

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

**October 23, 2006  
Atlantic Beach, North Carolina**

Board Approved: January 29, 2007

## ATTENDANCE

### Board Members

Terry Stockwell, ME DMR, proxy for Mr. Lapointe  
Pat White, ME Gov. Appte.  
John Nelson, NH F&G  
G. Ritchie White, NH Gov. Appte.  
Rep. Dennis Abbott, NH  
Paul Diodati, MA DMF (Chair)  
William Adler, MA Gov. Appte.  
Vito Calomo, MA, proxy for Rep. Verga  
Mark Gibson, RI DFW (Vice Chair)  
Everett Petronio, Jr., RI Gov. Appte.  
Eric Smith, CT DEP  
Dr. Lance Stewart, CT Gov. Appte.  
Sen. George Gunther, CT  
Gordon Colvin, NY DEC  
Pat Augustine, NY Gov. Appte.  
Brian Culhane, NY, proxy for Sen. Johnson  
Tom McCloy, NJ DF&W  
Erling Berg, NJ Gov. Appte.

Leroy Young, PFBC, proxy for Mr. Austen  
Eugene Kray, PA Gov. Appte.  
Frank Cozzo, PA, proxy for Rep. Schroder  
Roy Miller, DE DFW  
Bernard Pankowski, DE, proxy for Sen. Venables  
Howard King, MD DNR  
Bruno Vasta, MD Gov. Appte.  
Russell Dize, MD, proxy for Sen. Colburn  
A.C. Carpenter, PRFC  
Jack Travelstead, VA MRC  
Catherine Davenport, VA Gov. Appte.  
Kelly Place VA, proxy for Sen. John Chichester  
Preston Pate, NC DMF  
Damon Tatem, NC Gov. Appte.  
Jimmy Johnson, NC, proxy for Rep. Wainwright  
Tom Meyer, NOAA Fisheries  
Bill Archambault, USFWS

### Ex-Officio Members

Doug Grout, Technical Committee Chair

### Staff

Vince O'Shea  
Robert Beal

Nichola Meserve  
Toni Kerns

### Guests

Steve Bowman, VA MRC  
Elizabeth Griffin, Oceana  
Mac Currin, NC MFC  
Bill Goldsborough, CBF  
Bennie M. Williams, USFWS  
Erik Williams, NOAA Fisheries  
Spud Woodward, GA DNR  
Tom Sinclair, USFWS  
Helen Takada, NC DMF

W.M. Sullivan, RI DEM  
M. Carol Bambery, AFWA  
B.J. Copeland, NC MFC  
Dick Brame, CCA  
Alexei Sharov, MD DNR  
Louis Daniel, NC DMF  
Bob Curry, NC WRC  
George Geiger, SAFMC  
David Beresoff, NC MFC

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Move to postpone Addendum I to the 2007 Annual Meeting. Motion by Mr. Augustine; second by Mr. Kray. Motion passes on page 10.

Move to approve Doug Grout to the Striped Bass PRT. Motion by Mr. Nelson, second by Mr. Augustine. Motion passes on page 12.

ATLANTIC STATES MARINE FISHERIES  
COMMISSION

65<sup>th</sup> ANNUAL MEETING

**ATLANTIC STRIPED BASS  
MANAGEMENT BOARD**

SHERATON ATLANTIC BEACH  
ATLANTIC BEACH, NORTH CAROLINA

October 23, 2006

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The meeting of the Shad and River Herring Management Board of the Atlantic States Marine Fisheries Commission convened in the Fear/Outlook/Atlantic Room of the Sheraton Atlantic Beach, Atlantic Beach, North Carolina, on Monday, October 23, 2006, and was called to order at 1:35 o'clock, p.m., by Chairman Paul Diodati.

**CALL TO ORDER**

CHAIRMAN PAUL DIODATI: All right, welcome. This is the Striped Bass Policy Board meeting. This is only a one hour meeting. We will adjourn at 2:30 so we have a lot of business here to take care of in an hour and we'll do the best we could.

**APPROVAL OF AGENDA AND PROCEEDINGS**

The first thing, there is an agenda in the back of the room as well as all the paperwork that you are going to need for this meeting. I'll ask if there is any changes, additions, to the agenda. And board members want to make any changes or additions? A.C.

MR. A.C. CARPENTER: Are these different than what was sent in the CD?

CHAIRMAN DIODATI: I don't know if it's different but it's certainly the most current.

MS. MESERVE: It should be the same.

CHAIRMAN DIODATI: It should be the same. **Seeing no changes to the agenda** you will take a look at the proceedings for our last meeting which was held on August 16th. The minutes of that meeting are available. Are there any comments, changes, additions to the proceedings? If not, **I don't see any hands so I'll take that as consent to approve the proceedings.**

**PUBLIC COMMENT**

I'll ask the public if you have any comment that you'd like to make to the policy board at this time, although as we go through the agenda I'll allow opportunity for public comment on various issues.

Is there anyone at this point that wants to address the board? I see no one from the public so we're going to move right to Doug Grout for the technical committee update on metrics.

**TECHNICAL COMMITTEE UPDATE**

MR. DOUG GROUT: Thank you, Mr. Chairman. Last year you allowed us hard-working technical committee members to take a break from the assessment, not really take a break but not provide you with a formal assessment.

But as a part of that we promised we'd provide you what we call a metrics update, i.e., landings information from last year as well as fisheries-dependent and fisheries-independent surveys information so here we go.

I'm going to start off with just a quick reminder of what the last assessment's conclusions were. SSB had decreased slightly since 2002 but continued to be above the target. And we had said that the stock is not overfished.

And that was based on this SSB curve that clearly shows we're well above our target and threshold. Also, we said that F was below the threshold so overfishing was not occurring.

But we had differing opinions concerning where the 2004 F was in relationship to the target. The reason for this was none of our estimates, whether they be from tagging or from the VPA, were at or above our threshold but our terminal year VPA estimate was close, was above the target.

But there also was retrospective bias that we pointed out to you that indicated that the F was in general overestimated. So based on that we felt confident that the 2005 F was below the threshold, but was somewhere around the target.

And also from our tagging data all the estimates of F were either at or below even our target. Also, we told you that total abundance had been increasing over the past few years and that the abundance of older fish, age

12 and above, had been increasing since the approval of the above last amendment.

This is the recreational losses with 2005 data added to it. The pink is the landings and as you can see it went down slightly but it's still within roughly the equivalent landings that we've had over the past, the previous two years; however, the discards had gone up.

And this is primarily from, at least my personal standpoint, as a result of there are several strong year classes that are going, that are just beginning to recruit to the fishery. We had a strong 2000 and 2001 and 2003 year class. The 2000 and 2001 are still below the size limits on the coast.

And the 2003 year class is still below the size limits along the coast and in the producer areas. So since those are being released alive, some of them do die, recreational discards did go up.

Commercial landings went up. Again, this is not unexpected because we have a strong 2001 and 2000 year classes that have recruited to the commercial fishery in the bay which accounts for the large majority of our commercial losses.

We don't have a discard estimate as of yet but we will have one in time for the peer reviewed assessment. In fact, we'll have it for both 2005 and 2006. Juvenile indices, this shows our strong year classis.

The most recent data that we have for 2005 shows that the recruitment in the end of the year indices in Maryland and Virginia were about average for 2005. Of the juvenile indices both from the Jersey and New York, again, we're about average for 2005.

Spawning stock surveys, again, the Maryland spawning stock survey for 2005 was again around average. We had a peak and '04, a high point there, but it did drop slightly. But still the 2005 spawning stock survey was about average, as was the Delaware spawning stock survey.

Our fisheries-independent surveys, these surveys are some of the things that go into the tuning indices of the VPA but are also a stand-alone, give us some information. And the NEFSC survey is essentially the bottom trawl survey out of Woods Hole.

And this is the one survey we do have an '06; '05's estimate was fairly low but '06 is back up to again about an average level. The ocean haul survey, after a strong year in '04, again the '05 level was about average.

Other fisheries-independent surveys, the New Jersey trawl survey had one of the highest values they've had in their 15-year time series for striped bass. The Delaware trawl survey conversely had one of the lower values. And the Connecticut trawl survey had one of its highest values.

Fisheries-dependent surveys, we had the Massachusetts commercial fisheries index. Again, that was at a fairly high level. It wasn't a peak but definitely up there at levels that we'd seen fairly consistently since 1995. And the Connecticut volunteer recreational anglers survey was the highest in the time series.

Finally, we have, what we have is the MRFSS' coastwide index. What we do is we look at MRFSS catch per unit effort for PR that are in the ocean area, not in inland areas but anything from, between zero to three miles and even out into places where they're not supposed to be catching them in the EEZ.

And as you can see that has shown an increasing trend over the past two years but still not to the peak that we'd seen back in 1998. And that's what I have for you, Mr. Chairman. Are there any questions on any of these?

CHAIRMAN DIODATI: Go ahead, Pres.

MR. PRESTON P. PATE, JR.: Thank you, Paul. Doug, on our agenda for the Policy Board this week we have Chris Moore making a presentation on the decision by NMFS not to open the EEZ to striped bass harvest.

And in the letter that they transmitted to us explaining that decision they cited some concerns about increased mortality in certain age groups of the population. Did you all have a chance to discuss that any and all?

MR. GROUT: No, we haven't, not since that letter came out. We just had one conference call.

MR. PATE: Okay, thank you.

CHAIRMAN DIODATI: Any other questions from the board for Doug? All right, I have one. The peer review, what's the time review for that Doug? And what's the process that's laid out to conduct that?

MR. GROUT: The timeframe is the peer review will occur at the end of 2007. I believe it's November is the date, sometime in November, the beginning of December.

Our process already started last year when we had our, both our tagging subcommittee and our stock assessment committee start doing initial runs and working on different aspects of the stock assessment using just the most recent year's data, which would be 2005.

We're going to have a meeting here, probably in January, of the full technical committee to go over what they've done so far. And then we will have, during the summer of 2007 we'll have full assessment workshops that will run the models that we feel would best provide the best information and also come up with estimates of F from the tagging information. The technical committee will review that in the fall and then will bring that to the peer review in November.

CHAIRMAN DIODATI: Mark

DR. MARK GIBSON: Thank you, Paul. Doug, this relates a little bit to the point, to Pres Pate about the service's citing or possible expansions of mortality rate possibly larger fish. I just remind the board again that the, you know our assessment is plus-grouped at 13.

And as I understood, there was supposed to be some initiative to try to enhance the sampling of our larger fish catches for the possibility of being able to expand our catch-at-age analysis beyond that 13-plus group which is, frankly, not a very old fish.

And if it remains there we're never going to know anything about mortality rates on old fish and abundance of old fish. Are you aware if there's any progress been made on procuring those samples?

MR. GROUT: No, there hasn't been. One thing that we have been able to do is look to the possibility of taking some of the scale samples and converting those ages to what it would be in otoliths. Because even if we start collecting the otolith samples now, we still have the historical data that we would have to adjust.

You couldn't just, we wouldn't want to just start collecting otolith ages now and putting them in because then you'd have a disconnect between what the historical information is and the current information. But the answer directly to your question is no, there has not been any progress to my knowledge.

CHAIRMAN DIODATI: Any other questions for Doug from board members? I'll take any questions from the audience about this update. Anybody in the audience have any questions about this technical update? Okay, we're going to move on to Addendum

I. This requires a final action by the board. I'm going to ask Nichola to give her review first before we do that.

### **REVIEW DRAFT ADDENDUM I AND CONSIDER FINAL APPROVAL**

MS. MESERVE: Thank you, Mr. Chairman. I'll probably just skip over the goals of the addendum unless any one has questions about them. It seems as though the board has heard about the addendum several times.

But to achieve these goals you'll probably remember that the bycatch data collection program in Addendum I includes four components. Most of them are recommended components; whereas, one is mandatory reporting by the states.

The addendum went to public comment between August 22nd and September 27th. Seven public hearings were held in the states of New Hampshire, Massachusetts, Rhode Island, New York, New Jersey and Maryland, for total attendance of 22 people.

Nine written comments were also received. Five were from individuals; one, from a company; two, from nonprofit organizations; one, from a state. It became clear in the public hearings that because there were no real options in the addendum that most of the comments received were either in support of the addendum as it was presented or in support of the addendum with changes.

So at the public hearings seven people spoke in favor of the addendum as it is currently written and seven supported the addendum with the following changes. Two of them desired observer coverage in the for-hire fishery.

Two wanted to see fisher education programs in the addendum. One suggested that the service or the commission fund the program. One asked that priority be placed on the recreational fishery due to the higher level of bycatch in that fishery.

One supported different collection standards than ACCSP's, believing that they were outdated. And one sought a more complete document that would include such elements as discussion of discarding in the EEZ, a more complete plan with milestones, and also means to reduce bycatch now. Two comments were in opposition to the addendum.

One thought it was unnecessary because of the stock health and felt that it would only take money away

from other fisheries that needed data more or were in worse health. And the last comment thought it was an unnecessary addendum because there were so few mandatory measures in it.

The written comments -- and again nine received -- four supported the addendum. Three of those suggested that the commission, the service, or ACCSP help to obtain funding. One wanted to note that recreational discarding has value to the fishers that participate in the fishery and that looking at the recreational release rate might also be an important piece of information.

One comment wanted to emphasize that the commission implement reduction strategies in the future once the discard rate was better understood. Five comments were in support of the addendum with changes. Again, the most common comment was to have an observer coverage program in the for-hire fishery.

During the public comments there were two that supported this as well. One felt that the addendum should be mandatory and suggested a phase-in approach to reduce the financial burden to the states.

And, again, another supported a document that included more information such as the current knowledge, the assessment methods, the financial needs to implement the program, and the management strategies while further studies were completed.

The advisory panel did not meet to discuss this. It was offered but there was little response. And due to this, Jim Gilford, the chair of the AP, sent a letter to all the members and requested comments. He received six comments.

Five were from recreational fishermen; one, from a commercial fisherman on the AP. Of the six, they were not convinced that the voluntary approach would yield the necessary information to determine whether bycatch was an issue affecting the population.

Some additional comments were that it was thought that F was at or above the target or threshold, particularly for the older fish and one pointed to Maine as a case example. One commenter was worrisome because of the anticipation of the shift of fishing effort from the summer flounder to the striped bass fishery.

One thought that slot limits would only lead to higher discard mortality and discouraged their use. One thought that a multi-species format should be used to lessen economic impacts on the states.

And the last felt that we would be setting a precedent with this addendum and that there was a real need to get it right the first time. Lastly, this doesn't speak to the addendum but Jim asked that it be brought up now, that the six members all supported the EEZ decision. And that summarizes the public comments.

CHAIRMAN DIODATI: Okay. You said six members. There is many more than six members on the AP.

MS. MESERVE: There are. I'm not sure of the exact number but it is more than ten.

CHAIRMAN DIODATI: All right, any questions for Nichola before we move on? Questions about the comments that were received on this addendum?

I know that this addendum has met with some foot-dragging by the board, in a sense because it has been in the amendment for quite some time. In talking with Jim Gilford I know that he had a sense that the AP was a bit disenchanted with whether or not this group was going to adopt the addendum or not.

I just want to speak my mind on it, which is that it's my concern -- I believe the concern of many of the folks around the table who run agencies -- that this addendum could be fairly costly, that it's not completely clear, given the definition of the addendum, what the cost is going to be.

And it's also not clear what the benefits are. I don't think the technical committee has been able to tell us one way or the other the potential benefits if we implement this addendum. The concern has been that perhaps fishing mortality is higher than we think it is.

But when you look at the processes that we're using to estimate fishing mortality, the VPA, there is an age matrix there, thousands of fish go into it. It's fairly robust in that sense. So this would mean collecting basically more fish to go into the existing age distribution. So unless these fish that we pick up in these new programs have a much different age distribution, the fishing mortality rates aren't going to change it all.

So if we're all comfortable in that the thousands of fish that exist in the current age distributions are reflective of what's going on out there, it's likely we are capturing the true fishing mortality rates and basic status of the stocks.

And given that the tagging information reflects the same information that the VPA, it's likely we are. The other concern is that there is a high percentage of fish that seem to be lost as a result of discards, either direct fishing mortality related to striped bass fishing or other fisheries.

And if we're able to identify those sources are we going to have the will or ability to do anything about reducing those sources of mortality and thus improving the status of the striped bass stock.

So I think that's where we are. And it's a difficult addendum for me to get my arms around. But I'm going to open this up to discussion. And we're due for an action at this point. And I'll leave it up to the board. Mark.

DR. GIBSON: Thank you, Mr. Chairman. I agree with and want to amplify some of your comments. It's never been clear to me that there is any evidence that we have a large discard problem. You mentioned briefly the tags but they're actually the, given the most insight because by the very nature of the way we're doing the estimations they embody all sources of mortality.

We don't have to estimate how much bycatch there is or what the natural mortality rate is. We get a total mortality rate out of the tagging which embodies all sources of information. That has always been lower than estimates we've gotten from the catch-at-age analysis, or in most cases, any ways.

So I can find, you know, no evidence that there is a mortality problem due to the bycatch. I think in view of the costs we would probably be wasting our money to go after the bycatch estimation when given what the technical committee chair said earlier about the lack of sampling information on the larger fish.

That's where I think we get much more bang for our buck, to amplify those kind of sampling programs and start to understand the dynamics of the largest striped bass beyond, you know, 13-plus. So, I've yet to be convinced that we need to burden the states with this. Thank you.

CHAIRMAN DIODATI: Go ahead, Gene.

DR. EUGENE KRAY: Thank you, Mr. Chairman. A few years back Bob Beal headed up the study on the use of circle hooks in striped bass and the recreational fishing industry. And at that time the decision of the board was to do a better job of educating the recreational fishermen as to the benefits that could be

arrived from circle hook, use of circle hooks as opposed to mandating that.

Basically two questions I have. One is do we want to revisit the mandating? If not, then maybe we need to institute some type of educational program for the recreational fishermen.

CHAIRMAN DIODATI: Any other thoughts or comments on that line or back to this addendum? Bob, do you want to say anything relative to follow-up on the circle hook educational program?

MR. ROBERT E. BEAL: Well, the commission put together a summary of where we are with circle hooks and the research, you know, summarize the research done by the states. We haven't gone out with an educational packet yet on how we should educate the fishermen up and down the coast.

Some states have taken the initiative to do some things based at least partially on what the commission has put together, but there hasn't been a commission-wide project or pamphlet that was discussed at one point to possibly, you know for the states to distribute, kind of touting the benefits of circle hooks. So we, sorry, Paul, we could reinitiate that I guess would be the way to put it if this board thinks that's an appropriate thing to do.

CHAIRMAN DIODATI: Would it be possible for a Webpage that we could all link to, all of our respective organizations could link to or that sort of the thing?

MR. BEAL: Sure, it's possible. It's up to the board members or you know we can put some ideas together as to the most effective way to communicate with the public.

CHAIRMAN DIODATI: Why don't we set that aside and try to stick specifically with this addendum. We're going to have to make a decision here. Either we're going to move forward and accept the addendum as is, portions of it, or perhaps table it until a future meeting. Pat.

MR. PATRICK AUGUSTINE: Thank you, Mr. Chairman. It's obvious that we're not moving very far or very quickly on the next step. The circle hook issue has been brought up by both the Mid-Atlantic and again as Dr. Kray mentioned here.

So far we've all agreed, both at the Mid-Atlantic and folks we've talked to here, that a communication device of some sort has to be created for education purposes. It's obvious in looking at all the comments



and listening to the state directors, funds are not going to be available through states. These are tight budgets.

It's not going to happen. And it's obvious that either through Vince's efforts or some of our state congressmen and so on they can move forward and get federal funding. We're just kind of "clapping our gums" so-to-speak.

So, I would suggest two things. One, if through staff, in Bob's direction, we could come up with some type of a mechanism to identify a or create an educational tool of sorts, at least some sort of format that might be proactive that would be great for recreational fishermen to participate in practicing the following sorts of catch and release and so on, being concerned about water temperature and that sort of thing, and some advice as to how to handle their fish better, that might be a first step.

But before I suggest a second step I'd suggest that if got an idea from Bob whether it would take two months or three months or maybe our second or third meeting, maybe next August, for staff to come up with this tool, if you will, that I was going to go ahead and **move forward to table this item to a date certain, probably our October meeting of next year, and if at that point in time it's taken and laid back on the table and we have no action or direction at that time, I would then go forward to kill it.** So, how would you like to pursue that, Mr. Chairman?

CHAIRMAN DIODATI: Is there a second? Gene, second. Does that require discussion since it's to table to a date-certain? Vince.

EXECUTIVE DIRECTOR JOHN V. O'SHEA: If the intent here is to kill it, well, maybe it sounds like what you want to do is postpone it until a time in the future so the only thing you're going to debate is what time that is.

CHAIRMAN DIODATI: I think that's intent, to delay this until the October meeting so I don't think there is any discussion necessary. So is there a need to caucus? If not -- okay, we'll have caucus. Five minutes. Okay, we're ready? We are not ready. You want to make a comment? Mr. Colvin.

MR. GORDON C. COLVIN: I, too, am not entirely sure why we need to do an addendum that includes just recommendations, but that doesn't mean that I don't support the recommendations because I do, and strongly. And it just seems to me that you look at this one way when the stock assessment continues to look pretty rosy.

But if we just mentally turn the clock back a year to two years, to when we really were presented in our annual update with the prospect for having to take actions to curtail fishing mortality and then ask yourself the question from the perspective of a manager if you do have -- and I kind of disagree with Mark. I think there is a lot more, you know, bycatch, discard, catch-and-release related mortality than we may suspect.

You know, if we want to intervene as managers and control mortality, which would we rather do, cut back the directed harvest or actively manage the discard mortality? I mean, I know that's a no-brainer for me but we need a lot more information about it than we have now.

The other thing is that we've talked about these things in other contexts. We don't just need, you know, a state waters level sea sampling program to get discard data for striped bass. We need it badly for sturgeon. We need it probably worse than badly for river herring and American shad. We need it badly for weakfish. And I can go on.

So this fits into other things as well. So I'm not, you know, we can postpone it if we will but does that mean we're telling ourselves that this data collection that it recommends isn't important? I don't agree with that and I won't vote in a way that signals agreement with that. And that's why I raised my hand, Mr. Chairman.

MR. AUGUSTINE: Well, my intention was not to kill it. I went on further with my discussion as to what I thought could happen if that was our intent. Listening to the comments coming around the table we had two comments.

We had Mr. Gibson, Dr. Gibson, and we had Gordon's. And I looked around the table and saw a lot of blank faces. You asked for some action or no action and I think the best way to get action with this group sitting around this table is to put a motion on the table and direct the conversation.

And either you're interested in pursuing this particular item or we're not. And we do have limited staff availability to do what we're asking them to do. And the question is, although this is very important, are we at that point now where there's more we can do with the status of the stock and secondly, with the status of our staff.

So, I agree with Gordon. I don't believe this should be killed. But I'm not sure that it's the opportune time to

move forward with it at this time and that we could accomplish much more than trying to have a, again, an education tool put together to move forward as the very next step.

And at the time we get to this October meeting let's hope we've got a tool that we can lay this on the table and move forward with the next action item there. Thank you, Mr. Chairman.

CHAIRMAN DIODATI: It was my impression that the intent of the motion was to table it until a time certain then lay it back on the table and during that interim time and before the end of this meeting we may even task the technical committee and maybe commission staff to help us really define what these new programs are.

So with that I'm going to call for a hand vote. **All in favor, raise your hand; opposed; null votes; any abstentions? Okay, the motion passes. It passes 13 to 2.**

MR. PATE: Paul.

CHAIRMAN DIODATI: Go ahead, Pres.

MR. PATE: Thank you, Paul. Before we leave that and lest Pat goes away from here with the impression that my face is perpetually blank, I will try to say something that sounds reasonably intelligent and thank the advisory panel for their comments.

They often go without recognition and without acknowledgement of how their decisions and recommendations factor into our decisions and their common were influential in the position that I took today so I appreciate that. And you can pass that along to the chairman, please.

CHAIRMAN DIODATI: John.

MR. JOHN I. NELSON, JR.: Thanks, Mr. Chairman. Could you sum up? What is the staff going to be looking at in this interim? What's the end-products that we expect to see and we'll be able to evaluate in October and follow up on this decision?

CHAIRMAN DIODATI: I don't know what that is yet. I was hoping that the board could help with that. Does anyone have the answer to that?

I think that's something that we have this small subcommittee of board members that I'm going to have to ask for them to get together perhaps in a telephone conference rather soon and maybe we could come up

with some terms of reference for the technical committee and for staff and we could forward that in writing back to the full board to look at. Gene.

DR. KRAY: Paul, if you're looking into circle hooks, through the council we sent a letter to Bill Hogarth in support of a workshop that's going to be conducted.

And we received a letter back from him that in fact it will be conducted sometime spring, sometime in the spring by the National Marine Fisheries Service on the use of circle hooks in the recreational fishery so possibly some of our people could participate in that as well.

CHAIRMAN DIODATI: Roy.

MR. ROY MILLER: Thank you, Mr. Chairman. I wonder if perhaps the whole subject of this addendum would be, garner greater support among the board members if we had more specifics. And I'm just going to throw a few ideas out.

And I'm not intending to generate discussion at this time but what if our technical committee came back to us with a recommendation on a circle hook proposal that could be implemented coastwide under particular circumstances, under particular reaches.

That's one possible item that could be the subject of a future addendum that would get at the discard mortality concern. Another is one that's alluded to at the very end of this addendum and that is incentives to reduce bycatch. It's a subject that you, yourself, Mr. Chairman, recall came up at that subcommittee meeting.

But there was nothing fleshed out concerning incentives. And indeed this addendum doesn't have any specific recommendations regarding incentives to reduce bycatch. But if those incentives were fleshed out, then I think this whole topic would be easier to get your hands around and perhaps more palatable in terms of implementation by the board. Just a suggestion. Thank you.

CHAIRMAN DIODATI: Any other board members want to comment on this addendum before we leave it? Go ahead.

MR. KELLY PLACE: I would suggest that we --

CHAIRMAN DIODATI: You have to speak through a microphone.

MR. PLACE: Roy's idea of incentives to reduce discards I think is a real good idea. And I would almost suggest that if a state could reduce their discard level by X percent perhaps they should be allowed to recoup some portion of that reduction and discards by converting it to quota, not the full amount but it's a, you know it might be a beneficial way for a state to be incentivized that way.

CHAIRMAN DIODATI: That would get us going, Gordon.

MR. COLVIN: A nice first step would be if the state knew what they were. Maybe there should be an incentive for that.

CHAIRMAN DIODATI: Are there any other comments on this issue from the board? I'll just briefly go to the audience. I thought I saw a hand up out there that -- if not we're going to go on to the next item which was North Carolina's proposal for the 2007 change to their commercial fishery. And I'll start with Nichola. Do you have a? Oh, Doug.

#### **REVIEW NORTH CAROLINA PROPOSAL FOR THE 2007 FISHING YEAR**

MR. GROUT: Just trying to figure out which laptop I'm going to use here. North Carolina came to us this fall with a proposal requesting an increase in their quota for Albemarle/Roanoke fishery for the 2007 fishery.

We had a conference call amongst the technical committee last week where North Carolina presented the request and their rationale for increasing the quota. Their rationale was based on an index-based assessment to justify increasing their quota by 100,000 pounds.

They indicated that and showed us that there have been increased catch per unit effort on their spawning ground survey over the past several years. There was also evidence of expanding age structure in the spawning grounds survey and in the catch-at-age for the recreational and commercial fisheries.

There also had been some high juvenile abundance indices in 2000 and 2005. They indicated they did not use the North Carolina VPA which had been used to assess, to provide an update on the assessment in the past because of a very large retrospective bias in F and SSB and abundance, total abundance.

And at our technical committee meeting back in 2005 when we received this we had also made that point and

made some, expressed some concerns about this VPA. There also were high Fs from the VPA, did not correspond with the observed expanding age structures.

Essentially they were showing Fs above .9 over the past few years, yet their age structure was expanding. The Striped Bass Technical Committee's consensus was not to support this quota increase and again it was because we needed some measure of the current and historical F or Z.

If the VPA was not going to be used because of the strong retrospective bias we needed to have some measurement of it either as we suggested by looking at the tagging data -- we had been presented I think about four years ago an estimate of the exploitation rate using the tag data -- or looking at catch curves or also potentially revising the VPA.

And the technical committee, some of our members provided Charlton Goodwin, our technical committee member North Carolina with some suggestions on how the VPA could be revised where we might not see that very large retrospective bias. So in a sense, to summarize, we could not support it without some measurement of F or Z.

CHAIRMAN DIODATI: Okay, before we, I'll ask our commission from North Carolina if he wants to comment on this.

MR. PATE: Just very briefly, while the technical committee has identified some significant needs in the database that we have for making these population estimates and indeed the model itself that we're using, but they also made some recommendations of other types of indices and analyses the we could do that could mitigate the deficiencies of the population model and left some hope that we could address or answer some of the questions that were raised at the last phone conference and come back with a modified request for still an increase for next year, maybe not as much but an increase nonetheless.

That by all accounts is a growing population in Albemarle Sound and we feel like that the data once properly analyzed and presented will reveal that and support our request for a quota increase. So we're hopeful that we can do that and answer the questions of the technical committee and get this matter back before the board in January for further consideration. Thank you.

CHAIRMAN DIODATI: Thank you, Pres. So we're not going to have any action today. You're going to postpone your request.

MR. PATE: That's correct.

#### PLAN REVIEW TEAM NOMINATION

CHAIRMAN DIODATI: Thank you. Okay, we're going to move on to other business, beginning with a plan review team nomination. Do we have one?

MS. MESERVE: We do. Following the last board meeting Doug Grout, our TC chair, was nominated to serve on the PRT. So I just need a motion to do so.

MR. NELSON: **I will do so Mr. Chairman.**

CHAIRMAN DIODATI: We have a motion by Mr. Nelson. Do I hear a second?

MR. AUGUSTINE. Second.

CHAIRMAN DIODATI: Second by Mr. Augustine. No discussion on the motion?

MR. NELSON: None other than that Doug has started to speak to me again.

CHAIRMAN DIODATI: **The motion is approved.** Congratulations Doug.

#### DISCUSSION OF EEZ DECISION

There is this EEZ discussion listed here. There were some questions about it at the beginning of the meeting so if there are any comments or discussion at this point relative to the EEZ proposal which has been responded to by Dr. Hogarth.

I don't know if this is going to come up later in the week at the Policy Board meeting but if there is anything that this board would like to discuss and any messages to go back to the Policy Board later in the week, now would be the time for that. I have Eric.

MR. ERIC SMITH: Thank you. I like the commission response to the letter. I think the service's letter opened a couple of doors to this whole issue that trouble me. And I thought the commission letter fairly said let's continue to discuss those things in a cooperative way.

And I'll just name one that comes to mind. If the premise of the service's decision -- there were two premises - one was there was an overwhelming weight

of public comment that suggested that it not be reopened.

And of course the agency responsible for the area always has the right to respond to that. The other one, though, is more disturbing. And it suggested that through the good efforts of the management program we still are in a very vulnerable state, the fishing mortality rate is very close to going over the wrong side of our threshold.

And I know from discussions in the technical committee that they are continuing to look at the merits of VPA-based assessment versus tag-based assessment. You get wildly different results from those things.

That was the crux of the issue two years ago when, as Gordon earlier pointed out, we were either in the mode of thinking we were overfished again and things had "gone to hell in a hand basket" or we really weren't.

And we wrestled with that for a year. I believe the technical committee concluded that we weren't in that kind of a vulnerable state. In other words, they were giving some deference to the tag-based estimations as well as the VPA and coming up with different signals.

So I'm hoping that -- and this is why I'm leading back to what you asked, Mr. Chairman -- when we have that discussion on Thursday if Doug isn't going to be there or if, I would hope we have somebody that can speak from the technical committee point of view.

And I would suggest Nichola, too, except she's so new, I mean I don't want to put that burden on her. Maybe it's Bob Beal, somebody needs to talk about what the technical committee deliberations have been about the true status of the stock. We either have a commission plan that has us close to putting striped bass in jeopardy or we don't.

And we need to know that before we know whether we can get on board with the basis of the service's decision, the technical basis, to not reopen the EEZ. Sorry to be so long-winded but that's an important placeholder for Thursday's discussion. Thank you.

#### OTHER BUSINESS

CHAIRMAN DIODATI: Any other comments by board members on this issue, the EEZ issue? Lucky I'm not sitting out there. Any others? Okay, move to adjourn. Thank you. Oh, I'm sorry, Ritchie, go ahead.

MR. G. RITCHIE WHITE: Thank you, Mr. Chairman. In the newspaper clippings that Tina sent out this last time there was an article in there about Maryland overfishing the spring trophy program. And I wondered if we had any more information on that, of Maryland could update us. And if that is the case what would the time schedule be for this board to react to that in time, prior to the next spring season?

CHAIRMAN DIODATI: We'll go to our commissioner from Maryland.

MR. HOWARD KING: Yes, thank you, Mr. Chairman. I would update the Policy Board on this and talk with MRFSS people. We have examined our own charter boat logbook reports. We conduct an

independent estimate of recreational fishing effort. So we're looking at all the angles at this point.

The expected time limit or time guideline would be that we would in Maryland have a proposal for 2007 by the end of November, submit that for technical committee review, and bring it to the board next February.

CHAIRMAN DIODATI: Okay, any other business? Okay, **meeting adjourned**. Thank you.

(Whereupon, the meeting adjourned on Monday, October 23, 2006, at 2:25 o'clock, p.m.)

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