly had a suggestion that may be helpful to ask an industry representative or have Kelly to participate in this group to provide an industry perspective on the enforcement. Is there any objection? I'll work with Kate to try to get a representative from the stakeholder group on this group as well. All right, seeing none, I'll work with Kate to do that as well. The next item on the agenda is the review of the Connecticut Alternative Management Plan implementation. Kate.

REVIEW OF THE CONNECTICUT ALTERNATIVE MANAGEMENT PLAN IMPLEMENTATION

MS. KATE TAYLOR: It is the plan review team's responsibility to review an alternative management plan one year after implementation and report back to the board. Last year, as you will recall, Connecticut requested that their striped bass quota be approved for use as a spring bonus recreational fishery operating within the Connecticut River under an open slot limit from 22 to 28 inches total length.

They determined that the conservation equivalency of their quota, which was 23,750 pounds, to be equal to 425 fish. In 2011 it was estimated that no more than 2,000 tags were handed out. A total of 80 tags were returned with information. Four other tags were returned unused and 34 protest tags were returned.

The attributed the low harvest rate primarily to high river flows during the spring. There are some program modifications that Connecticut was requesting for 2012, including expansion of the program outside of the Connecticut River for the reasons of mitigating predation on river herring and also to provide public fishing opportunities particularly in urban areas.

The plan review team's consensus was that the program did not have any consequences beyond the scope initially considered. However, the PRT notes that it was clear that river flows in 2011 impeded the fishery and resulted in less catch than expected. The PRT is concerned over the potential lack of enforcement in requiring anglers to mail in their harvest cards.

Therefore, the PRT recommends that the program continue for an additional year under the initial parameters so that it would be possible to judge the impact to the fishery under a normal flow year and also so that it would be easier to assess compliance in

harvest reporting if the fishing grounds were limited in size rather than opened further. Thank you, Mr. Chairman.

CHAIRMAN O'CONNELL: Thanks, Kate. Any comments on the proposal? Pat.

MR. AUGUSTINE: Mr. Chairman, would you like a motion to move to approve?

CHAIRMAN O'CONNELL: That would be fine.

MR. AUGUSTINE: **Move to approve Connecticut's alternative plan for management for the year 2012 for striped bass.**

CHAIRMAN O'CONNELL: Do we have a second to the motion; Paul Diodati. We have a motion move to approve Connecticut's alternative plan for management in 2012. Motion made by Mr. Augustine and seconded by Mr. Diodati. Any comments on the motion? Roy.

MR. MILLER: Mr. Chairman, I just point out the obvious. I assume that in Figure 1 in the Connecticut Proposal, that should be inches and not centimeters?

CHAIRMAN O'CONNELL: Kate is looking into it. While Kate is looking for that, are there any other comments? Kate is saying, yes, it should be inches, Roy. Pat.

MR. AUGUSTINE: Mr. Chairman, as the result of having implemented this for one year, has there been a change in observation of the river herring that have gone up through the Connecticut or is it too early to ask Connecticut if they've seen any improvement in that stock. I know the plan was originally put in place to reduce predation on shad and river herring and I think that's where we're going.

Although the plan didn't get a lot of broad utilization this year, one of the reasons I support it is because I think it's a move in the right direction for shore-bound people. Is it too early to ask if Connecticut has seen any improvement or change in their river herring or it would be just a visual observation?

CHAIRMAN O'CONNELL: It's not too early to ask; is it too early to tell? David.

MR. DAVID SIMPSON: It wasn't part of this proposal to do any kind of assessment of the effects and we acknowledged from the beginning that 4,000 stripers isn't nearly enough to put a dent in the predation issue, but the information that we've gotten

from surveys and informal surveys and collections is that there are quite a few blueback herring in the last couple of years in the Connecticut River Proper below the Holyoke Dam, and alewife runs were record numbers in 2010 and 2011, so there are some encouraging signs.

MR. PLACE: When this plan was first brought in front of the advisory panel, it was sold very heavily to us as being a fishery to bring underprivileged and disadvantaged youths in the intercity into the fishery. We discussed that for well over an hour and maybe more like an hour and a half. Most people were more or less on board; a few people were opposed.

We're glad to see everyone back with this. Looking at an article, I found though describing this program in a Connecticut newspaper, it doesn't describe anything that we were told was the main rationale for this program, which even though it's a small increase in mortality. I'm just wondering is there a disadvantaged and intercity youth component to this program like it was sold to the advisory panel or is there not. That doesn't mean that we're opposed to it. We didn't have a conference call or a meeting so no one has expressed an opinion, but a couple of people did ask me to find out if in fact that rationale that we were given to approve the program in the first place was true or not. Thanks.

MR. SIMPSON: Yes, I remember those conversations last year. Yes, unfortunately, the technical committee person who spoke to the AP frankly didn't read the document that we produced that you were given. If the AP read the document, that is 100 percent what we were doing. I don't mean 100 disadvantaged youth.

That's a component of a much broader effort on the agency's part to promote recreational fishing; provide recreational fishing opportunity in urban communities, especially youth included in that but not particularly singled out beyond that recruitment and retention context. There is the additional predator mitigation ecosystem-based management component to it. It is those two parts.

In 2012 there is a little bit of a de-emphasis on the predation part, but we're exploring multiple new avenues for providing that gateway experience to bringing people into angling and keeping them there. Inshore mode fisheries for summer flounder, I hope scup and this striped bass program will be the three pieces that we see as the way forward to keep people interested in recreational fishing.

MR. PLACE: Yes, I appreciate that. One last thing; I just want to mention that when a state or anyone brings any proposal in front of the advisory panel or any other board, I think that accuracy of the intent and the implementation of the plan is absolutely critical, because like I said we spoke for at least an hour and a half on how the disadvantaged youth and all that were going to be brought in.

I believe we also asked were these just striped bass tags that anyone can go get and apply for, and we were essentially informed negative on that count. Now, we're not terribly worried about it because it's not a huge amount of mortality; but in terms of being told that the average person couldn't just go and get one, the first sentence in this news article in one of your papers is that the State Department of Environmental Protection is issuing free vouchers to anglers fishing in the Connecticut River to take this many striped bass, dot, dot, dot.

I just want to mention the advisory panel really would like accuracy in any type of proposal that comes in front of it as I'm sure any other board would and hopefully wouldn't read in the newspaper exactly contrary to what we were told when the proposal was made in front of us. I don't blame you for that. I'm sure there was miscommunication but I just want to make that clear what the rationale was we were given.

CHAIRMAN O'CONNELL: Thanks a lot. I appreciate your clarification, Dave, and, Kelly, point taken. Dave, did you want one more comment on this?

MR. SIMPSON: Again, I don't write scripts for technical people when they go to meetings. I gave a document to that person. This board received a document. The AP presumably received a document. We did 100 percent what that document said we were intending to do. If the technical committee person mischaracterized it and embellished a little bit, it probably wouldn't be precedent setting for that particular individual to put his own interpretation into things, if you know what I mean.

It's very entertaining but sometimes he gets off track or used to get off track. I will say for this coming year tags will be available to the entire public, but we're going to be very strategic in how we meter them out. We don't give them away on the internet through our licensing system. We place them in strategic places in strategic amounts, work with groups like Riverfront Recapture, which are all about bringing the Hartford community to the Connecticut

River to enjoy the natural environment; law enforcement, creel agents, urban and suburban park and recreational departments, give them vouchers for special programs to enhance youth opportunities and so forth. I apologize for a past employee's poor characterization of the fishery, but believe me we've been clear in what we said we were going to do and have lived up to that.

CHAIRMAN O'CONNELL: Thanks a lot, David. Is there anybody from the public that would want to comment on this motion? Tom, and then we're going to take a vote.

MR. THOMAS FOTE: This is his commercial quota. He can use it almost any way as long as he stays within the quota, and that is my only concern here; the same way New Jersey uses its bonus tag program. We have to be fair and equitable to all the states. For that reason, I'm going to support this motion.

CHAIRMAN O'CONNELL: Thanks, Tom. Is everybody ready to vote on the motion? All right, all those in favor please raise your right hand; any opposition to the motion; any abstentions; null votes. **The motion carries unanimously.** That is all the items on the agenda. Doug Grout.

OTHER BUSINESS

MR. GROUT: Sorry to delay this; I know we're ready to go, but Alexei came here and I wanted to ask him a question. I am going to preface this with at our last meeting we were considering an addendum on striped bass to reduce the fishing mortality. We had a motion to table or postpone it until the next assessment, and that's fine.

What I wanted to ask Alexei is if he could provide either at this meeting or if not the technical committee could provide at the following meeting is in the stock assessment it indicated that by 2017 we were going to be in an overfished condition. They also gave projections that showed that if we reduced F by about 13 percent to F 0.20 it would prevent the overfishing status from occurring.

I'm wondering if either Alexei could provide at this meeting or again ask the technical committee to provide us with information that if we delay taking action to, say, 2014, until we have that assessment in hand, is that going to require an even bigger reduction in F. And if it is, can you give us some guidance on how much more reduction in F we'd

have to take by waiting to 2014 to take action to prevent an overfished status?

CHAIRMAN O'CONNELL: Alexei, are you able to provide some response today?

DR. ALEXEI SHAROV: Sure, Tom. I'm Alexei Sharov, the next TC Chair and not the new one but the next one. I begged Wilson to come and stay here. He said, "Thank you; they're very nice guys" but he wanted me to be in the chair. Yes, I think we could pull up a few slides from the presentation that you saw the last time in November in Boston.

I think that would be very helpful in answering the question. While I'm opening the presentation, I would just remind you that the question is based on the fact that we presented you the projections a few months ago on the dynamics of the spawning stock. As every projection, it is based on a number of assumptions and there are a number of uncertainties involved. When you do the projections, some of those uncertainties that would affect our understanding of the status of the stock would be the catch information, how reliable it is.

There would be also the so-called retrospective pattern, if you would recall, as well as assumptions on recruitment and natural mortality. With certain assumptions that we made, we projected that the spawning stock will be declining. If you would look at this slide, you would see that the female spawning biomass was projected under a scenario of low recruitment and average recruitment, and the spawning stock biomass has been declining since 2004 due to the natural process of the large cohorts dying off.

Several options for fishing mortality that we've investigated resulted in either decline of the female spawning stock biomass under the current fishing mortality or the spawning stock leveling off and increasing under reduced levels of fishing mortality. As Doug noted, the reduction of fishing mortality by 30 percent would, given this scenario, level off the spawning stock biomass decline and that further reductions would increase the spawning stock biomass.

That looks tempting that if we'll take an action, we certainly will avoid hitting the threshold. However, if you would recall that generally the feeling of the technical committee was that at the moment there is sufficient spawning stock biomass and that the amount of the spawning stock biomass should be able to provide a good recruitment given the appropriate

environmental conditions, which we happily saw that it did happen in 2011.

Beyond that, I would note that with respect to the status of the stock we have two parameters, spawning stock biomass and fishing mortality. Our fishing mortality, as you would recall, is well below the target. It's 75 percent of the target and well below the threshold. If the technical committee appropriately chose the target fishing mortality level in the past, in principle we should be able to maintain a healthy population just staying at the target fishing mortality level of below.

With that respect, we should be feeling rather confident that the management is doing the right thing with respect to the exploitation. We're not exercising too much of the fishing pressure on striped bass, which is the good news. The female spawning stock biomass is declining because of the natural decline of the strong year classes that we had in the 1990's

The action that we could take would possibly slow down that decline of the ages eight and older fish; but with respect to the success of the strong year classes in the future there is no indication that would necessarily be helpful. If we would look at the stock recruitment plot that shows all the data points for the spawning stock biomass and the number of recruits they have produced, and the most recent you see these red data points where we have a pretty large spawning stock biomass but we have consistently low recruitment.

Yet fortunately last year we had a strong year class which would be somewhere in the upper right corner of this graph, but what we're concerned about that we're going toward is this dotted line which represents a spawning stock biomass as our threshold. Even if we touch that line, we're still in the area where we historically saw strong year classes. I think that's the current status of our understanding of the stock. I'll be happy to answer and provide any additional answers.

MR. GROUT: The stock assessment committee had provided a very thorough description of what the status of the stock was. My concern and the reason for the question that I asked was I see under the projections you made and in the text of the assessment it says by 2013 we will be in an overfished status under any recruitment scenarios. Well, it said 2017.

What I'm looking at is we've had a motion on the board that says we're going to delay action until after the next assessment; and what I want to find out is what are the consequences of doing that? Now, under the projections that you provided in the assessment the most conservative reduction was to go to F 20, and that is a 13 percent reduction in the fishing mortality rate.

Under those projections that was going to take place in either 2012 or 2013. What I'm asking is, is there going to be a consequence to the amount of reduction we need to prevent that overfished status in 2017 by delaying to 2014? If you can't answer that right now, could you get the technical committee to discuss that and tell me?

It may not be that there is going to be any consequence to that. I just want to make sure that by delaying here – and there is some reasonable justification for delaying – that we're not putting us farther behind the eight ball; because in 2014, now we're three years away from potentially having to do something to prevent the overfished status. We don't want to get to that. That would be in my opinion almost an embarrassment for this commission. Can you provide that information right now; is there a consequence by waiting a year; instead of taking a 13 percent cut, we might have to do something that would result, say, in a 20 percent cut instead.

DR. SHAROV: The consequence will depend on how sure we are respect to the current status of the stock. What you have is you have a projection that we've made. Starting with 2010 we projected seven years forward. We're making a leap of faith here in doing so. What you're seeing is essentially a fixed projection as I said with a certain number of assumptions; but if we would include the uncertainty that is always involved – consider this graph shows you a 50 percent chance, that there is a 50 percent chance that under such a level of fishing mortality we are going to cross the threshold, which formally defines the overfished.

What may happen is that just within a few months, this summer, we will be doing the next assessment because it is a scheduled benchmark assessment. The first step of it would be an update; that is, we're not changing the model but we're just adding more data to it, which obviously will make us more confident with respect to how we estimate the status of the stock, where the fishing mortality is and where the spawning stock biomass is.

In addition to that, the improvements that we have in the plan hopefully will also reduce the level of uncertainty that we have with respect to the current status and the projections. That is as far as I think myself and the technical committee would go at this moment; that is, having no more data, we can only speculate then and just outline for you the probabilities of us being overfished five years from now. We will not be more certain without having more data and then running the model and then coming to you and reporting on the latest assessment.

CHAIRMAN O'CONNELL: Doug, I'm not sure if that answered your question specifically. I've got a good sense of what you're asking and I did Alexei did and perhaps we can talk a little bit more offline and see if Alexei can bring back some further information by the next meeting. Is that okay? All right, I've got Pat and then Jaime.

MR. AUGUSTINE: Mr. Chairman, thank you for that explanation. My concern was when I made the motion in Boston about postponing further action on that was exactly as what is described. We need the stock assessment. The concern that there was a possibility of the stock crashing – the big concern, the emotional push, as you all recall, was the lack of seeing small fish up along the northeast coast, up along Rhode Island and that way.

We share the same concern, but we also share the same concern along our New York Shoreline we have seen change in where our greater number of striped bass has been showing up is they're moving a little farther offshore earlier and moving farther up along the coastline. But if we go with what is in Addendum VI that tells us we have three triggers that we should be abiding by and we have not hit any of those triggers in a significant amount of time to allow us to do any management changes, I think we're on target for the assessment coming up in 2013.

I had an offline discussion with Doug about I would support – if any action were to go forward, I would definitely support and move along the same lines with trepidation, if you will, that it's really not time to take any action of any sort or spend any more board time or staff time until the benchmark review is completed. I think we've got to stick to our guns on this one.

This board has done yeoman's work on striped bass and getting it up to speed. We now have an LEC that has moved forward and given us some super recommendations to move forward with capturing that other part. I think we're right on target. Unless

there is any other business, Mr. Chairman, I move to adjourn.

CHAIRMAN O'CONNELL: We've got two more comments and then hopefully we'll be there.

DR. GEIGER: Mr. Chairman, with the board's indulgence I would like Dr. Laney to give a quick, very brief update on the winter cruise, please.

DR. LANEY: Mr. Chairman, just a quick update. For 2012, this year we once again do not have funds to underwrite the traditional trawling approach to catching and tagging striped bass, so we are working on putting together charter trips like we did last year, so we are going to get out there and tag striped bass using hook-and-line gear, following the Massachusetts protocol as we did last year. I'll be reporting to you on the results of that at the next board meeting.

And then I'm very pleased to report and thanks to North Carolina Division of Marine Fisheries and I guess the North Carolina Wildlife Resources Commission, the group that approves the Coastal Recreational Fishing License Grants, Dr. Roger Rulifson at East Carolina and I did apply for a CRFL Grant, and we did get approval for that grant, so we have close to quarter million dollars for next year.

We will be doing the Cooperative Winter Tagging Cruise in 2013 and also doing hook-and-line tagging so we will have two cohorts of tagged striped bass out there that we can compare to each other. I just wanted to make that report to you. Thanks.

CHAIRMAN O'CONNELL: Thanks a lot, Wilson, we appreciate your persistence and commitment to that cruise. Vince.

EXECUTIVE DIRECTOR O'SHEA: Mr. Chairman, I actually had a question for Dr. Sharov on this report. You showed us some graphs up there and you said this is due to the natural decline of females from the nineties, which, quick math, would be about 17-year-old fish. What is the largest source of mortality on 17-year-old fish that would be contributing to this natural decline?

DR. SHAROV: Well, when I said "natural", of course, I didn't mean just the natural mortality in itself for natural causes. It's natural plus the fishing mortality as well. The fishing mortality at this time as we estimated is about 150 percent of the natural mortality; but taking it all together in the course of even 17 years of the fish life, the strong year class

really declines to low numbers. That essentially was the essence of the message.

There was also, as you know, quite a lot of discussion of the possibility of the increase in the natural mortality, which would in fact indicate that the fishing mortality in itself is lower than we estimate, but the estimation of the natural mortality is very challenging; and even though our committee did try to do that and we continue to do so, the estimates that we get at the moment are quite variable and not always believable, so we are struggling but trying to improve.

ADJOURNMENT

CHAIRMAN O'CONNELL: All right, we're going to entertain a motion to adjourn in a second but before we do, when we get that motion if everybody could stay in their seats for a second, Roy Miller would like to mention something to the commission. Do we have a motion to adjourn? I've got Tom Fote; seconded by Pat Augustine. No objections? The meeting is adjourned.

(Whereupon, the meeting was adjourned at 5:30 o'clock p.m., February 7, 2012.)

THE CHESAPEAKE BAY STRIPED BASS INVESTIGATION

RECOMMENDATIONS OF THE INTERSTATE WATERSHED TASK FORCE AND ASMFC LAW ENFORCEMENT COMMITTEE

Accepted by the Atlantic Striped Bass Management Board on February 7, 2012

INVESTIGATION SUMMARY

At the 2011 ASMFC annual meeting in Boston, members of the Atlantic Striped Bass Management Board (Board) heard a presentation by members of the Interstate Watershed Task Force. The task force completed a successful investigation of illegal striped bass harvest and sale in the Chesapeake Bay area covering the period 2003-2009. The presentation included information concerning the illegal activities occurring, some of the harvest and tag data that were used to support the case, and specific recommendations for improving the effectiveness of striped bass regulations. The Board asked that additional discussion of the recommendations be continued at a later meeting. Present today are three members of the task force, Special Agent Ken Endress (United States Fish and Wildlife Service) and Sgt. Jack Bailey (Maryland Natural Resources Police) and Wayne Hettenbach (U.S. Dept. of Justice).

To recap, intelligence indicated that numerous incidents of illegal striped bass commercial violations on the Potomac River were occurring. After the investigation was initiated task force members uncovered two primary schemes.

- Fishermen from Virginia were targeting very large spawning fish in closed waters of the Potomac River Fisheries Commission and Maryland. Oversized fish were being taken during the spawning season and sold illegally.
- 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.

In both schemes, some wholesale dealers were 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.
- Untagged fish were able to be sold.

At the conclusion of the investigation team members determined that, from the cases involving plea agreements and convictions, over 1 million pounds of illegal striped bass were taken. The investigation resulted in:

- 19 individuals convicted.
- 3 corporations convicted.
- 140 months of cumulative prison time.
- 41 months of cumulative home detention.
- \$1,628,352 in fines and restitution.
- 58 years of cumulative supervised release.

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. These include:

- Slot season controls to protect spawning.
- Tagging system that allows more tags than reasonably correlates to quota limits.
- Varying gear type tag quantities.
- Tags without an expiration or year identifier and no collection of unused tags.
- Neighboring jurisdictions with different regulations.
- Check-in stations with an economic interest in the fishery.
- Fisheries data collection without analysis to determine compliance.

The investigation has also shown that greater accountability of wholesalers would be difficult to achieve without:

- Uniform tags (colors, design).
- Uniform tagging requirements (all states).
- Valid Year inscribed on tags.
- Notice and education of dealers.
- Size limits indicated on tags.

LAW ENFORCEMENT RECOMMENDATIONS

As a result of this comprehensive investigation and criminal proceeding, the following recommendations were made by the Interstate Task Force and are endorsed by the Law Enforcement Committee of the Atlantic States Marine Fisheries Commission.

Recommendations to Improve Enforceability & Accountability

- Implement a Uniform commercial tagging system among all states where striped bass are harvested and landed for sale.
 - Uniformity by year, style, color and inscriptions.
 - Make tags valid for one year only.
 - Inscriptions should include year, state, state size limits, and unique number.
 - Use standardized, tamper-proof tags.
- Require all fish harvested for sale to be tagged immediately upon possession.
- 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.
- Require all unused tags to be returned on an annual or seasonal basis and prohibit license renewal if unused tags are not returned.
- Strengthen reporting of tag numbers used on dealer reports or trip tickets.
- Implement License Revocation or suspension as a primary penalty for state or federal violations.
- 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.

- Regulations are now more enforceable by uniformed officers in the field.
- Year of validity is now inscribed on tags
- A limited number of tags are issued to each licensee (pound net fishery only).
- Unused tags for all gear types must be returned annually.
- Commercial license suspension or permanent revocation of repeat or egregious violators.

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, as allowed by their regulation at the time.

Atlantic States Marine Fisheries Commission

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



This draft document was developed for Management Board review and discussion. This document is not intended to solicit public comment as part of the Commission/State formal public input process. Comments on this draft document may be given at the appropriate time on the agenda during the scheduled meeting. If approved, a public comment period will be established to solicit input on the issues contained in the document.

*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

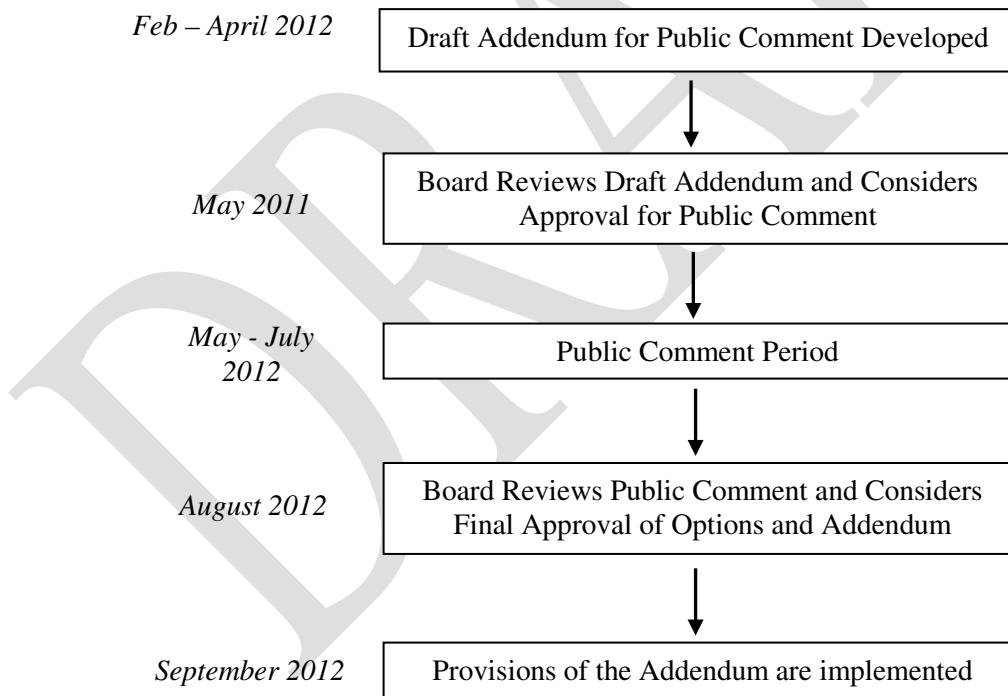
In February 2012, the Atlantic Striped Bass Management Board approved a motion to initiate the development of an addendum to the Interstate Fishery Management Plan (FMP) for Atlantic Striped Bass to XXXX. This draft addendum presents background on the Atlantic States Marine Fisheries Commission's (ASMFC) 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 is XXXXX. 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 National Marine Fisheries Service (NMFS).

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 multiyear, 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 at the potential for illegal harvest occurring within other jurisdiction 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 lead 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. Recreational harvest has grown steadily since the reopening of many state fisheries in 1990, peaking above 2.7 million fish in 2006. Under the current management program, commercial harvest has averaged nearly 1 million fish annually.

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Amendment 6 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. Amendment 6 allows states to propose alternative and/or conservationally equivalent regulations to the Amendment 6 standards, resulting in regulatory inconsistency along the coast (Appendices 1 & 2).

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
<i>Total</i>	<i>3,806,275</i>

* 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 inches) than required for the coastal areas (28 inches) 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). Any state quota overage is paid back through modified management measures to reduce the quota in that state the following year. 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).

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. Recreational fishermen in the Chesapeake Bay are permitted to take adult migrant fish during a limited seasonal fishery, commonly referred to as the Spring Trophy Fishery. The Albemarle Sound / Roanoke River Management Area recreational fishery is quota managed by size and slot limits, as well as possession and season restrictions.

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.

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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 recreational fisheries. However, the National Marine Fisheries Service (NMFS) 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. 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/Roanoke River 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 as well as 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).

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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	276,435	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

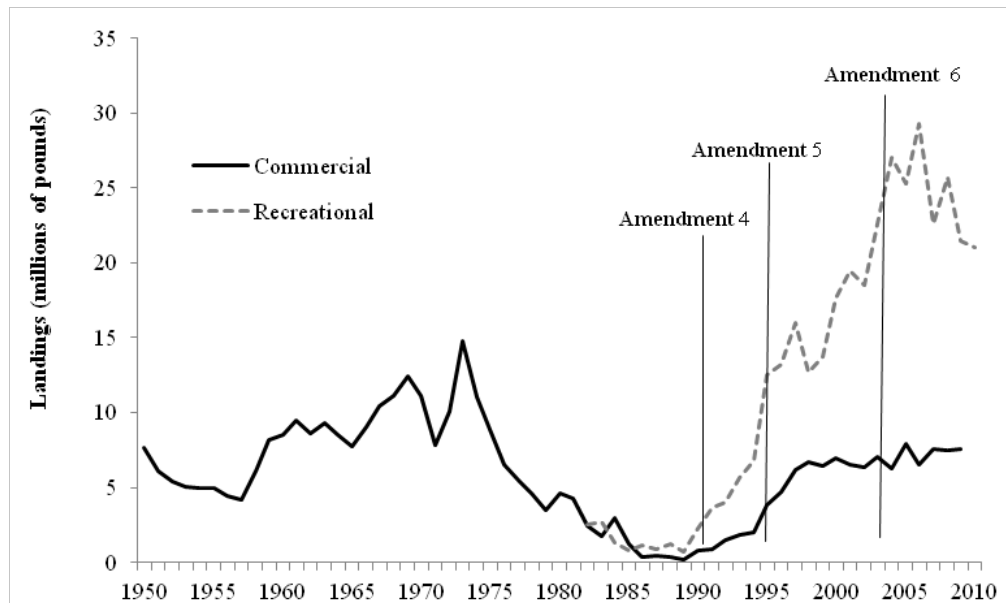


Figure 1. Annual migratory striped bass landings (in pounds) from coastal and Chesapeake Bay fisheries, 1950 – 2011. Source: pers. communication with NMFS Fisheries Statistics Division, Silver Spring, MD

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 since 2004 from 67.5 million fish to a low of 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.

2.2.3.1 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.

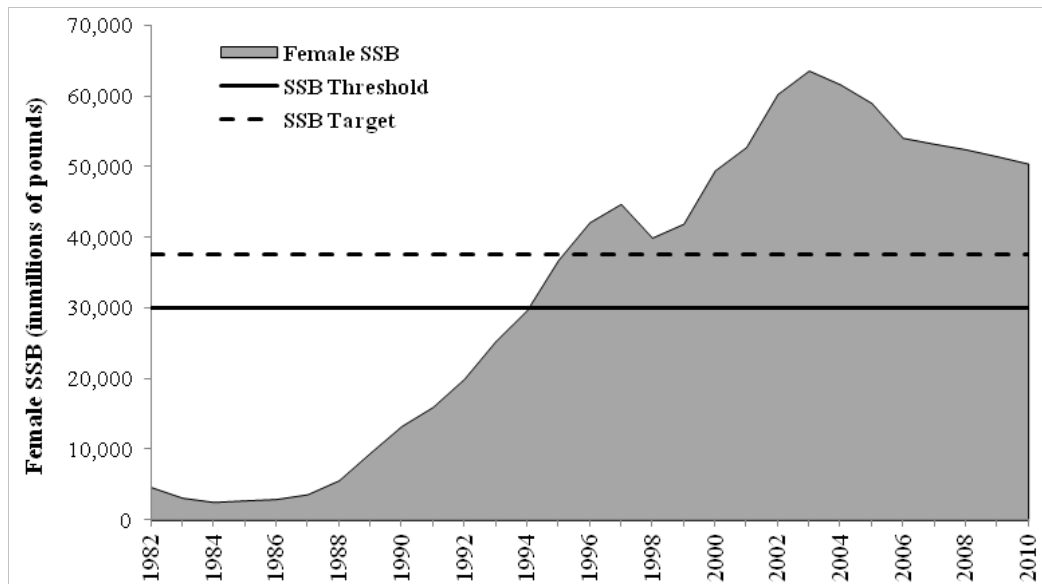


Figure 2. Estimated female spawning stock biomass (SSB, in metric tons) of striped bass. Source: ASMFC 2011 Striped Bass Stock Assessment Update.

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.

2.2.4 Illegal Striped Bass Harvest

The Interstate Watershed Task Force (IWTF) began investigations 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

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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 make 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.

2.2.5 Commercial Striped Bass Tagging Programs

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.

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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 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 and may take striped bass by rod-and-reel or handline only. 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.

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

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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.

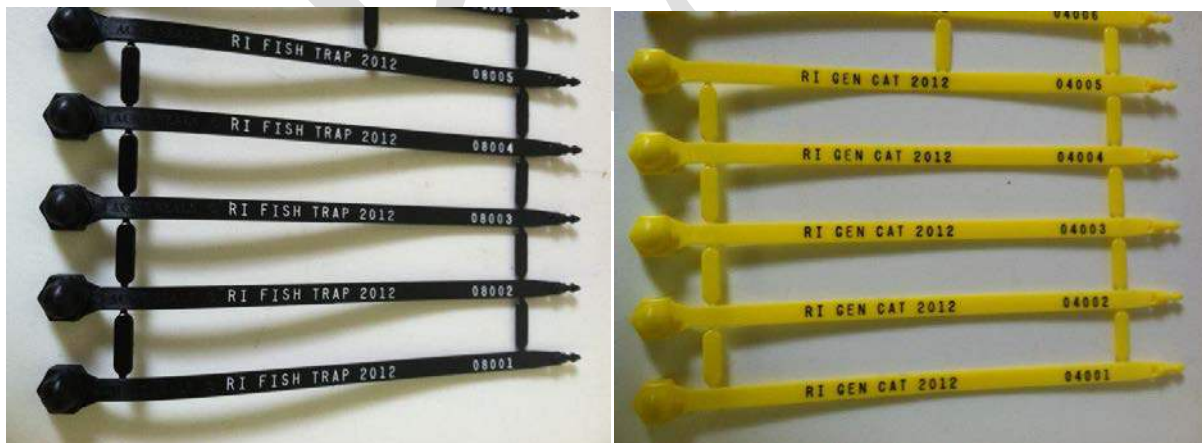


Figure 4. 2012 commercial striped bass tags for Rhode Island. Tags are 8.25 inches in length. Black tag (left) is valid for harvest with a “Fish Trap” permit. Yellow tag (right) is valid for harvest under a “General Category” permit. Tag colors change annually.

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

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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.

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 shall be completed, signed, and submitted to the department for 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

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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.

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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.



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 dealer tag colors change annually.

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

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.

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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 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.

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. 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 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. 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; 200 - moderately active	None	June 7 - Nov 30
Atlantic	trawl/gill net	Gray	300	1,600	Dec 1 - Feb 28

*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.*

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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. 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. 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.

Any unused tags must be returned to the Department within 14 days immediately following the end of the quota year. Failure to submit a report as required by this chapter may result in license revocation for up to two years.

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

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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.

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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.

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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).

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.

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

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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. 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 license 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.

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 and/or the joint and coastal fishing waters of the Central/Southern Management Area. The Dealer Permit is valid for one year. It is unlawful to import, buy, sell, transport, offer to buy or sell, or possess ASMA or Atlantic Ocean commercially caught striped bass except during any open striped bass season established for the ASMA 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.

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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.

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 22,783 tags used (~50,000 fish). There were 24 active striped bass dealers purchased striped bass. The seven most active dealers accounted for 86% of tags used, with two dealers accounted for over 5,000 tags. Recently the number of commercial fishermen in the ASMA selling fish to dealers ranges from ~250-350 participants.

In 2011, ~13,190 tags used for ocean harvested fish (~20,000 fish). No dealer used more than 3,500 tags. Approximately 20 dealers purchased at least one striped bass, but the majority was bought by less than 10 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.

Tag Color	Water body	Gear
White	Atlantic Ocean	Gill Net, trawl and beach seine
Blue	Albemarle Sound	Gill Net
Green	Central/Southern	Gill Net

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

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State	Massachusetts	Rhode Island	New York	Delaware	Maryland	PRFC	Virginia	North Carolina
2011 Weight Quota (Lbs.)	1,073,134	232,974	828,293	203,120	1,963,873	739,097	1,615,214	480,480
Number of Tags Issued	None	~25000	93,948	~31,000 harvest, ~33,000 dealer	~1,421,000	~107,000	284,000	40,000
# of Participants	~4,000	Unknown	487	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 and Dealer	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	2
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. *Will be in place for the 2013 fishing year.*

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3.0 Management Options

3.1 Commercial Tagging Program Implementation

Option 1 – Status Quo: No Tagging Program Requirement

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 implement a tagging program (A – E). The Board may choose to adopt some or all of provisions in each category.

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.

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

Under this option, commercially permitted striped bass fishermen who take and possess striped bass of legal commercial size shall immediately attach and securely lock into place through the mouth and gill a striped bass commercial tag issued by the permitting state or jurisdiction immediately after removing the striped bass from the gear and prior to attending another piece of gear.

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

Sub-Option A – Approve for coastwide

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

Option 3 – Point of Sale

Under this option, no striped bass may be sold unless it possesses a commercial tag issued by the state or jurisdiction. 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.

Sub-Option A – Approve for coastwide

Sub-Option B – Approve for tagging programs only adopted through the Addendum.

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 approved by the Technical Committee. 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.

These examples have not been reviewed or approved by the Technical Committee.

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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.

E. Reporting

Option 1 – No Action

STATE	COMMERICAL REPORTING - FISHERS	COMMERICAL REPORTING - DEALERS
Massachusetts	Monthly, filed by Nov 30	weekly
Rhode Island	Floating Trap - 3x/week; Gen. Cat. - none	bi-weekly
New York	Monthly	None
Delaware	30 days after end date of fishery	daily
Maryland	None	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

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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.

In addition to the above, the unique commercial striped bass tag identification number which can be linked to the individual fisherman must be reported.³

F. Striped Bass Exportation

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 a state or jurisdiction where there is currently no commercial fishery program.

3.2 Penalties

Under this option 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. The Law Enforcement Committee recommends license revocation or suspension as a primary penalty for state or federal violations.

Tag Accountability Penalty

If tags are not accounted for the Law Enforcement Committee 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.

³ The Striped Bass Working Group was concerned that requiring each tag number be reported by the harvesters and/or dealers may be a hardship.

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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.

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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

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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