

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

**Atlantic Sands Hotel
Rehoboth Beach, Delaware
October 20, 2008**

Board Approved February 2, 2009

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1. **Approval of Agenda** by consent (Page 1).
2. **Approval of Proceedings of August 19, 2008** by consent (Page 1).

Move that the board support the Technical Committee recommendation to find funding and a replacement vessel for the Winter Striped Bass Cruise for 2009 (Page 4). Motion by Eugene Kray; second by Everett Petronio. Motion carried (Page 4).
3. **Move to accept the Delaware and Pennsylvania Proposals, Options 1 through 4A, as detailed in the Delaware and Pennsylvania Proposals brought before this body for their consideration today** (Page 7). Motion by Roy Miller; second by Pat Augustine. Motion carried (Page 12).
4. **Move to extend management of the Chesapeake Bay Spring Trophy Striped Bass Fishery by creel, size and season limits for 2009 and subsequent years until a stock assessment determines that corrective action is required for the coastal migratory striped bass population. Maryland regulations to include an open season from the third Saturday of April to May 15th, one-fish creel, 28-inch minimum size; an open season from May 16th to May 31st, two-fish creel, 18-inch minimum size, only one of which may be 28 inches or greater** (Page 13). Motion by Tom O'Connell; second by Pat Augustine. Motion carried (Page 16).
5. **Motion to amend to remove the words “and subsequent years until a stock assessment determines that corrective action is required for the coastal migratory striped bass population”** (Page 16). Motion failed (Page 16).
6. **Move to extend the closure date of Maryland’s 2008 Recreational Striped Bass Fishery 16 days, from December 15th to December 31st** (Page 17). Motion by Tom O'Connell; second by Pat Augustine. Motion carried (Page 17).
7. **Adjournment by Consent** (Page 21).

ATTENDANCE

Board Members

George Lapointe, ME (AA)	Leroy Young, PA, proxy for D. Austen (AA)
Terry Stockwell, ME, Adm. Proxy	Eugene Kray, PA (GA)
Pat White, ME (GA)	Roy Miller, DE, proxy for P. Emory (AA)
Doug Grout, NH (AA)	Bernie Pankowski, DE, proxy for Sen. Venables (LA)
G. Ritchie White, NH (GA)	Tom O'Connell, MD (AA)
Rep. Dennis Abbott, NH (LA)	Bill Goldsborough, MD (GA)
David Pierce, MA, proxy for P. Diodati (AA)	Russell Dize, MD, proxy for Sen. Colburn (LA)
William Adler, MA (GA)	Steve Bowman, VA (AA)
Vito Calomo, MA, proxy for Rep. Verga (LA)	Jack Travelstead, VA, Adm. Proxy
Mark Gibson, RI (AA), Vice Chair	Kyle Schick, VA, proxy for C. Davenport (GA)
Everett Petronio, Jr., RI (GA)	Del. Lynwood Lewis, Jr., VA (LA)
David Simpson, CT (AA)	Michele Duval, NC, proxy for L. Daniel (AA)
Jim Gilmore, NY (AA)	Bill Cole, NC (GA)
Pat Augustine, NY (GA)	Mike Johnson, NC, proxy for Rep. Wainwright (LA)
Brian Culhane, NY, proxy for Sen. Johnson (LA)	Steve Meyers, NMFS
Tom McCloy, NJ, proxy for D. Chanda (AA)	Wilson Laney, US FWS
Erling Berg, NJ (GA)	A.C. Carpenter, PRFC
Gilbert Ewing, PA, proxy for Asm. Fisher (LA)	Bryan King, DC

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

Ex-Officio Members

Desmond Kahn, Technical Committee Chair	Kelly Place, Advisory Panel Chair
Kurt Blanchard, Law Enforcement Committee Rep.	

Staff

Vince O'Shea	Brad Spear
Robert Beal	Nichola Meserve

Guests

Angela Guiliano, MD DNR	Linda Mercer, ME DMR
Eric Durell, MD DNR	J.T. Holland, Nassawadox, VA
Dale Weinrich, MD DNR	Laura Sifka, CCCHFA
Craig Shirey, DE F&W	Eric Thadey, D.C. Fisheries
Richard Novotny, MSSA	Brian Hooker, NMFS
Bill Windley, MSSA	Matt Boutet, Saco, ME
Aaron Hurd, DE DFW	Ron Soltes, Millsboro, DE
Scott Newlin, DE F&W	Edward Watcheski, Millsboro, DE
Mark Alexander, CT DEP	Edward O'Brien, Chesapeake Beach, MD
Alexei Sharov, MD DNR	Alex Williams, Deale, MD
Michael Luisi, MD DNR	Arnold Leo, East Hampton, NY
Andrea Hoover, MD DNR	
Dick Brame, CCA	

CALL TO ORDER

CHAIRMAN MARK GIBSON: Welcome, everyone, to the Striped Bass Management Board.

APPROVAL OF AGENDA

CHAIRMAN MARK GIBSON: The first order of business is the agenda. I have one adjustment that I've been requested to make. That is to add this topic of the winter tagging cruise and funding thereof. I would like to add that as Item 4 so we'll back all the other items up one notch.

CHAIRMAN MARK GIBSON: To that point, we have a letter from the technical committee on that that Chairman Des Kahn will address. I believe that Wilson Laney also wants to address this topic. Anything else on the agenda? Seeing none, is there any objection to approving the agenda as modified? Seeing none, **we will proceed with that agenda.**

APPROVAL OF PROCEEDINGS

CHAIRMAN MARK GIBSON: The next item is the proceedings from the August 19, 2008, striped bass board. Is there any request for edits or adjustments to those proceedings? Is there any objection to approving the proceedings from the August 19th board as written? **Seeing none, those proceedings stand approved as written.**

PUBLIC COMMENT

CHAIRMAN MARK GIBSON: The next item on the agenda is an opportunity for public comment. That is for the public to address this board on issues that are not on the agenda. I didn't see anyone had signed in to speak. Is there anyone in the audience who wishes to speak? Yes, sir.

MR. MATT BOUTET: My name is Matt Boutet. I'm a recreational fisherman from Maine. I actually flew down for the meeting today because we've seen a multi-year declining trend in striped bass abundance up north. We don't really feel that we're being well served by the current management regime. Every year the fishing gets a little bit worse. Last year the fishing was bad. This year it was abysmal. I mean, we have guides going out of business at this point, the fishing is so bad. It seems like the science is pretty variable here. You know, at the August meeting we made pretty major adjustments to the spawning stock biomass targets and thresholds. We adjusted the FMSY. It seems like with the new

adjustments we're fishing pretty close to the line with how variable the science is.

It seems that might be a little bit irresponsible. I feel that we ought to cut mortality. I would urge the board to consider looking at cutting mortality going forward. It is disheartening for us up in Maine to see that. You know, we've got such awful fishing and there are proposals to open up the EEZ and to create new seasons here and there, things that are all going to create additional mortality.

A decade ago Maine had a world-class striped bass fishery. This year I know a lot of guys that were going weeks at a time fishing everyday without catching a fish. I mean, the fishing is just terrible and something needs to be done. Thank you.

CHAIRMAN GIBSON: Thank you. I would point out to the board that we have a letter that was distributed. It didn't make it into, I don't think, the CD distribution information. It's on this topic of fishing and success rates in Maine. I would suggest to the board that we have technical committee report coming up later on management objectives and potentially alternative management objectives.

I think the technical committee has done some work on projections of size and age composition in the stock under different mortality scenarios, age at entry into the fishery and so on. At that time, after Des' report, it may be appropriate for the board to have some discussion on this matter.

I also noted in the technical committee report that Gary Nelson had expressed some concerns about the commercial harvest in Massachusetts. That would be my suggestion, that we have a discussion about this topic at that time. Anyone else from the audience wish to address the board?

WINTER TAGGING CRUISE

CHAIRMAN MARK GIBSON: Seeing none, we'll move into the newly identified Item 4, which is the winter tagging cruise. I believe, again, Des Kahn has drafted a letter on behalf of the technical committee to the board, and Wilson will follow up with his comments after that.

DR. DESMOND KAHN: The technical committee has discussed this on a recent conference call. There is considerable concern on the committee that if the cruise does not occur this year, it will be a disruption in our data which we're using to monitor the status of the stock. The cruise is one of the – we've had four

tagging programs that develop independent estimates of fishing mortality on the coast, the mixed coastal assemblage.

If they're not able to go out this year, they won't be able to estimate survival, and they won't be able to estimate fishing mortality. They also collect quite a lot of data on not only other data on striped bass but also on several other species including sturgeon. I can't speak to those other species, but I know it's valuable to several species' management programs. We strongly urge that this program be continued. There would be efforts made to avoid a gap caused by the loss of a cruise this year. Thank you.

CHAIRMAN GIBSON: Any questions for Des? Seeing none, Wilson, are you ready to address this?

DR. WILSON LANEY: For those of you who weren't aware, up until 2005 the cruise coordination and implementation was a responsibility for Bill Cole; and once he retired, I inherited it and annually have been coordinating it and putting it together since then. For 2009 there is no NOAA vessel available. The Oregon II, the vessel we normally use out of Pascagoula, Mississippi, will be in drydock.

This same situation arose in 2004, and we were able to successfully secure funding and contract with the Research Vessel Cape Hatteras that year. My role in this has been thus far to try and see what vessels were available on the east coast of U.S. and to determine how much it would cost us per day to contract with one of those vessels.

At this point in time I think there are four vessels on the east coast that are available, interested and willing to do the work. Three of those are research vessels. One is the private commercial trawler, the Darana R, which Jimmie Ruhle is the captain of and which has been doing the NEAMAP cruise. You can see what the cost range is there.

For Jimmie's vessel it's \$4,000 a day plus fuel, which is around \$5,200 a day. It ranges all the way up to \$12,000 a day for the Hugh Sharp, which is the University of Delaware's new vessel. I think that's good news to report that we have four vessels that are interested, willing and available. With regard to the funding, I'll ask my colleague, Mr. Meyers, to address that. I think NOAA has been working very hard to try and secure the necessary funding to do the cruise in these difficult times. I'll let Steve address that part of it.

MR. STEVE MEYERS: We're living in interesting times right now. The federal budget is up in the air for FY-09. We are under a continuing resolution. We are receiving funds in lesser amounts than we would have normally if we had a for-real FY-09 budget. We are trying to work through this, taking a look at what funds we have available to carry over from last year and what limited funds we have for '09. I hope to have perhaps a more informed observation for you on this subject by the time the Policy Board meets. Thank you, Mr. Chairman.

DR. LANEY: Mark, I will add that – and Desmond alluded to this – the cruise affects not only striped bass management but also management of other species, in particular spiny dogfish, in that the spiny dogfish data that we collect on the cruise are the only source of fishery-independent monitoring data for that species for the North Carolina Division of Marine Fisheries.

Louis confirmed that for me this morning, so it's important to them that we go out and conduct this cruise. In addition, last year in particular we were able to find a large number of Atlantic sturgeon. I think that's a species that is of interest not only to the Sturgeon Board but to a lot of the rest of us.

Given that we changed our fishing strategies a little bit last year and seem to have a better fix on where they're located, we're very optimistic that we can tag a larger number of Atlantic sturgeon this year as well and begin to contribute to the management of that species. In addition, we have always collected a lot of hard parts for other ASMFC-managed species generally through the North Carolina Division of Marine Fisheries. None of that work would get done if we aren't able to find a source of funding and secure a vessel to conduct the cruise. Thank you.

EXECUTIVE DIRECTOR JOHN V. O'SHEA: Just real quick, the Ruhle vessel, some of us were on it on Friday. It's 94 feet long as opposed to 80 feet.

CHAIRMAN GIBSON: Okay, you've heard from Wilson and the technical committee chair. If I understand, this is not on the agenda for the Policy Board at this time. Is there a need for this board to make a statement to the Policy Board about the importance of this issue and raise that issue for them on their agenda? It seems that would be an appropriate message to send. Steve.

MR. STEVE MEYERS: Mr. Chairman, however the commission would like to handle that, I'm sure that be it formal or informal, we will have more

information later in the week than we do right now on this subject. Maybe by Wednesday or Thursday we will have some information through whichever means you suggest we use.

CHAIRMAN GIBSON: Thank you. I'm just trying to get a sense of this board that this is an important issue for the policy board to consider, and I don't see anybody disagreeing with that. Gene.

DR.EUGENE KRAY: Mr. Chairman, I'd like to propose a motion that this board go on record in support of the technical committee's recommendation to help find funding for the winter cruise in '09.

CHAIRMAN GIBSON: Thank you, Gene; seconded by Everett Petronio. Okay, board discussion on that motion. I suspect there isn't a lot of opposition to this. Pat Augustine.

MR. PATRICK AUGUSTINE: Mr. Chairman, it's not opposition but it seems if we're on a continuing resolution, did the 2008 budget not include funding for this project to the level we're talking about? We're not talking about increasing the dollars required to do this process. We're talking about a project – we're talking about availability of dollars. If it were the same continuing resolution that we had from last year, my understanding it is straight-lined, so would that not be true?

CHAIRMAN GIBSON: The Service wants to speak to this.

MR. MEYERS: Mr. Chairman, the funds that have been used for this survey and this tagging cruise in the past has not been particularly funded from the National Marine Fisheries Service. They have been funds from NOAA, from the office that manages aircraft and ships. The way it works each year OMAO gets a budget for the ships.

Then we at the National Marine Fisheries Service sit down with them and work out a schedule that fits their budget and their ship use and their maintenance and all the nine yards. So, the funds that are to be used for this on a regular basis are not funds from the National Marine Fisheries Service, so this is a complication.

What we are talking about now are funds outside of OMAO, and, yes, the first question we asked when we heard the O-II was going to be in drydock, "Well, do you still have the funds for that?" There response was "No, we have other needs for those funds." It's my understanding that the National Marine Fisheries

Service has put in an additional \$5 million in FY-08 to cover the high cost of fuel that had not been budgeted as the year began, we all know from the news and our own personal experiences what the fuel costs have been for this nation in the last year.

So, it's a rather complicated process. It's not something that we, the National Marine Fisheries Services, necessarily have control over when it comes to the funding the operation of these vessels. This year the O-II will be in drydock, so there will not be a NOAA vessel available, and therefore there will be no support from OMAO for this effort. That's what we have to come up with. Thank you, Mr. Chairman.

DR. LANEY: I'll just add to that, Mr. Chairman, that should push come to shove and Plan A, which at least from my perspective Plan A is for NOAA to come up with the funding, if we have to go to a Plan B, I do have 25K that I could put forward toward the cruise it need be, but that would obviously have to be supplemented with additional funding from other sources to pay for the entire cruise regardless of which ship we wound up contracting up with.

MR. A.C. CARPENTER: I assume that this motion would be referred to the Policy Board; is that the understanding of the motion?

CHAIRMAN GIBSON: Yes, that is my understanding here. Dave Pierce.

DR. DAVID PIERCE: To the motion, I'm not familiar with all of the tagging programs that are used in order for us to calculate fishing mortality for striped bass, but I know from the memo from Desmond Kahn to you, Mark, that it's one of four tagging programs. If indeed this particular tagging cruise is extremely important for the calculation of fishing mortality rates, then I would say that we should pass this and do whatever is necessary to find the funding.

If we look at the report that we will turn to later on in our agenda, this is the striped technical committee charge, the management objectives, September 1, 1008, and have we met our objectives, you can see from one of the figures that the fishing mortality rate from tag recapture information indicates that mortality is, let's say recent estimate, around 0.15.

If we don't have estimates of fishing mortality from tag recapture experiments, then it appears to me that we would have to use the source of information, and that's from the so-called SCA. That fishing mortality

rate, the latest amount is around 0.13. So the idea would be that if we lose our ability to calculate mortality from tag recapture experiments, then we'll have to turn to the other source and suddenly mortality will double. So this is a very important source of information for our getting estimates of fishing mortality as far as I can see.

DR. LANEY: Dr. Pierce just reminded me to point out – I think Des articulated this in the memorandum. I can't remember if he did for sure or not, but it's my understanding, from Carol Hoffman, Jim, that New York may not be able to conduct their traditional haul seine tagging program this year.

That was an additional reason for concern is that if we were going to lose two programs out of the four coastal tagging programs, it really did heighten our concern and especially since this particular one is the one that comes closest to measuring the collective F for the whole stock since it is a very mixed stock offshore of North Carolina and Virginia there.

CHAIRMAN GIBSON: Thank you, Wilson. It strikes me that this motion, we ought to add – I mean, it's understood we need to find a replacement vessel as well. It just says "funding", but I would suggest it should say "find funding and a replacement vessel", and I think that completes it.

DR. KRAY: That would be fine, Mark.

CHAIRMAN GIBSON: Thank you, Gene. Is everybody with that? Is there any other discussion on this motion? Does anyone in the audience want to comment on this motion? Seeing none, we'll caucus for a minute. I'll read the motion for the record: **Move that the board support the technical committee recommendation to find funding and a replacement vessel for the Winter Striped Bass Cruise for 2009.** Motion by Dr. Kray; seconded by Mr. Petronio.

(Whereupon, a caucus was held.)

CHAIRMAN GIBSON: Is everybody ready? All those in favor please raise your right hand; any opposed, same sign; abstentions; null votes. Okay, one abstention; **the motion passes.**

DELAWARE AND PENNSYLVANIA PROPOSALS FOR ALTERNATIVE MANAGEMENT ACTION

CHAIRMAN GIBSON: All right, on to renumbered Item 5, Delaware and Pennsylvania Proposals for Alternative Management Action.

Just on that note, I think there was a letter passed out from Leroy Young which has some supplemental information on Pennsylvania's proposal. You may want to have that at hand during this discussion, as well as the Striped Bass Technical Committee Report, which has some technical committee comments on these proposals. It looks like Roy Miller is first on the agenda here.

MR. ROY MILLER: Mr. Chairman, I appreciate the opportunity to talk about this joint proposal for the Delaware Estuary Jurisdictions of the State of Pennsylvania and the State of Delaware. There is a document in everyone's briefing report. This document I'll be referring to repeatedly is the set of proposals from the states of Delaware and Pennsylvania for a two-month slot limit fishery for the Delaware River and Bay targeting mature male striped bass.

This document was prepared by the Delaware Division of Fish and Wildlife with assistance from the Pennsylvania Fish and Boat Commission. Des Kahn in the front of the room, Dr. Kahn was one of the primary authors of this particular document; so if there is any technical consideration that I'm unable to answer, Des is available as is Leroy Young.

With that, I'd like to briefly run through the proposal to acquaint everyone with it. If I could call your attention to Page 3, there is a table of options on Page 3 that comprise the heart of the proposal. But let me come back to those particular options in minute after I go through some of the rationale and justification, if you don't mind.

The current striped bass fishery in the state of Delaware comprises around 30,000 fish per year over the past three years as determined by the MRFSS Survey, and Delaware presently ranks the third lowest of any state in regard to landings as depicted in Figure 1 of this document that I just referenced. The number of striped bass landed in Delaware has been declining while the total catch has been increasing.

Now, the primary reason for that relatively low harvest level for the state of Delaware is because the fish of legal fish; that is, fish greater than 28 inches are primarily unavailable during the months of the year when fishing effort peaks; namely, in the summer months. During those months, there appear

to be largely sub-legal fish available in the Delaware Estuary, and our investigations have shown that those fish are primarily male fish.

We feel that the male component of the stock in the Delaware Estuary is pretty much unavailable for recreational harvest. So, what we did was look at our fisheries and look at the size structure, and we used as our primary dataset the results of our electrofishing surveys conducted in the spring of the year. Those surveys have been conducted since the early 1990's. What we have found is that although greater 90 percent of the – well, let me put it this way, with regard to the 28-inch minimum size, fewer than 10 percent of those legal-sized fish are males.

Male fish are predominantly less than 28 inches based upon our spawning ground survey. Naturally, of the fish greater than 28 inches, a much higher percentage are females. What we're proposing in this particular document is that we allow a limited fishery within the Delaware Estuary to exploit those fish that are less than 28 inches that would be predominantly male fish.

I'm going to call your attention back to the options listed on Page 3, if I could. Under the first proposal, Option 1, we looked at a slot limit of 20 to 26 inches and a two-month season between the months of July to September. Under Option 1A for Pennsylvania we also have a two-fish creel limit and a slot limit of 20 to 26 inches, but in Pennsylvania's case it's proposed for the months of April to May.

Now, Leroy may wish to speak to this more fully, but the gist of it is, frankly, that's the only time of the year those fish are available to the state of Pennsylvania in any numbers that you could have a fishery for them. The Option 2 proposal under Delaware is a somewhat smaller slot limit of two fish 20 to 24 inches; again, the same period, somewhere between July and September for a two-month season; and for Pennsylvania the same slot, 20 to 24 inches.

Option 3 would drop the daily harvest limit during that period down to one fish a day at 20 to 26 inches; and for Pennsylvania also 20 to 26 inches except, again, in Pennsylvania's case, April and May, which is when the fish are on the spawning grounds and would be available to harvest to the state of Pennsylvania.

Then, finally, Option 4 and 4A are for one fish at the smaller slot of 20 to 24 inches, July to September in the case of Delaware; April to May in the case of Pennsylvania. Now, we feel that this particular has

merit for a number of reasons. We did take the time to compare our particular proposal here to some of the other fishing scenarios that are currently permitted along the Atlantic coast, particularly for areas that at least under the auspices of Amendment 5 and earlier amendments were known as producer areas.

Specifically, the Hudson River has an 18-inch size limit from March through November upstream of the George Washington Bridge. The Chesapeake Bay Jurisdictions, although they're complex, certainly between about the 15th of May through the 15th of December there are fisheries in at least some portions of Maryland that allow fishing on fish 18 inches.

In the case of Virginia they also have fisheries on 18-inch fish at least in the spring and in the fall of the year. Then, finally, the Albemarle/Roanoke System has a two-fish creel limit and one fish in a slot from 18 to 22 inches; also, spring and fall fishery, and a creel limit of three fish over 18 inches from January through May the 6th, and again during October, November and December.

So, there already is ample precedent among the other states known to produce striped bass; that is, to have significant striped bass reproduction within their waters. There is clearly precedent within the present regulation and management of striped bass for fisheries on 18-inch fish and larger. The gist of the Delaware Proposal, I'll sum up briefly, is for a two-month season where we would have a creel limit of one to two fish per day with a slot limit of either 20 to 24 inches or 20 to 26 inches, and then the rest of the year the fishery would resume at the present regulation scenario; namely, two fish at 28-inch minimum. Does anyone have any questions concerning the Delaware Proposal?

CHAIRMAN GIBSON: Are there any questions? Ritchie White.

MR. G. RITCHIE WHITE: I was interested if law enforcement had any concerns about possession of two different size fish being legal within the state at one time.

MR. MILLER: I can't personally speak to the law enforcement concerns in this regard. Can someone else handle that?

MR. LEROY YOUNG: I can speak to the law enforcement concerns in Pennsylvania but not in Delaware, as well as in New Jersey I think a little bit. I would also like to briefly go over this other

document that was just passed out to you relative to some of the concerns that have been raised in the technical committee when this was discussed.

The technical committee met on August 8th, and this was one of the main topics of discussion. I'd just like to briefly go over some of the issues there and that might clear up a little bit about the law enforcement issue, but I don't think totally. One of the issues on concern was the possible interjurisdictional water issue and if this proposal were passed in Pennsylvania but not in New Jersey.

Then we will have a condition where you have different sets of regulations. We've discussed this with our law enforcement staff. They see no problem with enforcing this regulation. In New Jersey, in looking at their regulation book, there are two different sets of regulations for American eels, for example. There is a footnote that says that American eels brought to shore must conform to the regulation state in which they are landed. That's basically how we would handle that, as well, in Pennsylvania.

Another issue that was brought up was circle hooks, whether Pennsylvania would circle hooks in the regulation. This is something we're open to. In just a couple of moments here I will mention something that we have looked at with respect to circle hooks and J-hooks. We really don't see a problem with that possibility of imposing that in the regulation.

The concern of additional fishing mortality that might occur was looked at. There are a number of items here. One is basically Pennsylvania does not get a crack at these fish. Our fishery is closed from March 31st to June 1st, and it's during that period that the striped bass are spawning, the highest numbers are in the estuary and river of the larger fish, and they essentially move out of Pennsylvania's portion of the river before really anglers have an opportunity to harvest any of them.

There is really no difference to the stock if the mortality on these fish occurs before they enter Pennsylvania's portion of the river or after they leave. I mean, you're still going to have an impact on the stock. Very few stripers are harvested in Pennsylvania right now. The data we have is from the 2002 creel survey where we looked at not only harvest but also catch.

If you look at the back of the third and fourth page of this handout, you'll see that under an assumption – and this is an extreme scenario. This is far beyond anything that we think would ever happen in terms of

mortality. If we assumed – and this is from the Delaware Creel Survey in 2002, all the fish caught, and this was fish caught in New York, Pennsylvania, Delaware and New Jersey, those waters, the total striped bass catch – and this survey started in March – was 10,258 fish.

That's not harvest; that's catch. The harvest was 475. So, if you assumed in an extreme situation of the highest confidence level for J-hook mortality, if we did not have a circle hook regulation – this is from a study that was done on the Hudson – we're looking at a harvest of about 2,308 fish.

If assume that every fish caught was harvested – and this was all sizes – that would be 10,322 fish, which is about less than a half a percent of the total Atlantic coast recreational harvest and discard slot mortality for that year, which was 2.9 million fish. We think it would be much less than this, actually. That's in the extreme case. If we have a slot limit, we're looking at a small proportion probably of that total 10,000 fish.

That's for all the states; that's not just Pennsylvania; that's all the states combined. You're probably looking at an eighth of that. We think that the harvest would be very small, but it would give our anglers an opportunity to harvest some fish. There were some concerns raised about there will be a lot anglers coming from New Jersey, for example, to Pennsylvania and fish for stripers; because if our seasons opens earlier in that area, there is going to be a lot more fishing pressure.

We do not think that is going to be case. Currently we have a catch-and-release season, and the level of use is quite low, and that's explained here. So, that pretty much in a nutshell explains some of the issues or our response to some of the concerns that have been raised about this issue.

CHAIRMAN GIBSON: Thank you, Leroy. On the enforcement issues, I want to recognize Kurt Blanchard of the enforcement committee to hopefully to give the board more information on the enforceability of these measures.

MR. KURT BLANCHARD: I have spoken with representatives from Delaware and New Jersey. I have not caught up with Pennsylvania on this issue. Currently New Jersey opted to stay with the 28-inch size limit because of the geographics of the ocean fishery versus the bait fishery. They were concerned about the transiting issue that was raised here a few minutes ago.

In speaking with Delaware, and I suspect that Pennsylvania is dealing with a similar issue, they do not feel that is an issue due to the geographics of where this fishery would take place versus the fishery out front. With that said, they're pretty comfortable with the regulation as written. The circle hook provision, currently right now New Jersey and Delaware have circle hook provisions.

They feel it is defined well for their purpose. They use the provision as more educationally than they do as an enforcement action. New Jersey, for example, really stepped out front and made an educational tool where they provided anglers with circle hooks to bring the compliance up. They have written cases. Delaware similarly has written cases on circle hooks, but they use it more as an educational tool. It is a difficult provision to enforce.

I can only use Rhode Island, for example. If Rhode Island had a circle hook provision and we wrote that case and took the fisherman to court on it, that would be a court appearance. Our courts don't want that before them. You know, Delaware and New Jersey it's a pay-by-mail type provision where you can issue a ticket.

It's much more reasonable. It's more reasonable for the purpose of what that law is intended for. Up in the north we'd have a little bit more of a problem with it. But, based on their feedback, both Delaware and New Jersey, they're okay with the circle hook provision. The Law Enforcement Committee, in the development of this plan, went on record opposing – I shouldn't say "opposing", but supporting the concept of circle hooks but more as an educational tool.

CHAIRMAN GIBSON: I note that we have already exhausted the agenda time allotted to this issue. I'm hoping there is a motion coming to the table to get this discussion started. Roy.

MR. MILLER: Mr. Chairman, I'm prepared to offer a motion, if I may.

CHAIRMAN GIBSON: Yes, please do, and I remind everybody we have an advisory panel report and a technical committee report on this, so let's get that going.

MR. MILLER: **I move to accept the Delaware and Pennsylvania Proposals, Options 1 through 4A, as detailed in the Delaware and Pennsylvania**

Proposals brought before this body for their consideration today.

CHAIRMAN GIBSON: Thank you. Pat, were you seconding that?

MR. AUGUSTINE: Yes, Mr. Chairman.

CHAIRMAN GIBSON: Okay, seconded by Pat Augustine. Vince O'Shea.

EXECUTIVE DIRECTOR O'SHEA: If you're going to take action on this, I think the word is "approve".

MR. MILLER: Certainly, thank you.

CHAIRMAN GIBSON: I don't see any objections to that. Tom McCloy, do you want to speak to the motion?

MR. THOMAS McCLOY: New Jersey hasn't had an opportunity to weigh in on this yet. I wonder if the motioner and the second would consider making this two separate motions?

CHAIRMAN GIBSON: Are you making a motion to split the question or are you just asking them to do that?

MR. McCLOY: I was asking if they would choose to do that.

CHAIRMAN GIBSON: Roy, what do you think about that?

MR. MILLER: I think that perhaps could be a second step, Tom, if this particular motion were to fail, so maybe I'd like to proceed along that vein, if I may.

CHAIRMAN GIBSON: We also need to hear from the advisory panel and the technical committee. Does the board want to hear their reports on this before we proceed with discussion? Okay, why don't we proceed with the advisory panel?

ADVISORY PANEL COMMENTS

MR. KELLY PLACE: We'll keep this quick. I think in your packet you already have the comments of the advisory panel members. They're main concerns, I'll just list, was law enforcement of the inconsistent regulations, and especially the need for catch monitoring. Most people did support this. There were only two people that didn't support it for different reasons.

TECHNICAL COMMITTEE COMMENTS

Everyone else was pretty supportive, but one of their main concerns was monitoring and that monitoring be in place for good law enforcement. A lot of us had concerns of what the increase in discard mortality would be. However, for some of the reasons you're already heard, we think it will be minimal for a number of reasons that I'll let the technical committee bring that to you; especially on females, whether it was mature females that would be impacted or the immature females.

Of course, the AP would like to know what the ratio of males and immature females would be. For a cautionary measure, they liked the one-fish bag limits and preferably the 20 to 26. Because 20 to 24 is such a small window for a slot limit, you would see increased discard mortality which could be real significant. Until that sex ratio is determined, they would like to just see it at that level.

I will mention that one person that was flat out opposed to it was also opposed to all the other proposals you'll hear. He was concerned that the threshold and the targets are so close that all these various measures, which he saw as liberalizing, would lead to going over the overfishing threshold. He also felt that other states would want to follow suit by liberalizing their regulations as well.

A lot of people did have concern about the statistical insignificance of the difference between the threshold and the target, but there wasn't enough to lead any but one to be flat out opposed to these. The last think I'll say is I will real happy with the proposal even though I had a lot of the same concerns, because I think it's important for us to provide shore-based anglers an opportunity to get a different fish.

It seems like a lot of our management plans are tailored more to a higher socio-economic demographic that is well represented here, and you have a lot of people that are important to the fishery; and for whatever reason, whether they can't or they don't want to fish in a boat, it's important I think that people have access to these shore fish, which I think what may be the main part of the fishery were this proposal to be approved. With that, I'm going to cut it short so we can move on. Thank you.

CHAIRMAN GIBSON: Are there any questions for the advisors before I go to the technical committee report on this proposal? Seeing none, Desmond.

DR. KAHN: I'm going to be brief here, but I can go into greater detail if there are questions. The Delaware Proposal, the technical committee recommended that the board consider approval of these proposed regulations. It did not recommend any one option above the others. One point to just clarify is that, as we discussed on the technical committee call, the MRFSS Survey monitors catch all the way up to the Delaware/Pennsylvania line. The Delaware Fishery catch will be monitored by MRFSS.

On the Pennsylvania regulation, the committee recommended that the board consider approval of those proposals if a circle hook requirement is implemented by Pennsylvania. Additionally, the technical committee would prefer that there is a means to monitor the catch and effort before implementation. However, it did not say approval should only be forthcoming if there was such an effort. In other words, that shouldn't stop the proposal although it is a concern.

Currently MRFSS does not monitor catch in the Delaware River above the Delaware/Pennsylvania state line. The MRIP, which is the proposed new survey to replace MRFSS; although they were additionally speaking of possibly monitoring catch up to the head of the tidewater, which is above Philadelphia and Trenton, New Jersey, the latest word we've heard from them is that they are not planning to extend initially past the current MRFSS coverage; which would mean unless they do so, the catch and effort in the Pennsylvania portion of the river would not be monitored.

The committee is concerned and would like to recommend that there be a means to monitor that catch. However, the fishing mortality impacts will be monitored by the spring tagging program conducted jointly by Delaware and Pennsylvania. The concern is really with estimating the catch for assessment purposes and so forth. That's the meat of our review. We have other comments if people have questions. Thank you.

CHAIRMAN GIBSON: Thank you, Des. Are there questions for the technical committee?

DR. KAHN: One more point – Nichola reminded me – the technical committee did formulate a letter which we recommend that the commission send to NMFS requesting that they strongly consider extending coverage through the Pennsylvania portion of the tidal Delaware River. I am not sure of the

disposition of that at the moment, but we would like to have the commission support that. Thank you.

CHAIRMAN GIBSON: Thank you, Des. Anything for the technical committee? Gene Kray.

DR. KRAY: It's not necessarily for the technical committee, Mr. Chairman, but I wanted to give a context for the species that Pennsylvania basically has in its waters for the purview of this commission. We have sturgeon, which are endangered. We have eel, which are in trouble. We have shad and river herring, and we don't have to speak anymore about that because they're in trouble.

So, the only fish that we potentially – up until now we have had no striped bass. Give those of us who want to fish from the shore a chance to catch something. Otherwise, I have to go to Cape May or I have to go to Delaware and out in the waters there to catch fish. This would be the sole recreational fish that we have in the state of Pennsylvania. Thank you.

CHAIRMAN GIBSON: With that, we're on comments on the motion. Dave Pierce.

DR. PIERCE: Question for the technical committee, Mr. Chairman. It's my understanding that Amendment 6 only provides exemptions for Chesapeake Bay and Albemarle Sound for fish to be taken smaller than 28 inches, but Delaware is free to do the same but first they have to demonstrate that any modified rule will result in some conservation equivalency to two fish at 28 inches.

If that is true, then just to make sure I understand, the technical committee has reviewed this and you have endorsed the proposal; therefore, we can conclude that it does result in a conservation equivalency to two fish at 28 inches?

DR. KAHN: The Amendment 6 language was not seen by the technical committee as an issue here. I think the reason is that the committee saw in the proposal the fact that New York State currently has an 18-inch minimum size limit in the Hudson River. The other major producer areas, in addition to the Delaware, also have a similar regulation.

The issue of conservation equivalency would presumably come up if Delaware were to propose reducing the minimum size in the ocean on the coastal migrants, and the state of Delaware did not propose that. In other words, their 28-inch minimum, two fish creel limit remains in effect in the ocean during the time this season would go into effect.

Also for both Pennsylvania and Delaware, the regulations in the river and bay will revert to two at 28 if this slot limit season is in operation when the season closes. I understand the question you're raising; however, it was not seen as a problem by the technical committee. It says in Amendment 6 – Nichola has just shown me – under alternative state management regimes, it says, "A state can request a change only if that state can demonstrate to the board's satisfaction that the action will not contribute to the overfishing of the resource."

Now, in the proposal Delaware and Pennsylvania presented evidence that the current harvest rate of male fish in the Delaware River spawning stock is only 7 percent. That was an average of three years. The committee felt that there was a lot of room to go before harvest on that component of the stock would approach the target fishing mortality, which under the plan is 0.3 for a 20 inch, as we understood it, although it's not stated explicitly. Currently the male portion of that stock has a very low harvest rate.

MR. TERRY STOCKWELL: Mr. Chairman, a question I guess. We're moving to approve eight options here, so what is the mechanism to select two? I suspect the one AP member that had nothing good to say about any of the proposals was from the great state of Maine where there have been no stripers the last couple of years. I understand his sentiment. How I think about this is going to depend upon which options we're looking at.

CHAIRMAN GIBSON: That question is directed at the two states. With approval, what would they go home and do relative to option selection? Roy, would you address that?

MR. MILLER: We would go home and take the overall proposal to public hearing and solicit comments from our body of fishermen and then make a selection from among the eight options in the proposal. Thank you.

MR. YOUNG: We would do the same thing. If we were to implement a regulation change, it would occur no earlier than January of 2010. In 2009 we would get comments from the public.

MR. R. WHITE: Mr. Chairman, first a comment and then a question. The comment, New Hampshire presently has border waters with the state of Maine that has two separate sets of size limits, and it continues to be an issue for the fishermen. In New

Hampshire we enforce landing regulations; Maine enforces possession regulations on the water.

The difference between those creates a lot of problems, so I would just throw that out to the two states if this passes that you think about that because that is a problem. Then, secondly, my question is we've heard, that we've believe and we project that this will have limited mortality. We in New Hampshire are also experiencing a real downturn in striped bass availability as well as Maine, not quite to the degree that Maine is, but there certainly is a concern about increasing mortality.

My question is would the states agree to having this for one year so we can see that what we think and project and believe will turn out to be in fact the case? That would be a question to the two states; can it be for one year and then come back and revisit it?

CHAIRMAN GIBSON: Roy and Leroy, do you want to address that? It sounds like to could be on different time steps. Would Delaware intend to put one of these options in place for '09? It sounds like you had additional year.

MR. MILLER: If I may, Mr. Chairman, indeed, Delaware could – if this measure were to pass today, Delaware could implement it by regulation as early as 2009. There is sufficient time to do that. Ritchie White's suggestion would be a bit problematic in terms of the timing.

MR. YOUNG: I don't know that we would prefer a one-year trial. I mean, I could probably argue for a two- or three-year trial, but what can you say in one year, anyway? I mean, the people are just going to learn about this the first time. We have to make another regulation change if we were to pull it. It's something we could look at, but we would prefer I think more than one year, certainly.

MR. MILLER: If I may just add a quick followup, one year would be a bit problematic considering the way we're monitoring this fishery because we're using mark and recapture, and certainly we would like the benefit of a couple years of mark and recapture to monitor the effects of this regulation change.

DR. KAHN: Mr. Chairman, I think that the board members should know that one aspect of the proposal that the technical committee discussed was that tag recapture data are presented in the proposal which conclusively show that males and females have different migratory pathways. The analysis indicates

that females are far more likely to migrate to a distant location such as New England from the Delaware River, and males are far less likely to do so.

Part of the rationale of the proposal is that it's designed to target males and therefore would likely have little impact on the fishery catches in New England, for example. That was one point. The other point I just wanted to mention is I understood and I might be – on the technical committee we have the impression I believe that currently management measures that are enacted are supposed to last for a couple of years. We're assessing every two years now, and so I think that is an understanding that at least some of us have as far as the length of time a proposal like this would be approved for. Thank you.

MR. DOUGLAS GROUT: Mr. Chairman, I'm still a little bit puzzled about whether this can done under the plan that this is not a conservation equivalency proposal because as I understand it that within these states, because it's not a producer area the size limit has to be 28 inches.

While I see the proposal is trying to demonstrate that there is very little effect that it would have on the total F, my question is because the proposal is asking from a variance from the coast-wide 28-inch minimum whether this isn't something that actually has to go through an addendum process. I would like to ask if staff might be able to comment on it. Before we move forward on this, I want to make sure we're not doing something that is outside the realm of the plan.

CHAIRMAN GIBSON: Thanks, Doug. I think Nichola is having a discussion right now. We're trying to understand whether there needs to be a formal demonstration of eggs-per-recruit-type SSB over our conservation equivalency, although Des' comments about the male nature of the fishery certainly complicates any doing so with that. But you remember that Rhode Island had a reduction in their trap fishery minimum size, and there was a set of calculations done to show the balancing act that was being done. That hasn't been done here, but we'll see what Bob says about that.

MR. ROBERT E. BEAL: The plan doesn't directly answer this question, but it does provide that states are allowed to bring forward proposals and the board can consider them if they don't contribute to the overfishing of the striped bass stock. That decision has to be made by the board, that this does or does not contribute to the overfishing of the stock.

The plan does provide that two fish at 28 inches is the standard for the recreational fishery. I don't think this proposal has been compared to that, so it probably falls under the other provisions of the plan which says states can bring forward proposals and the board makes the judgment if they do or do not contribute to the overfishing of the stock.

MR. AUGUSTINE: Des, you mentioned that the technical committee recommended that Pennsylvania might want to include the use of circle hooks. I am just wondering if Pennsylvania would include considering that as a part of their package. Other states that are involved have committed to it, New Jersey and Delaware, so it would just seem to me we should be somewhat more consistent.

CHAIRMAN GIBSON: I thought I heard Pennsylvania say they wouldn't object to that.

MR. AUGUSTINE: Well, it wasn't a matter of objecting, but would they do it; would they just say, yes, we'll do it?

CHAIRMAN GIBSON: We'll ask Leroy to answer that.

MR. YOUNG: We could certainly include that as part of the regulation package that goes out for public comment. Of course, what I heard earlier was does a circle hook regulation really do what it's intended to do and wouldn't an educational effort do just as much, so we're flexible along those lines, too.

CHAIRMAN GIBSON: You okay with that, Pat?

MR. AUGUSTINE: Yes, again, being pushed as an educational thing, but all the records that have been shown and studies that have been shown where folks have used circle hooks have been very effective, and I think the idea to put it in – not just to put it in and say, "We're thinking about it," and it drops by the wayside, maybe there would be a way of bringing, again, some circle hooks to the public as a part of that in the state of Pennsylvania. If we're going that way, I think we really want to be consistent or discredit all of the reports that have been conducted by circle hooks. Thank you.

MR. McCLOY: Mr. Chairman, I think right now New Jersey, Delaware and Pennsylvania have a spawning closure in effect during April and May which extends from the Chesapeake/Delaware Canal all the way up to Trenton. Now, Delaware's part of the proposal does not advocate doing away with that spawning area closure, and I didn't hear anything in

that suggested that they changed their mind on that particular issue.

On the other hand, Pennsylvania's proposal targets the fish during the spawning season when New Jersey is going to be closed. To me this sends a major inconsistency in terms of message to the public as to what is going on in the Delaware River where we share jurisdictions. I'm not concerned as much about the enforcement issues because our laws are possession.

If you've got it in New Jersey, it better be the correct size limit. I am concerned about the inconsistent message that is being sent, though. From my perspective before this should move forward, the three states ought to sit down and talk about whether a spawning season closure in the Delaware Estuary is a valid thing to have in place anymore or whether we should all just throw the towel in and say it doesn't matter. Thank you, Mr. Chairman.

MR. CARPENTER: I would like to address the issue of the circle suggestion. I refer to it as a suggestion because I think trying to define for law enforcement purposes, we've already heard from them. But we have a provision on the Potomac that requires barbless hooks for fishing on the spawning grounds during the spawning season and a hook and release.

That is very enforceable. We have not had a case that we weren't able to prosecute and make. It's also a very effective way of being able to release fish unharmed as well as accommodating the fishermen who are not using live bait, for people who are casting artificial lures. I'd suggest that they take that into consideration. I would like to speak in favor of the motion as it's on the board from my perspective.

REPRESENTATIVE DENNIS ABBOTT: There has surely been a lot of discussion here. To me what is going on is, as I would term it, is we're dealing with striped bass management as becoming death by thousand cuts. We keep adding little things to our management plan; we can this in one place and we can do things in another place, and it doesn't really affect overfishing.

I need some clarity from Bob about overfishing. The way I interpreted what he said was as long as you're not overfishing you can do any of these kinds of things possibly without doing conservation equivalency. Kelly talked about earlier allowing people who fish from shore an opportunity to catch a fish and take it home. We in New Hampshire, I would say that people that fish from our shore

probably never take a fish home because at 28 inches, other than in my town under the dam where they catch fish, never have an opportunity.

Though I appreciate what Pennsylvania and Delaware are trying to do to have a better opportunity, we're really going off the rails here. When we adopted a coast-wide size limit of 28 inches and 18 inches for the producer areas, that is what we said but we keep weakening that. I just think that it's the wrong way to go because in a lot of circles people think that striped fishing is not as good as it was; and continuing as a management board to do these things is not going in the right direction. Thank you.

CHAIRMAN GIBSON: I have a final comment from the AP Chair. Kelly.

MR. PLACE: Since circle hooks came up, I think I should mention that the advisory panel discussed circle hooks ad infinitum, and pretty have for the last 15 years. At our last meeting the question of whether a circle hook should be mandatory, voluntary or somewhere in between, there is a pretty strong consensus against mandatory use of circle hooks, although I don't think anyone disagrees with strongly encouraging them.

I think A.C.'s point of possibly using barbless hooks works because you can even crimp a barb to get rid of the barb if you haven't bought some barbless outright. I do think that if Pennsylvania's proposal goes forward should maybe undertake some encouragement or educational mission to try and get people to use circle hooks or barbless, but mandatory is difficult to enforce. I think you'll have so many violations from people that don't even know how to fish them. You need to learn one of those, too. Thanks.

MS. NICHOLA MESERVE: There was lot of effort put into Amendment 6 so I just wanted to remind the board of three recommendations that are in the document. Those are for the use of circle hooks, prohibition of fishing on the spawning grounds during the spawning season, and also the survey of inland recreational fishermen for landings, the catch rate, discard precision, and the number of trips.

CHAIRMAN GIBSON: Okay, is the board ready to deal with this motion? We have two other proposals and 45 minutes to deal with them, so I think we need to move this question. I recognize I'm not taking comment from the audience on these motions. As I said, I only have 45 minutes to conclude this board meeting with several other issues on the table. Why

doesn't the board caucus and then we'll dispose of this question?

(Whereupon, a caucus was held.)

CHAIRMAN GIBSON: All right, is the board ready? I'll call the question. All those in favor please raise your right hand; all opposed, same sign; any abstentions; any null votes. **The motion carries; 10, 4, 1.** The next proposal, the Chesapeake Bay Spring Trophy Fishery. Tom.

CHESAPEAKE BAY SPRING TROPHY FISHERY PROPOSAL

MR. THOMAS O'CONNELL: Mr. Chairman, I know we're running a little behind schedule, so I'll keep my overview brief as I'm sure many of you are probably more familiar with our spring fishery than I have become familiar with. This proposal would extend current management of the Chesapeake Bay Spring Trophy Striped Bass Fishery by creel, size and season limits for 2009 and subsequent years until stock assessments determine that corrective action is required for the coastal migratory striped bass population.

This proposal is very similar to the one that this board approved last October. The primary difference with this proposal, if approved, would not be limited to only one year as it was last year. Under this proposal management of Maryland's Chesapeake Bay Spring Trophy Striped Bass Fishery would include the following: an open season from the third Saturday in April through May 15th; a one-fish creel and a 28-inch minimum size limit; and an open season from May 16th to May 31st with a two-fish creel, 18-inch minimum size, and only one fish 28 inches or greater.

As you heard Maryland stated earlier, when we've had these discussions, this proposal would align the Chesapeake Bay Spring Striped Bass Fishery Management Regime with that which is in place for the other states along the Atlantic coast. Should the fishing mortality of the coast-wide population of age eight-plus striped bass exceed the overfishing threshold in the future, Maryland will take the necessary actions to reduce fishing mortality along with the other coastal states.

Under this proposed management regime, we expect that the harvest of migrant fish during the spring season will fluctuate with stock size. We expect there will be occasional increases as we experience strong year classes moving through that fishery as we

did with the 1993 and '96 year classes, but for most years we expect the harvest to be modest.

2008 is a good example of this. The 2008 harvest of migrant striped bass in the Chesapeake Bay Spring Fishery was slightly over 36,000 fish. This was within a hundred fish from the estimates of 2007 and significantly lower than the harvest estimates of 2006, which approached 68,000 fish.

Both the technical committee and the advisory panel have reviewed and commented on this proposal, and I'm sure the board is anxious to hear from them. I do have a motion prepared that I'll be happy to put on the board now or wait until after the technical committee and advisory panel report at the pleasure of the chairman.

CHAIRMAN GIBSON: Yes, let's hear from the technical committee and the advisory panel. Then we'll get the motion up and get some board discussion. Des.

TECHNICAL COMMITTEE COMMENTS

DR. KAHN: The technical committee reviewed this proposal. One consideration that affected us strongly was that the 2008 season operated in the proposed manner without a quota, and the estimated harvest was a reasonable level. We further noted that this is a very small proportion of the coast-wide fishing mortality represented by the 30,000 some odd fish.

The stock assessment will monitor this as well as the Maryland Spring Tagging Program. We did ask Maryland to determine what proportion of their spring tags are recovered in the spring trophy season, the fish over 28 inches that are tagged just as a check on the estimate. We also asked for continued investigation of a discrepancy between the MRFSS harvest estimate and the one developed by the Maryland Department of Natural Resources.

In the past the MRFSS estimate has been higher. We asked Maryland to pursue some questions on this a couple of years ago. Maryland has made some progress, but we asked to see if they could develop a meeting with MRFSS to over the methodologies and see if they can come up with an understanding of the source of these discrepancies. We did not have an objection to this proposal; so I believe that by default says it's okay to be approved by the board under considerations as least. Thank you.

ADVISORY PANEL COMMENTS

CHAIRMAN GIBSON: Thanks, Des. Kelly Place, the advisory panel's position on this proposal.

MR. PLACE: There was a consensus in support of this. There were two people, though, who were definitely opposed to it. Unlike the surmising earlier, the opposition previously wasn't from the great state of Maine. It was from New York and D.C., the recreational people, but I think on this you'd also have New York opposed, but I think you could add the great state of Maine given the letter that you see in your packet.

In brief, the AP was glad to hear of the progress that Maryland DNR had made in terms of logbook reporting and charterboat license renewal. We'd like to see DNR follow up on the tasks that the technical committee outlines for them. Of course, they were also concerned about the discrepancy between logbook and MRFSS.

Lastly, the one person, again, whose constant comments were against these proposals felt, again, that the closeness of the threshold and the target were going to lead to problems. There were a lot of people that had that concern, but only one that led to pure opposition. Thanks.

CHAIRMAN GIBSON: Thank you, Kelly. Tom, why don't you get your motion up there and we can get the board discussion going, including any questions for the two past reports?

MR. O'CONNELL: **Move to extend management of the Chesapeake Bay Spring Trophy Striped Bass Fishery by creel, size and season limits for 2009 and subsequent years until a stock assessment determines that corrective action is required for the coastal migratory striped bass population. Maryland regulations to include an open season from the third Saturday of April to May 15th, one-fish creel, 28-inch minimum size; an open season from May 16th to May 31st, two-fish creel, 18-inch minimum size, only one of which may be 28 inches or greater.**

CHAIRMAN GIBSON: Thank you. Is there a second to the motion? Pat Augustine, thank you. Board discussion. David Pierce.

DR. PIERCE: I tend not to spend much time on striped bass; that's really Paul Diodati's bailiwick, but he's in route, so I sit here to observe, listen and to

contribute as best I can. I must admit that from sitting in the seats in the audience for so many years watching striped bass management discussions, much of what I'm also involved in back home with ASMFC is kind of trivial in comparison to what goes on regarding the proposals that are submitted and the nature of the analyses behind those proposals.

Notwithstanding the fact that the technical committee is recommending – well, hasn't recommended, really. You're not saying you shouldn't do it but you're not saying we should do it. That's kind of tacit we should do it. I'm not exactly clear about the recommendation coming from the technical committee except that it seems more positive than negative. So recognizing the fact that 2008, according to Desmond, operated without a quota and the technical committee apparently feels that may not be a problem, I'm still concerned that, indeed, this is removing a quota and that there is the potential for greatly increased catch.

It could go up significantly, maybe not, but it could go up significantly. Because I've been introduced to the technical committee's assessment findings via the document I referenced before; that is the management objective letter and the plot showing where we stand with spawning stock biomass to the target, we're going in a downward trend, we're close to the target suggests to me we may go below the target in the not too distant future if, indeed, we find ourselves having more catch than expected, I'm uneasy with this particular proposal. It suggests there will be fishery expansion; and consistent with some of Paul Diodati's concerns that he has already expressed to me, I would not favor this motion.

CHAIRMAN GIBSON: Thank you. Des, do you want to respond from the technical committee?

DR. KAHN: Well, I just really omitted a point in our discussion that bears on this. The technical committee essentially regards approval or failure to approve this motion as an allocation issue, which the board should decide, as opposed to some kind of technical problem.

CHAIRMAN GIBSON: Thank you for that clarification. I have Ritchie White.

MR. R. WHITE: Mr. Chairman, I have two questions. First, which benchmark assessment is meant in the motion? The second question would be if this does not pass, what regulations would be in place next year in Maryland?

MR. O'CONNELL: I guess my response would be the next benchmark stock assessment or until other information suggested that we needed to revisit the situation. If this motion is not approved, we'll probably go back to our stakeholders and have some discussion on what alternative options would be considered within Maryland for next spring.

CHAIRMAN GIBSON: The motion says "stock assessment" and not "benchmark assessment". There is a difference between the benchmark and the update, so that's what we're trying to understand here, I guess. The next stock assessment will be next turn-of-the-crank update, right, Nichola?

MS. MESERVE: Benchmarks are every five years and we're doing update assessments every two years, so the next update will be next year, 2009.

MR. R. WHITE: When you say go back to your constituents, does that mean that it will go back to the quota that originally was in place?

MR. O'CONNELL: I guess that's the question that we need to bring back to our stakeholders. What was in place last was a no-quota-based system for only 2008. That is a discussion that we have not had yet with our stakeholders. If we go back to a quota, I guess we'll have to go back to the mechanism that was previously set for the spring fishery.

CHAIRMAN GIBSON: Nichola, did you want to address what was in place last year?

MS. MESERVE: I believe if this proposal weren't approved and another one from Maryland was not as well, then it would defer to the 2007 regulations, which was the slot limit for something along the lines of 32 to 35 inches or greater than 40. Those are the last regulations in place.

MR. R. WHITE: With a quota?

MS. MESERVE: It included a target of 30,000 but no quota.

MR. WILLIAM A. ADLER: Mr. Chairman, some of the questions you were already working on right here. I was concerned as to how this proposal is different from what is in effect right now for this area. Is there a difference or is it the same thing and you're just asking for three more years?

CHAIRMAN GIBSON: Tom, can you address that?

MR. O'CONNELL: I apologize, I was in a sidebar discussion; could you repeat that, please?

MR. ADLER: I was concerned as to how is this different from what you've got right now, and are you basically saying what you've got now you want to continue to do until a benchmark or that thing comes out, so is it basically the same thing except you need an extension or is there a change?

MR. O'CONNELL: That is consistent with very similar to last year, the size limit and creel limit. The only two things that are different is last year the season was opened on a fixed date of April 19th, and there was a two-day closure in mid-May, and that was done administratively to bring that motion back to the board last year.

In talking to our stakeholders it's very valuable to have this fishery begin on the third Saturday in April, so we put that back in the proposal. That is what the fishery has opened with traditionally. We did eliminate the two-day closure. What we've learned through last year's experience was that there was a lot of confusion on the water. It made enforcement complicated; and therefore given the impacts that this fishery will have is very low, we decided to do away with the two-day closure for this proposal.

MR. MILLER: Mr. Chairman, the wording in the motion references the Chesapeake Bay Spring Trophy Fishery as well as Maryland regulations. What is confusing to me is what does this motion say with regard to Virginia and Potomac River Fishery Commission regulations? Will any alteration in those regulations either be required or desirable by those jurisdictions since the motion includes reference to the entire bay as well as Maryland?

MR. JACK TRAVELSTEAD: Our regulations in the spring have not changed for many, many years. They result in a very, very small number of trophy-sized fish being taken from year to year, generally well less than a thousand fish, sometimes just a handful of fish. I mean quite often the numbers don't even show up in the MRFSS Survey they're so small.

MR. CARPENTER: The Spring Trophy Fishery in the Potomac is limited to the areas below the 301 Bridge, from there to the mouth of the river. Traditionally it has been an extremely limited fishery. Very few fish are actually taken in it. We have generally adopted, for consistency purposes, the same season, size and creel limits as what Maryland has, and that would be our intent to continue that into the future.

CHAIRMAN GIBSON: Okay, Wilson Laney. Those members in the audience that are putting their hands up, I'm not finished with the board discussion, and I don't know if time is going to allow me to engage the audience on this question.

DR. LANEY: Mr. Chairman, I just wanted to ask Tom if Alexei had had a chance to complete that tag recapture analysis and if you had that information for us.

MR. O'CONNELL: He does not have the information before us today. He has reached out and communicated with the person he needs to coordinate that analysis with.

MR. R. WHITE: Mr. Chairman, I'm going to make a motion to amend and then I'll give my explanation why. **Motion to amend to remove the words "and subsequent years until a stock assessment determines that corrective action is required for the coastal migratory striped bass population"; to remove those words from the motion.**

My reasoning is I agree with Dave Pierce that this is a shift from a quota to a non-quota fishery. There were some issues with that for the first couple of years. 2008 looks like it was okay, but I'd like another year to look at the numbers before making this permanent. That's my reasoning.

CHAIRMAN GIBSON: Is there a second: Terry Stockwell seconds the motion. Okay, on the amended motion which essentially commits this to an additional year trial; any comment on the motion to amend? You need some time to caucus on that, then, I guess. If no one wants to comment on the motion to amend, then a moment to caucus and then we'll deal with the amended motion. Dave Simpson.

MR. DAVID SIMPSON: I thought, Des, you had made a comment related to the frequency of review and that two years would be more appropriate; is that the case?

DR. KAHN: Well, we now do the assessment every other year, and I believe we discussed – we had an understanding that the goal under Amendment 6 was to – I think one of the management objectives was to avoid, you know, frequent changes in regulations. We thought there was some general trend towards multi-year regulations.

MS. MESERVE: I believe Des is speaking about the planning horizon that is included in Amendment 6,

which is for three years' stability in between addendums rather than state-proposed regulations.

MR. WILLIAM GOLDSBOROUGH: Mr. Chairman, I just had a couple of comments to maybe put this in a little bit of perspective and remind folks of the discussion that took place at the board last year when Howard King first brought the proposal to go away from the quota-based system for the Maryland spring fishery. If I'm not mistaken, this board adopted that by a wide margin.

I think a couple of the compelling points at that time were, first, that the quota actually was arbitrary; it had not been technically based in the first place. Two, what it would do is essentially move that fishery to be more consistent with the way we manage the coastal migratory stock up and down the coast and in fact to even be more conservative.

So what we've done I think is very consistent with an adaptive management approach is we try that for one year, and we found that the catch in that fishery was almost identical to what it had been the year before under the quota approach. So, now, following up on that lesson, that proposal is to continue down that road. Thank you, Mr. Chairman.

CHAIRMAN GIBSON: Anyone else on the motion to amend? Seeing none, a minute a caucus and then we'll dispense with the motion to amend.

(Whereupon, a caucus was held.)

CHAIRMAN GIBSON: Is the board ready. Okay, I'll call the question on the motion to amend. All those in favor please raise your right hand, six in favor; all opposed, eight opposed; any abstentions, two abstentions; any null votes. **The motion to amend failed.** We're back on the main motion. Dave Pierce.

DR. PIERCE: A question regarding whether this particular action requires an addendum or is it covered under the existing amendment?

CHAIRMAN GIBSON: I think we've had this discussion. It's covered under the existing amendment and the authority of the states to bring forward alternate management scenarios for board consideration.

DR. PIERCE: And that would be in part because this particular action, in the judgment of the board, potentially would not represent a significant

expansion of the fishery; is that a correct interpretation?

CHAIRMAN GIBSON: That's my understanding. A.C. called the question. Okay, the motion to amend failed; we're on the main motion. The question has been called. We'll have a moment for caucusing.

(Whereupon, a caucus was held.)

CHAIRMAN GIBSON: Ready to vote? **Okay, on the main motion;** all those in favor please raise your right hand, 11 in favor; opposed, same sign, 3 opposed; abstentions, 2 abstentions; null votes, none. **The motion passes.** Tom, you're on again, the Maryland Proposal for Alternative Management.

MARYLAND PROPOSAL FOR ALTERNATIVE MANAGEMENT

MR. O'CONNELL: First, let me thank the commission support. This has been an ongoing discussion that's going to be very valuable to our stakeholders. We do have one other proposal today that is much simpler in its nature but may be of equal controversy given some of the previous discussions we've already had today. This second proposal is specific to the 2008 fishery season, and it will be to extend the recreational fishery 16 days.

The season currently closes on December 15th, and we're proposing to extend that season to December 31st. The current two-fish creel limit with an 18-inch minimum size and one fish of 28 inches or greater would continue. This proposal came about after the charterboat industry approached us this summer concerned about the economic sustainability of their industry given the economy of this nation this past year.

They have seen a 45 percent market decline in fishing trips this summer. We're looking for an opportunity to allow that fishery to have some additional opportunity this winter. In looking at the technical analysis, it indicated that the estimated harvest on this extension would be in the range of 7,000 to 25,000 fish, which would constitute about 1 to 4 percent of Maryland's recreational harvest.

As you know, we manage the recreational resident fish fishery in the Chesapeake Bay under a bay quota with a target mortality rate. We have been below that quota for a number of years, and we look forward to the board's support in this season extension for 2008.

CHAIRMAN GIBSON: Thank you, Tom. We'll hear from the technical committee's comments and the advisory panel.

TECHNICAL COMMITTEE COMMENTS

DR. KAHN: The technical committee had no objection technically to this proposal because the harvested fishery is monitored and counts towards the baywide quota and also because F in the bay is assessed with the spring tagging program.

ADVISORY PANEL COMMENTS

MR. PLACE: The panel had the same strong consensus in favor. There were only two people that were against it; one because of the narrow gap in the F and the threshold and the target. Another person felt that there was too much micromanagement going on, and he didn't support it for that reason.

One thing that the advisory panel did bring up – I want to mention this EEZ thing and get it out of the way – they're extremely worried and has been a topic of discussion for a while that the illegal fishing in the EEZ, specifically off Maryland and Virginia has not been properly accounted for, and they're very concerned with any number of law enforcement and other issues. They felt it was their responsibility to report these serious concerns, most of which they referred to as rumors.

I'll give you direct empirical observation. I've seen for a number of years out there it is pretty awesome how many people go over the line and how few people stay in the legal area. From what I've seen personally, it's a vast preponderance of people that choose to do illegally. I guess there is safety in numbers, but it is a big concern of the AP. But on this proposal, all but two did support it with various caveats. Thanks.

CHAIRMAN GIBSON: Okay, is there a motion on this proposal? Tom.

MR. O'CONNELL: **I would like to move to extend the closure date of Maryland's 2008 Recreational Striped Bass Fishery 16 days, from December 15th to December 31st.** The reason I've added "2008", given previous discussions, is that this would be a new fishery in Maryland, and we will be closely monitoring it to see what impact it does have. Thank you.

CHAIRMAN GIBSON: Is there a second for that? Pat Augustine seconds. Discussion by the board on Maryland's second proposal. Does any one of the

board wish to comment? Seeing none, we'll caucus for a few minutes on Proposal Number 3. Tom.

MR. O'CONNELL: Yes, could I just ask staff to insert the year "2008"? Thank you.

CHAIRMAN GIBSON: Are you ready for the question? All those in favor please raise your right hand, 14 in favor; any opposed, same sigh, no opposition; abstentions, 2 abstentions; any null votes. **The motion carries.** Okay, that was a quick one. The next item on our agenda is the Technical Committee Report on Objectives.

TECHNICAL COMMITTEE REPORT ON OBJECTIVES

You will recall that we have for several meetings postponed action on any initiation of an addendum pending changes in management objectives or management policies we might want to pursue. The technical committee was tasked with reviewing performance relative to Amendment 6 objectives as well as some possible considerations for alternative management objectives. Des Kahn has a report on that.

DR. KAHN: I've prepared a brief powerpoint. Principally I'm going to be presenting some of the figures that were in the brief report I believe you received. Okay, the first objective is to manage striped bass fisheries – these are all out of Amendment 6 – manage striped bass fisheries under a control designed to maintain stock size at or above the target female spawning stock biomass level and a level of fishing mortality at or below the target exploitation rate.

Our evaluation is that this objective has been met. Okay, on this point it's important – if you read Amendment 6, the old target and threshold levels of spawning stock biomass were relatively low. When we've done the new assessment, which we completed in 2007 and the review was published in 2008, the new catch-at-age model has raised the estimated level of stock abundance and spawning stock biomass dramatically from the old ADAPT model.

What we've done on the technical committee, we've essentially, at least in this presentation, produced the new target and threshold levels in the new currency of the new assessment model. For example, the old target was – I believe it was 30.9 million pounds. Let me just check something here.

Yes, in the old assessment and in Amendment 6 the estimated female spawning stock biomass in 1995 was 30.9 million pounds. That was set as the overfishing threshold level of SSB, and that is what is in Amendment 6. However, we currently estimate that the 1995 SSB level was actually 66 million pounds, more than twice as much.

So the new threshold should be in the new currency of 66 million pounds, as measured by the assessment. The target is defined as 125 percent of the threshold, so the new target is 82.6 million pounds as opposed to what was 38.6 million pounds in Amendment 6. Here is a plot and the pink line, the solid straight line shows the SSB target, 125 percent higher than the threshold, and you can see the estimated SSB.

It is above the target. It has been declining in recent years, however, toward the target. Now, this decline may be changed when more data is added because the current model, like the ADAPT model, tends to underestimate stock size, and that usually has increased when new data is added, but we'll have to wait and see on that. Then I'd like to show you a slide of the fishing mortality.

The current target is 0.3, and you see those are the two estimates we have, the F from the SCA model, which is the higher in the terminal year, and the tag recapture F, which is quite a bit below that target. The SCA, the catch-at-age F again may decrease when additional data is added because that's the pattern the model has show. It was point 0.31, the estimate for the terminal year, but we think that will be reduced.

Okay, Objective 2 is to manage fishing mortality to maintain an age structure that provides adequate spawning potential to sustain long-term abundance of striped bass populations. I thought one way to measure that is to look at the pattern of recruitment. This slide shows our estimated recruitment at age one from 1982 through 2005, and you see that the recruitment was low in the eighties.

We believe that was because of a reduced level of spawning stock biomass. Since about the early nineties recruitment has been irregular, which is typical of striped bass, and it's fluctuating without a trend. This pattern at least I feel indicates that we are at adequate spawning potential to maintain recruitment. We feel on the committee that this objection has been met.

Okay, Objective 3 is to provide a management plan that strives, to the extent practicable, to maintain

coast-wide consistency of implemented measures while allowing the states to find flexibility to implement strategies that accomplish the objectives of the FMP. Now, this is not so much a technical issue as it seems to be more from the management point of view.

However, we noted that since the implementation of Amendment 6, a 28-inch minimum size has been pretty much the standard coastwide. It's more consistent than the way things had developed under Amendment 5. Producer areas have implemented an 18-inch minimum size with the approval of the proposal for the Delaware Bay and River.

That adds consistency in that the producer areas have a lower minimum size. They primarily seem to be targeting males at least in the Chesapeake and now in the Delaware. There are some alternative strategies that have been approved, the Chesapeake modifications, slot limits in New York and Maine, and the Rhode Island Floating Trap Fishery. We feel that this objective has been met.

Objective 4, foster quality and economically viable recreational for-hire and commercial fisheries. This is really beyond our expertise on the technical committee. We did have a representative from the Committee on Social Sciences, and he said that his committee would be able to investigate whether this objective has been met if the board so directs, so that's something you can consider.

Objective 5, maximize cost-effectiveness of current information gathering and prioritize state obligations in order to minimize cost of monitoring and management. This one is difficult for us to evaluate without more data. One consideration here, in the history of striped bass management since we began the stock recovery in the late eighties and early nineties is we had originally used tag recapture data as the primary assessment method. We've since added the catch-at-age modeling which requires expensive data.

Each approach has its advantages, however, and the tag recapture data provides stock-specific estimates and a lot of other information. Catch-at-age modeling is able to estimate age-specific abundance, biomass and fishing mortality. We do require a lot of data, but we get a lot rewards from it, and the recent peer review stressed they were struck by the amount of data available for assessment of striped bass. It is one of the most data-rich species that they have seen.

Objective 6 is to adopt a long-term management regime that minimizes or eliminates the need to make annual changes or modifications to management measures. We noted that there have been relatively few annual changes or modifications since Amendment 6 was passed. There have been some changes advanced by states that have been approved. We felt that the assessment has gone through a biennial schedule, so we feel the objective seems to have met to date as far as we could tell.

Then Objective 7, establish a fishing mortality target that will result in a net increase in the abundance in pounds of age 15 and older striped bass in the population relative to the 2000 estimate. Now, I will note that the current assessment does not estimate abundance, the catch-at-age model, of age 15 and older. We pool everything from 13 and older, so it was difficult to evaluate this one precisely.

This is the estimated number of age 13-plus striped bass from the model, and you see that it has been above the 2000 level since 2000. I want to point out that the estimate for 2006 there really increased dramatically, and that was due to the fact that the 1993 year class, which was a large one, became age 13, so you see there was big jump up there, so that objective has been met.

There were some comments on the committee that since we have reduced fishing mortality to relatively low levels, some of the stock dynamics, we may have limited ability to affect them. There are environmental effects on recruitment and they can be beyond management control. However, you can see that the objective has been met to date.

Okay, we do have some work – and I don't know much time we have, Mr. Chairman, to extend the meeting – we have some brief exploratory work that has been done to look at the impact of things like slot limits and also to look at a potential management objective of increasing the number of trophy fish in the stock.

Basically, both of those could be done – the slot limit could be constructed in such a way that it could increase the abundance of older fish. Aside from a slot limit, in order to increase the abundance of trophy fish what we would have to do is reduce F. You know, you've got to keep in mind now that when you start looking at these objectives, there are always going to be tradeoffs.

So in order to say increase the abundance of trophy fish, if that were a management objective, it would

require foregoing yield on younger fish, so we would have to reduce fishing mortality and there would be a cost for that. You know, we could pursue any of these objectives; however, the committee has just done a brief analysis of these options; and before we were to do more extensive analyses, we would like to request that we would have a little more direction from the board for certain objectives.

MR. AUGUSTINE: Good report, Des. Relative to creating slot sizes, would that be for both recreational and commercial to increase the older age fish? Whether it's for trophy-sized fish or not, we are pretty delinquent in the much older fish, and I think the direct correlation, as you've described it, could impact the commercial harvest in terms of being a slot size that we have in New York and other states might have to be imposed with a slot size for a commercial fisherman. So, could you touch on that subject?

DR. KAHN: Well, the analysis of the slot size potential, I don't think it dealt with specifically commercial versus recreational. It was fairly brief just to get a feel for what could happen. One thing, though, that we did discuss is that these brief analyses are fairly basic. They don't take account of the fact that, for example, females have a much different fishing selectivity pattern than males.

Females migrate primarily on the coast. They're exposed to the 28-inch minimum size primarily. Males tend to remain in the estuary and they usually have a lower minimum size limit. The modeling that has been done so far has not incorporated that, so it is pretty preliminary at this point and we haven't looked at commercial versus recreational. I'm not sure I heard you correctly, but there has actually been an estimated increase in the number of fish 13 and older recently, as I showed in that one graph.

CHAIRMAN GIBSON: As Des said, these are all preliminary analyses, and I think where we need to get to in the shortness of time is whether or not this board wants to see some additional analyses on this kind of projection of age composition, size and sex structure under different mortality objectives. I think what I'm hearing is this sort of ping pong back and forth, and they need more specific guidance on those objectives before they can pursue this.

That's what we're looking for; is the board interested in seeing more of this, and we're not going to get this all today in the short amount of time we have, but if there is an interest they're going to need an articulation of more specific management objectives

or possible management policy shifts. I think that's what we're looking at this point.

DR. LANEY: Mr. Chairman, one other question that I had asked – I sit on the technical committee as well, and one other question I had asked Des and the committee is whether or not there was a biological reason for increasing the age structure or increasing the proportion of older fish in the age structure. Des had indicated there are some papers that speak to that issue. Did you have a chance to look at those, Des, and determine whether or not there is a good reason for increasing things biologically?

DR. KAHN: Well, there is some research that indicates that older female striped bass in particular may produce higher quality eggs that have higher larval survival and so forth. However, we do not see at this point a problem in reproduction of this stock. As I showed, reproduction is considerably higher than it was in the eighties when the stock was depleted, and we haven't found any evidence that there is a problem in that area at this point.

EXECUTIVE DIRECTOR O'SHEA: Mr. Chairman, maybe a suggestion. You're right that you have run out of time here. We're going to be butting up against two other boards this afternoon. Perhaps board members that were interested in giving that additional guidance, perhaps they could submit those ideas to you, Mr. Chairman, and you could meet with staff and review them and then develop an appropriate charge to the technical committee. If those ideas don't come forward in the next month or so, then we could certainly put it on the agenda for the next time this board meets.

CHAIRMAN GIBSON: Yes, I would be happy to do that. I have tried to keep polling with the board before on these objectives and maybe we can do that behind the scenes and I can articulate a more specific task for the technical committee to explore for the board. If the board will entrust me to do that, I'll be happy to do that.

DISCUSSION OF INITIATING AN ADDENDUM

Okay, that's the way we'll proceed with that. Is there anybody with a burning desire to initiate an addendum given what we're heard today, because that's the last item on the agenda. I certainly don't think we're in a position to do that. Pat.

MR. AUGUSTINE: Well, sooner or later we're going to have to bite the bullet and do it. We've put

it off for this meeting. We've had it on the agenda, and it looks we're going to put it off until the next meeting. I just think the board did come forward with some of the concerns that we had previously, and I'm not sure how much we can articulate it. If we had to make a motion just to create or move towards creating an addendum, I'm not sure what we could put in there as the first two or three items. We could get someone to second, but where do we go.

CHAIRMAN GIBSON: No, I think we're going to need some additional thinking on the board of these alternative management scenarios. We just talked about the technical committee review of those. Maybe something will emerge from that and maybe it doesn't.

MR. AUGUSTINE: Well, one final, then; I'm not sure how we could do it other than saying on the record I just think we almost have to go for a date certain to get it started. We're just beating our gums again. The stock is rebuilt to a very high level. As I said in the previous meeting that we had, and I went on for a while talking about the concerns that our commercial fishermen keep bringing to us.

We're talking about fairness; we're talking about equitableness between commercial and recreational and all the rest of that, but the bottom line is we sooner or later have to take action. To continue to put it off meeting after meeting just is not accomplishing what we have to do. Thank you.

CHAIRMAN GIBSON: Again, I'll be happy to work with interested board members and try to get a more focused tasking to the technical committee and include some of the issues that the public has raised or the different jurisdictions have raised about declining catch rates of large fish in the northern region, things like that. We'll be scheduled to meet at the winter meeting. I think the tasking could be done pretty quickly, but I can't say what the technical committee's schedule is going to be.

EXECUTIVE DIRECTOR O'SHEA: I think this is an important enough issue – I appreciate the urgency to rush off, but I think a lot of these are controversial issues and they're complex issues. I think your time is well spent thinking through them first and then going about it in an orderly process. It would make it clear; the reason you're not moving forward today is because people that support it just said they haven't gotten enough policy direction from the policy guys. You've offered, Mr. Chairman, an opportunity to collect that input, and I think that's a good way to proceed.

OTHER BUSINESS

CHAIRMAN GIBSON: Okay, is the board comfortable with that course of action? Okay, is there anything else from the board? Gene Kray.

DR. KRAY: Mr. Chairman, I just wanted to thank the board for their approval of the Pennsylvania and Delaware Proposal.

CHAIRMAN GIBSON: Dr. Pierce, you have the last comment for this board.

DR. PIERCE: Just one quick comment regarding the addendum; my views regarding whether we should move forward with an addendum would be influenced very strongly by whether we are at 0.3 or 0.16 on the fishing mortality rate. I hope that the technical committee would be in a position sometime soon to give us some better guidance as to where we stand with the fishing mortality rate, because we're either at the target or we're way below the target.

That has a tremendous impact on how we think regarding how to proceed. In going through the technical committee document describing – and it's a very good document, good job done by the technical committee – whether we have achieved those particular objectives, I'm still left wondering with regard to the fishing mortality rate, because we're either just about ready to get ourselves in trouble again or we're in great shape.

CHAIRMAN GIBSON: On that, one of your staff members has been working very studiously on an integrated approach merging tagging data with catch-at-age data, and we're hopeful that at some point we'll have a stock assessment that reconciles these internally and there isn't a need to present multiple trends anymore. I don't think that's at hand yet. I know Arnold has been raising his hand for some

time, and you may have missed the public comment earlier, but you have the last word and please make it quick.

MR. ARNOLD LEO: Arnold Leo, consultant for commercial fisheries, Town of East Hampton. I didn't speak at the first public comment because I thought this was going to come up under other business. I want to point out that nine-tenths of this meeting was spent fine tuning three very small recreational fisheries and not a word about commercial fisheries except in this report from the technical committee on Objective 4 that says "foster quality and economically viable recreational for-hire and commercial fisheries".

Commercial fisheries was mentioned, but deferred to the Committee on Economics and Social Sciences; i.e., we have not discussed one single issue affecting the commercial fisheries at a time when the commercial fishermen are going out of business weekly. Now, both Pat Augustine and I at the August meeting spent time talking about the need to increase the commercial landings of striped bass.

The 25 percent was mentioned as a viable amount. I understand it's going to take an addendum. I thought under other business we would have the time to discuss constructing this addendum to look at this issue of how to equitably manage the commercial fisheries, and instead we're being cut off for four months. We do not have a chance for four months to address this issue unless you approve today the creation of an addendum that would specifically address increasing the commercial quota.

ADJOURN

CHAIRMAN GIBSON: Thank you, Arnold. This board's business is concluded for the day, though.