

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

**August 18, 2005  
Radisson Hotel Old Towne  
Alexandria, Virginia**

**ATTENDANCE**

**Board Members**

Lew Flagg, Maine DMR	(NJ)
Patten White, Maine Gov. Apptee.	Erling Berg, New Jersey Gov. Apptee.
John Nelson, New Hampshire DFG	Craig Shirey, Delaware DFW
Dennis Abbot, proxy for Rep. Blanchard (NH)	Bernard Pankowski, proxy for Sen. Venables (DE)
G. Ritchie White, New Hampshire Gov. Apptee.	Leroy Young, Pennsylvania F&BC
Paul Diodati, Massachusetts DMF	Eugene Kray, proxy for Rep. Schroeder (PA)
William Adler, Massachusetts Gov. Apptee.	Howard King, Maryland DNR
Mark Gibson, Rhode Island DEM	Russell Dize, proxy for Sen. Colburn (MD)
Gil Pope, proxy for Rep. Naughton (RI)	Bill Goldsborough, Maryland Gov. Apptee.
Everett Petronio, Jr., Rhode Island Gov. Apptee.	Ira Palmer, District of Columbia FWD
Eric Smith, Connecticut DEP	A.C. Carpenter, PRFC
Lance Stewart, Connecticut Gov. Apptee.	Jack Travelstead, <b>Chair</b> , VMRC
Gordon Colvin, New York DEC	Kelly Place, proxy for Sen. Chichester (VA)
Brian Culhane, proxy for Sen. Johnson (NY)	Preston Pate, North Carolina DMF
Pat Augustine, New York Gov. Apptee.	Damon Tatem, North Carolina Gov. Apptee.
Bruce Freeman, New Jersey DFG&W	Anne Lange, NMFS
Ed Goldman, proxy for Assemblyman Smith	David Perkins, US FWS

**Ex-Officio Members**

Doug Grout, Technical Committee Chair	Jim Gilford, Advisory Panel Chair
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**ASMFC Staff**

Lydia Munger	Bob Beal	Vince O'Shea	Carmela Cuomo
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**Guests**

Ed O'Brien	Ed Chevry	Joe Fletcher
Ed Woollen	John DePersenaire	Caroline Kennedy
Phil Kline	Steve Meyers	Jim Price
Wilson Laney	Tom McCloy	
Bennie Williams	Dan Dugan	

*There may have been others in attendance who did not sign the attendance sheet.*

**TABLE OF CONTENTS**

**WELCOME & INTRODUCTIONS** .....4  
**BOARD CONSENT** .....4  
**PUBLIC COMMENT** .....4  
**UPDATE ON DRAFT ADDENDUM I FOR PUBLIC COMMENT** .....4  
**RHODE ISLAND COMMERCIAL QUOTA PROPOSAL** .....20  
**OTHER BUSINESS** .....22  
**ADJOURN**.....31

## MOTIONS

**Move approval of draft Addendum I for public comment.**

Motion made by Mr. Augustine, second by Mr. Nelson. Motion postponed.

**Move to postpone to next meeting.**

Motion made by Mr. Diodati, second by Mr. King. Motion carries.

**Move that the Striped Bass Management Board recommend to NOAA General Counsel that fines for striped bass violations in the EEZ be substantially increased.**

Motion made by Mr. Smith, second by Dr. Kray. Motion postponed.

**Move to postpone until the issue can be addressed by the Law Enforcement Committee.**

Motion made by Mr. Freeman, second by Mr. Colvin. Motion carries.

**ATLANTIC STATES MARINE  
FISHERIES COMMISSION**

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MANAGEMENT BOARD**

**Radisson Hotel, Old Towne  
Alexandria, Virginia**

**August 18, 2005**

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The meeting of the Atlantic Striped Bass Management Board of the Atlantic States Marine Fisheries Commission convened in the Presidential Ballroom of the Radisson Hotel, Old Towne, Alexandria, Virginia, on Thursday, August 18, 2005, and was called to order at 11:05 o'clock, a.m., by Chairman Jack Travelstead.

**WELCOME & INTRODUCTIONS**

CHAIRMAN JACK TRAVELSTEAD: Welcome to the Striped Bass Management Board, We have a relatively short agenda today, I think, but not a lot of time to get through it. The first item on the agenda is approval of the agenda. Are there any changes to the agenda? Seeing none, it will stand as printed.

**BOARD CONSENT**

Let me ask you to review the May 9<sup>th</sup>, 2005, board meeting proceedings. Are there any changes or corrections to those minutes? Seeing none, the minutes will stand as printed.

**PUBLIC COMMENT**

Public comment, Item 3. Is there anyone who wishes to make any public comment at this point relative to striped bass?

**UPDATE ON DRAFT ADDENDUM I  
FOR PUBLIC COMMENT**

Seeing none we're going to move right along. Item 4, update on Draft Addendum I for public comment. You will recall we reviewed that addendum at our last meeting. Lydia went through a description of it which she can do again if you need it but it was not planned.

However, the board had some questions and concerns about the addendum which it asked the technical committee to look at so we're going to start with a report back from the technical committee. And let me welcome Doug Grout who has now taken over chairmanship of the technical committee. This is your first meeting and good to see you, Doug, and welcome.

MR. DOUG GROUT: Thank you.

CHAIRMAN TRAVELSTEAD: We're ready for your report.

MR. GROUT: Great. (Laughter)

MS. LYDIA MUNGER: Thank you, Mr. Chairman. The technical committee decided that the best way to go about preparing the information requested by the management board was to do a survey and staff has prepared a brief presentation to guide the board through the results of that survey.

The survey contained seven questions and each state technical committee representative was to answer those questions and send the survey back to staff. What is coming around to you now is a summary of those state surveys.

There is a table that gives a brief summary

at a glance of all the state responses and then underneath that there is a paper version or a verbal version of all the responses from the states.

So the seven questions asked within the survey are as follows. The first question asked the states if there are currently any fishery observer programs within the state and what fisheries those programs cover and the scope of those programs, i.e., how many trips or what percentage of trips do those programs.

Excuse me, the scope of the program was covered under Question 2. And along with the scope of the program in Question 2 the survey asked what the annual cost of implementing that observer program was for the state.

The third question asked the state if there are any large, unreported sources of discards that the state is aware of. Question 4 asked if there are large, unreported sources of striped bass discards, does the state have resources to begin collection of at-sea data.

Question 5 asked if discard information is available from logbooks and what the annual cost of that program is for the state. Question 6, is there discard information available from any voluntary angler surveys and what the annual cost of those programs are.

And then Question 7 was a list of federal closures in effect. So, just a brief summary - I'm not going to go through all the state responses because you have that information available to you, but for Questions 1 and 2 which dealt with observer programs there are four states that currently have observer programs.

Those states are: Maine, New Hampshire,

Massachusetts and North Carolina, and two states that used to have observer programs but those have since been discontinued and those are Rhode Island and Delaware.

The range of costs was pretty wide, from \$20,000 to \$83,000 per year. And of course this depends on the scope of the program. And coverage ranged anywhere from less than 1 percent to 10 percent of the fisheries that were covered.

A really broad range of fisheries were covered in the various observer programs. These included the lobster fishery, headboat fisheries, trawlers, striped bass gillnet fisheries, and various other beach, seine, ocean gillnet, inshore, pound net, shrimp trawl and crab trawl surveys.

And this is not in the responses but we have obtained, courtesy of Doug Grout, an average cost per trip estimate based on information from the National Marine Fisheries Service and from North Carolina.

And of course the average cost per trip varies based on whether the trip takes place inshore or offshore but the average cost per trip ranged anywhere from \$500 to \$900 per trip. And of course this does not include administrative costs of implementing the program.

Question 3 is the question where we asked states if they knew of any large sources of unreported striped bass discards. Five states said such a source was possible or likely and these states were: Massachusetts, New York, New Jersey, Maryland and North Carolina.

And the commonwealth of Virginia stated that they just assume that such a source does exist but they don't have any documentation or information on that.

Question 4 asked the states with known large sources of unreported striped bass discards whether they have the resources to collect at-sea data and all the states responded that they do not have the resources to collect at-sea data on striped bass discards.

Question 5 was the question where states were asked if discard information is available in logbooks or from catch reports. Seven states reported that discard information is available from one of those two sources and that was: New Hampshire, Massachusetts, New York, New Jersey, Pennsylvania, Delaware, and the jurisdiction of the Potomac River Fisheries Commission.

The cost estimate range for logbook programs was a very wide range from minimal, which was stated by one state, to up to \$50,000 per year. And this of course includes costs of books, mailing, sorting and data entry.

And it is important to point out that logbook programs exist for many different fisheries. They are not necessarily implemented in states for the striped bass fishery. So each of these states has logbook programs for various programs that may happen to capture some information on striped bass discards.

Question 6 deals with voluntary angler surveys. There are eight states that report they have information on striped bass discards from volunteer angler surveys. It is important to point out the same point, that these survey programs are for a number of different fisheries and not just for the striped bass fishery.

But Maine, New Hampshire, Massachusetts, Connecticut, New York, New Jersey,

Pennsylvania and Maryland report that they have discard information available from volunteer angler surveys. And Rhode Island plans to implement such a survey beginning in 2006. And again it was a pretty wide range of cost estimates, anywhere from minimal to \$10,000 per year.

I don't have a slide prepared on Question 7. Question 7 was directed to the National Marine Fisheries Service and asked about federal closures in state and federal waters. And there was detailed information submitted by the Commonwealth of Virginia and by the National Marine Fisheries Service. And that information is summarized in the written report.

CHAIRMAN TRAVELSTEAD: Questions of Lydia on her report? Does this address the questions that you had at your last meeting? Ultimately, under this agenda item I believe staff is looking for a motion to approve Addendum I for public comment. Pat.

MR. PATRICK AUGUSTINE: Thank you, Mr. Chairman. Do we have the motion already prepared? I move we accept -- I'm sorry, where is my piece of paper? **I move we approve Draft Addendum I for public comment.**

CHAIRMAN TRAVELSTEAD: Is there a second to the motion?

MR. JOHN I. NELSON, JR.: Second.

CHAIRMAN TRAVELSTEAD: Seconded by John Nelson. Comments on the motion. Is everyone clear on what Addendum I does? I mean, I think Lydia has a brief presentation if you want to see it again. You did see it last month. Would you like to see that? Pres. Lydia, I need

you back. They would like to see the presentation again on Addendum I.

MS. MUNGER: Okay, thank you, Mr. Chairman, and sorry for the confusion. This is the presentation that the board saw back in May. And it covers Draft Addendum I to Amendment 6 to the Fishery Management Plan for striped bass.

So, a brief introduction, Amendment 6 requires development of a mandatory data collection program for two main purposes: to increase the accuracy of data on striped bass discards and it's to cover the commercial and recreational fisheries.

As stated in the draft addendum in the statement of the problem, discard mortality is estimated to account for nearly 35 percent of the overall fishing related removals of the striped bass in 2002. So, due to concerns over impacts of this discard mortality on the population, like I said, Amendment 6 requires an addendum to establish a data collection program.

Addendum I does address discards in all sectors. And for the purposes of this addendum, discards are defined as: striped bass discarded while targeting striped bass as well as striped bass discarded while targeting another species.

The goals of Addendum I are as follows: for the commercial fishery the goal as it appears in the draft right now is at-sea observer coverage on commercial vessels which includes vessels targeting striped bass as well as any vessels that may encounter striped bass. And goal here is to determine discard mortality associated with all commercial gear types that currently encounter striped bass.

The goals for the recreational fishery:

including determining the proportional use of gear types and fishing practices, determining fishing mortality associated with each gear type and fishing practice, and documenting the level of bycatch in problem fisheries in annual state reports.

So, the purpose of this addendum is to set up this data collection program. And the program as drafted in the addendum would have three components. The first would be mandatory data collection for states. The second would include studies needed to determine post-release mortality rates. And the third would be analyses to be conducted by the technical committee.

So, this addendum breaks down the data collection programs for commercial, recreational and for-hire sectors so I'm going to cover the commercial sector first. For data collection and elements, which is the first component of the program, what appears in the draft addendum is at-sea observer coverage on 5 percent of the total trips in state waters which is taken directly from the ACCSP standard.

And this would be implemented by all states that have commercial fisheries that encounter striped bass. This would require coordination with the National Marine Fisheries Service to ensure coverage in state waters where existing observer programs already exist.

The second component of the commercial data collection program is the discard mortality studies. These would be conducted to reflect all the fishing activities, commercial fishing activities, that encounter striped bass and would be studies to determine the mortality that is associated with various gear types including trawl, gillnet, fixed nets such as pound nets, fyke nets and floating fish traps, and hook and



line fishing.

And the third component of the commercial data collection program, the technical committee analyses, would require the technical committee to analyze existing National Marine Fisheries Service observer data to identify where there are discarding hot spots that can be seen in the existing data.

For the recreational data collection program there are the same three components, beginning with data collection and elements. So the first part of this component would be continuing collecting data on finfish bycatch as reported by interviewed fishermen through the existing recreational intercept surveys such as the MRFSS. And this is the ACCSP standard.

The second part of this component is development of the add-on questions for interview surveys to collect information on the gear and terminal tackle used. And this would be a joint effort along with the technical committee and ACCSP to develop these questions, these add-on questions.

The second — sorry, we're still with the first component, data collection elements. The other part of this component would be development of a survey to estimate size composition of discarded fish. This would be in conjunction with the technical committee.

And options to consider under this include: volunteer angler surveys, additional questions for intercept surveys, and expansion of the data that is collected in the for-hire fishery sector.

So the second component of the recreational data program consists of the discard mortality studies. Conducting these

additional studies on post-release mortality would be to find out the range of temperature, salinity and gear types, the discard mortality rate at range of temperature, salinity and gear types.

And along with this the intent would be to conduct an analysis of the existing studies so that work wouldn't be duplicated, that new studies would be defining new information.

And the third component of the recreational data collection program is the technical committee analysis. And the intent here is to develop the estimates of proportion of discard mortality based on water temperature and salinity and applying existing post-release mortality rates to determine the effects on estimated discard mortality that is currently, the estimated mortality that is currently used.

And then the last data collection program is for the for-hire sector. The data collection elements here include continuing to collect quantitative data on finfish bycatch reported through existing recreational intercept surveys, which is the ACCSP standard, and developing add-on questions to collect information on terminal tackle used, again in conjunction with the technical committee and ACCSP.

So that concludes the presentation on Draft Addendum I. I neglected to mention this at the beginning but if anybody does need a copy of this there are extras on the back table.

CHAIRMAN TRAVELSTEAD:  
Thank you, Lydia. Are there questions or clarification for Lydia? Gordon.

MR. GORDON C. COLVIN: Not so much a question, and I do support the motion, but I have a suggestion and actually

I think maybe a request, just with respect to the most troublesome respect of this which is how are we going to get this at-sea observer coverage done.

The observer program, getting an observer program in place as far as I can see has two hurdles. One of them is, actually one of them is cash and that's the lower hurdle in our circumstance. And the second hurdle is creating the program and getting all the administrative stuff done and I think that's the biggest one.

You know, contrary to what it says here we have cash. We've had cash. And I suspect that we still have cash. I believe that we still have cash from the same source which is our Hudson River Estuary Program.

What we haven't been able to do is figure out how to get that in place to create an observer program. There is a lot to it. My suggestion is this -- and we talked about this a couple of times already this week, including right at the ACCSP workshop at the outset of the week, but to bring it back to the context of the commission and the board, two things:

First, I'd like to suggestion that the commission in its role in using its seat on the Northeast Coordinating Council emphasize and work through that council to promote and understanding of the importance and the need for a single observer program in the Northeast Region such that the administration of that program is supported by all the partners but essentially builds on the Northeast Observer Program of the National Marine Fisheries Service which has all the infrastructure in place, all of it and that if we could all just buy into it would eliminate that administrative hurdle that I spoke about.

Now, the Service has obvious reservations about wanting to do that and I understand that. And I don't know how to get at it without some higher level intervention and dialogue and that's why I suggest the Coordinating Council.

At the same time I would also suggest and recommend that the commission work through using its role on the ACCSP Program to promote the same end via ACCSP or incorporating ACCSP and ACCSP standards as the Addendum suggests.

We can't -- I mean, what do we have 12 states in the Striped Bass Program? We can't have 12 observer programs. The amount of money we'd be throwing away and time and staff time that doesn't exist to create these programs and everything and all the bells and whistles and certification and insurance and safety programs and contracting procedures and lawyers reviewing contracts and all the rest of it that goes along with it would be staggering.

It would be a total waste of taxpayer money -- if you even assume we could do it, which is a whole other issue. We need to try to find one program that we can all work with.

CHAIRMAN TRAVELSTEAD: Is there any -- I think Gordon's got two very good suggestions there in my opinion. Is there any objection to proceeding to do those two things? Vince.

EXECUTIVE DIRECTOR JOHN V. O'SHEA: Thanks, Mr. Chairman. I don't have any objection, just a question so I understand the intent. It sounds good. Would the other way to be saying this would be to find a mechanism to expand the federal observer program into state waters and on to state licensed vessels?

MR. COLVIN: Well, yes and no. It's not just the state waters part of it that I think we need to be concerned about. I think basically it's to expand the program to meet the needs that the states have for observer data for the vessels that are home ported in their states, wherever they fish.

I think a lot of the striped bass stuff, this 5 percent coverage isn't going to be just in state waters, Vince, because those discards occur in the EEZ as well.

What we need to get at is figuring out whether it's striped bass or sturgeon or shad or weakfish or fluke -- what do we see as additional observer and discard needs from each state's perspective -- and to build the capability to get that work done into a single program that is administered in a way we can all use and rely on.

Now, whether it means that the commission somehow needs to partner with the Northeast Fisheries Science Center or ACCSP does, I don't know. But I do know we need one program.

CHAIRMAN TRAVELSTEAD:  
Vince.

EXECUTIVE DIRECTOR  
O'SHEA: So, frankly, so the policy level issue is to get our objectives included into the federal observer program is where you're going with this.

MR. COLVIN: And I could only speak for one state but I'm willing to put cash behind that. But what I can't do is build my own program.

EXECUTIVE DIRECTOR  
O'SHEA: Got it. Yes, I think that's a great idea, to go to the NRCC as a vehicle to start

that dialogue and I'd be happy to do that.

CHAIRMAN TRAVELSTEAD:  
Paul.

MR. PAUL DIODATI: I just want to make a comment that in the northeast the federal observer program certainly does go into state waters. It's federally-permitted vessels wherever they may fish. And we have access to that information. I use it all the time.

Our gillnet fishery in just a two-month period last December and January I evaluated over 100 gillnet trips that took place in Massachusetts waters from the federal observer program. So not only does it exist, it's available to the states. It's, in some cases there is a lot of it.

I had some problems with this addendum at the last meeting and asked that we table to this meeting. My concerns about it creating more workload for very little "bang for the buck" is still there.

I'm still a little bit concerned about it. I wasn't sure if Gordon's comments were such that, you know, he wasn't in favor of this particular motion or wasn't in favor of moving the addendum forward. I'd like to put him on the spot.

MR. COLVIN: No, I think I said at the outset I do support the motion.

MR. DIODATI: Oh, you do.

MR. COLVIN: I absolutely do. I'd like to get this out for public review and comment. I just, I have no illusions about the difficulty of making it happen. And you know if we had more groundfish in New York I'd probably have more federal observer trips but we don't. And that's the

reality.

CHAIRMAN TRAVELSTEAD:  
Further comment, Paul? Okay, Eric.

MR. ERIC SMITH: Thank you. A question and then a comment for Lydia. The document and your presentation describes all these things as mandatory. Does that implicitly mean that they all become compliance criteria?

CHAIRMAN TRAVELSTEAD:  
Well, I think the answer is yes, potentially they could.

MR. SMITH: Okay, I thought so but I wanted to be sure before I made my comment.

CHAIRMAN TRAVELSTEAD:  
Just keep in mind we're just trying to send this out to public comment, Eric.

MR. SMITH: I recognize that and strategically -- thank you, Mr. Chairman. Strategically we can go to public comment and hear what people have to say and then decide or we can decide that this isn't ready for public comment and why go through that laborious effort. I have the latter view.

I had the same views that Paul had at the last meeting: not much "bang for the buck." The stock has been restored for almost 10 years and even though this is a noteworthy problem I don't think the solution is -- you know, Gordon was extremely persuasive, so much so that I don't understand why he supports the motion because I don't. (Laughter) You know, I'll give you an example.

MR. COLVIN: Gordon has cash. (Laughter)

MR. SMITH: Yes, well, that is probably the reason, too. Is there an earmark in that for v-notching? (Laughter) You know here is the situation, 5 percent observer coverage to be implemented by all states that have commercial fisheries that "encounter" striped bass not directed fishing.

So a state like Connecticut with no observer program and no cash would have to develop an observer program for trips that "may encounter" bass and we don't even have a directed fishery.

Now, you heard me on weakfish and then I think I said it on lobster and I have to say it again: I can't support any motion that makes a compliance criteria that the state of Connecticut will develop new money for, new staff for, to do new sampling, without a whole lot of behind-the-scenes talking.

And to go out to public hearing to simply have a state agency write a letter to you, I know what the letter will say so I can't support the motion. Thank you.

CHAIRMAN TRAVELSTEAD:  
Mark.

MR. MARK GIBSON: Thank you, Mr. Chairman. Gordon made a very compelling case for a way to proceed on this that seemed to be a very efficient one but I share Paul's view that there doesn't seem to be evidence that there is a big problem here.

I mean we have a massive coast-wide tagging program that goes on that estimates striped bass survival rates which is independent of any catch accounting -- that is they estimate a survival rate and mortality rate by subtraction -- that includes all sources of mortality and then we have yet to see any of those programs tell us, you know,

consistently that we have any type of mortality problem.

So I'm kind of equivocal here as to which way to go because I don't think we've got a significant mortality problem out there. We've got, you know, redundant tagging programs telling us that that are catch independent but obviously the need for observer data in many fisheries is a compelling one and Gordon laid out a very efficient way to try to approach this. So, I need to hear some more comments before I know which way to go.

CHAIRMAN TRAVELSTEAD:  
Thank you. A.C.

MR. A.C. CARPENTER: Thank you, Mr. Chairman. I'm looking at Page 6 and 7 of the draft addendum. And there is a big pie graph on Page 6 that says that the recreational discards are accounting for about 30 percent of the total mortality; commercial discards are accounting for about 4 percent.

Yet the commercial data collection or the at-sea observer is the one that I see to be the most expensive and, as Gordon said, the most difficult to get in place. If you look at the ideas suggested here under the recreational and the for-hire fisheries, those are things that I think for a much smaller investment are going to give us a much bigger bang in return of trying to figure that out.

And that's going to be through the existing MRFSS add-on system that we can all pool together, we can buy into with the questions if we have the questions pre, you know, determined by this board or the technical committee.

So, I think the emphasis here should be on

the larger part of the problem and but I do agree with Gordon that if we're going to have a commercial at-sea observer thing there has got to be a way that we can all buy in to an existing program rather than try to create one of our own. Thank you.

CHAIRMAN TRAVELSTEAD:  
Thank you. Lew.

MR. LEWIS FLAGG: Thank you, Mr. Chairman. Like Connecticut, Maine has no cash and no people to do this. And we do have some real concerns about having additional mandatory compliance measures which we know we're not going to be able to fund and deliver on.

So we're very concerned about the additional workload and both manpower and financial resources that would be necessary to conduct this state waters' at-sea observer program.

CHAIRMAN TRAVELSTEAD:  
Thank you. Further comments. Yes, Doug.

MR. GROUT: If I could just make a comment, Mr. Chairman, about this pie graph, and this is from the technical committee's standpoint. From the recreational standpoint, yes, that obviously appears to be the largest proportion of the discard information. And it should be. There are a lot of people fishing for striped bass out there.

But the technical committee's concern in the past has always been that the commercial discard information because we arrive at those estimates in a very indirect way, via tagging, is the weakest part of the assessment. Mark is right. If you go by the tagging data you don't need it. What you need the discard data for is for the VPA analysis. So, just that's my comment.

CHAIRMAN TRAVELSTEAD:  
Thank you. Further comments on the motion. Paul.

MR. DIODATI: Just to add to that because I was thinking of the stock assessment as well, that the VPA depends on projections and estimates of what discard is indirectly. Nevertheless, when we look at the projections of biomass, when we look at our recruitment indices, when we look at our estimates of fishing mortality over the past 20 years, actually, it has been, you know, pretty much right on.

There is a lot of ground truthing in there. So I think we're all concerned that there is discards that goes on in a large scale effect. I mean it practically rivals the recreational harvest on the recreational side.

And at some point we would like to take advantage of turning discards into a more useable resource. But I don't think -- that's more of a problem. I don't think that the problem is that we don't know about it.

I think all the work that we've been doing over the past 20 years tell us in fact that we are measuring it. So, again, I think that, you know, if anything the states need to concentrate more on the recreational fisheries because they reside in state waters.

I think the federal agencies need to concentrate more on the commercial fisheries because that seems to be a concern of the technical committee, that there is some lost discard information in those federal waters fisheries.

But, I think this addendum in my view still falls short in explaining the need to me to go out to public hearing to collect that level of comment, which we always get a high level

when it comes to anything in striped bass and then to come back to this board.

And the states I think -- I don't think we're going to learn anything from that. In fact we're going to be dealing with the same questions that we're raising today. I'll offer a substitute motion to table this addendum for at least until the next meeting again and for, again so that the technical committee needs to provide more compelling evidence for us to go forward with this addendum to collect this information. **So I'll offer a substitute motion to table until the November meeting.**

CHAIRMAN TRAVELSTEAD: I think this is a motion to postpone to a time certain.

MR. DIODATI: It is.

CHAIRMAN TRAVELSTEAD: And it is debatable relative to the time that is stated in the motion. Is there a second to that motion? Seconded by Howard King. Comments on the motion. Lew.

MR. FLAGG: Thank you, Mr. Chairman. I think it would be helpful in the discussion of this to also perhaps charge the technical committee with some very specific things to do.

And one of the other issues that I think would be helpful would be taking some of Gordon's comments relative to working with the National Marine Fisheries Service and seeing if we can start a dialogue with them relative to how we might be able to have a more unified federal/state waters observer program with federal participation so that we can get some of this other information. When we come back to the November meeting that might be helpful.

CHAIRMAN TRAVELSTEAD:  
Okay, Pres -- I'm sorry, Vince, did you have any comments? You had your hand up earlier.

EXECUTIVE DIRECTOR  
O'SHEA: Yes, it was just to say that, you know, the addendum had a set of standards for you all to consider and I was just going to suggest that the issue of whether you make them mandatory or optional is a decision that could be made down the road.

I think what is in the addendum is, is this the type of information and is this the standards that the board wants to endorse. That was my only point.

CHAIRMAN TRAVELSTEAD:  
Thank you. Pres.

MR. PRESTON PATE JR.: I was just curious to know if the technical committee could give us anything more than they already have.

CHAIRMAN TRAVELSTEAD:  
Doug.

MR. GROUT: What do you want to know? (Laughter)

MR. PATE: Well, I mean Paul has made his motion for postponing this with the understanding that the technical committee would come back with more information about why the observer information and discard information is necessary. And my question is whether you can give us any more argument for the need for that information than you already have.

MR. GROUT: I don't believe so. I mean the driving force behind this was Amendment 6 and that the addendum would be developed. And there has been the same

kind of concerns expressed in the technical committee about are we going to get the best "bang for our buck" on this.

But we've come forward and said, well, this is the information that we can provide. But I don't think there is anything else we could provide other than spending more time trying to get refined costs.

And I think it's up to the board to decide whether you want this information or whether you want us to continue with the current way that we develop discard information. We provided information on a way to get better data, more refined data in the case of recreational and the commercial.

CHAIRMAN TRAVELSTEAD: I wonder, I mean I think the short answer is they don't have additional information for us but I wonder if we do delay this to the next meeting could the staff pursue in the meantime the recommendations that Gordon has made and getting some information on those issues?

Would that be helpful to the board? Would that then make you feel more comfortable about whether you want to send this out to public hearing? I had Gordon and then Bruce.

MR. COLVIN: I have a couple of points, Mr. Chairman. One of them is just building on that point, that we've had some talk in a number of contexts this week -- and this is to those who don't have cash -- about you know "bang for the buck," "bang for the buck" in terms of the ACCSP budget and is this an issue that if we could develop a common partnered approach to observers -- and remember that the benefit of that program would be far more than just striped bass.

I rattled off four or five other fisheries where we have important problems and they would all, could all, be addressed through the same effort -- to seek to identify ACCSP funding as a vehicle, a high priority vehicle that could help many of us with that, just as we have discussed the use of ACCSP funding for biological sampling in commercial fish houses this week. I think strategically that's an important consideration.

The second point is I agree with Vince. I think maybe the addendum should identify the standards and then separately identify as an option: Option 1, implementation of programs that meet these standards as mandatory; Option 2, implementation is on an as-can-do basis or is to be phased in over time. And I think that might be a useful addition to the addendum that would help many of the board members.

The third thing is I have a question for Doug on the issue of what the technical committee can do. My recollection is that commercial discards traditionally have been calculated by the technical committee based on a kind of a formulaic basis looking at what we know about effort and assumed discard rates rather than comprehensively looking at observer data and VTR self-reported data. Is that still the case, Doug?

MR. GROUT: Yes, it is.

MR. COLVIN: And my suspicion is, and to some degree this is influenced by recent dialogue -- including that brouhaha we had last year over I think it was discards in the Great South Channel that occupied us -- is that that historic method needs to be re-evaluated in light of more recent experience. And I suspect it underestimates commercial discards.

I'm wondering if something the technical

committee could do -- although probably not by the next meeting -- is to start to look at the most recent observer data and VTR data to see how that compares to estimates that we're getting else-wise.

I was impressed by what Paul said earlier about the number of observer trips that Massachusetts has available to us recently. And I think there is a big increase in that in New England. It unfortunately is not the case in the Mid-Atlantic.

And maybe that would provide some justification for the need for expanded observer coverage if we would see there is a difference between the magnitude of discards that we might be estimating from one method versus the other.

The other point I'll make is this. I understand folks' impression about the "bang for the buck," the relative importance of this, and I think we all share the same view, but what I'm hearing is that we may be looking at cutbacks in the recreational harvest of striped bass and possibly even calls for rolling back the commercial quota increase next year.

That's what I'm hearing blowing in the wind. And if that's going to be the case, then I think we owe it to the users of the resource to try to do what we can, whatever we can, to understand and address that through the very large discards that occur in these fisheries first.

And we can't do that without information. We've got to start getting it. And that's why I've supported getting this addendum rolling. Thank you.

CHAIRMAN TRAVELSTEAD:  
Thank you, Gordon, some very good comments. Bruce and then Anne and A.C.



MR. BRUCE FREEMAN: I believe the general opinion would be that such a program would be extremely useful. I see the impediment, certainly from our standpoint, I think most others, is really coming up with the money to do it.

If there were some magical way that money would be forthcoming, I think everyone would sign on to this, because that information, even though the resource is recovered, would be extremely valuable. And we need it in other fisheries as well.

I like Gordon's suggestion to put an alternative in the plan that would: 1, require it as being a compliance issue and another that "do as can." I think that certainly would help this move forward.

But, I also believe that going forth to the public hearing it would be useful to come up with some cost figures as to what we believe it would cost for an individual state and then ask the constituents ways that they see this money forthcoming.

There has to be some buy-in. I think the constituents would like to see this done. But I think money is really going to be the big impediment here. If we can find a way around that, then I think this would be certainly supported and unanimously.

CHAIRMAN TRAVELSTEAD:  
Anne.

MS. ANNE LANGE: To Gordon's suggestion of working through the Northeast Regional Coordinating Committee, whatever the term is, for those of you who are state directors and who were at the state directors' meeting we held in St. Pete back in April you will remember that Dr. Hogarth committed to working with the commissions

and the states to try to identify how we can work better together and better coordinate our efforts so we do get more for the money that everyone is putting in.

And I think this is a perfect example of how that can be done, Vince, working with the Northeast Region, and then through the states as well to identify better ways of improving the observer coverage. And I think it's, too, what we at NMFS have committed to and I believe each of the state directors and the commissions as well. This is a good example of that.

CHAIRMAN TRAVELSTEAD:  
Thank you. A.C.

MR. A.C. CARPENTER: Thank you, Mr. Chairman. This may fly in the face of quite a bit of the comment we've heard here but I think if we look at the world we're approaching this addendum because Amendment 6 says that we shall have a program.

We have several ongoing ways of estimating total mortality. We have a pretty good handle on what the catch rates are or the harvest is and the balance is natural mortality and discards. Mark Gibson said a moment ago that we've got pretty good estimate on what the discards are.

Whether it's commercial or it is recreational is sort of immaterial to the models. The models don't care how these things are killed, I don't think. But, where I'm going with this is there is a suggestion to work on a regional basis to get the at-sea observers' data.

There is a suggestion in here to, a way to handle discard information from the recreational. We could simply have an option in this addendum to change

Amendment 6 language not to require us to do it and it would be handled through a broader discard issue handled through the ACCSP.

And I'm not sure that that's such a bad idea, that we would try to enhance the ACCSP's role in this, the federal at-sea observer role in this, and this document would then rely on the data from those sources to characterize the discard mortality that we observe in this particular fishery.

As Gordon said, all fisheries have discards and we need to know about it in a much broader base than just striped bass. We've got a pretty good handle on what the actual discard mortality is from the striped bass tagging work that is ongoing and will continue to on go.

So it might be a good idea to put an option in here to simply say that this particular plan won't collect it; it will be collected through the other programs that are out there and will be required. Thank you.

CHAIRMAN TRAVELSTEAD:  
Thank you. Gil.

MR. GIL POPE: Thank you, Mr. Chairman. I guess I'm going to do something, I'm going to fast-forward us here about three years into the future. And we have done, we have spent the money; we have done the research; and we found out that the pie shape has changed, that it is actually 8 percent is commercial discards and not 4 percent and that the commercial harvest is still 17 percent but the recreational has dropped to 27 percent and the recreational catch has dropped to say 47 percent.

What would then be our actions? Would anything change? Would we do anything

vastly differently than what we're doing right now? Are we going to change our fishing methods or are we going to change the number of people that are actually going to fish?

I want to know that if we're going to go down this road and spend this money and do all this time and effort that it's going to be to change something that is radically wrong or something that is really going to change something.

Because if all it's going to do is change the shape of the pie or to change a particular PR-something that looks good or looks bad or change it a little bit, then to me that's really not worth spending the money.

It's nice to know the information but I'm just saying what would we do differently if, say, it were three years from now and we were sitting at this table? If anybody has the answer to that I'd love to hear it. Thank you.

CHAIRMAN TRAVELSTEAD:  
Gil, the short answer to your question is this, Amendment 6 says that if this addendum uncovers a bycatch problem or a discard problem then that will trigger yet another addendum to address the problem. That's as much as we can say at this point in time. But that's what is part of Amendment 6. Yes, sir, Craig.

MR. CRAIG SHIREY: Thank you, Mr. Chairman. For those of you who don't know me I'm Craig Shirey: I've got Roy Miller's proxy today. In Delaware and Delaware Bay we have done some bycatch surveys.

And to add to Mr. Pope's comments we have found that bycatch and bycatch discards vary quite a bit from one year to

another. And within the addendum it identifies following two years and something will perhaps be done.

But if you were to look at our discards in Delaware Bay this year you would have found that there were basically none because the fish were late in showing up and people were sort of scrambling to catch their quotas.

Whereas, in other years there has been, where the season is fairly long and people catch fish throughout the week for the market to rise or they're looking for a certain size class of fish it can be quite large. So I'm not sure that a two-year program would identify all the discards and the problems that we would hope that it would. Thank you.

CHAIRMAN TRAVELSTEAD:  
Thank you. Howard.

MR. HOWARD KING: Yes, thank you, Jack. The Chesapeake is such a productive area for striped bass. We have so many small fish. And this year class, it looks like it's going to be a good one as well so we're adding this year class under previous high year classes.

We have so many small fish that in the hook and line fisheries, both recreational and commercial, you sometimes have to go through 100 short fish to catch a legal fish. We really need to find a way to convert these discard mortalities to harvest.

And I'm not sure how we would approach that with the existing frameworks but we do need to start talking about that informally, to be able to take more smaller fish and reduce discard mortality and increase harvest. Thank you.

CHAIRMAN TRAVELSTEAD:  
Thank you. Yes, sir. Dr. Perkins.

DR. DAVID PERKINS: Sort of along these lines I've got a general question. I don't know if there is anyone here that can answer it, perhaps Mr. Grout. I guess I'm concerned or at least questioning the importance of breaking out the bycatch mortality versus natural mortality.

As we start to move down the road to multi-species management, looking at ecological interactions, is it important for those purposes to try to distinguish between bycatch mortality versus natural mortality?

CHAIRMAN TRAVELSTEAD:  
Doug.

MR. GROUT: I think the importance here is not so much the segments of the pie as the total number, coming up with as accurate as possible a total number of harvested and discarded fish that have died so we have a total kill.

Whether it's, you know, 10 percent commercial or 40 percent recreational from a technical standpoint is irrelevant. It's the total kill that we need to know. And we have estimates of natural mortality.

That is another thing that is tough to get a handle on in any fishery, as you well know. And we do the best we can with that. And as with any of this the better data we have the better off we're going to be.

DR. PERKINS: Just a response to that if I could.

CHAIRMAN TRAVELSTEAD:  
Yes, sir.

DR. PERKINS: But as we refine the

size of that pie, does that not affect the size of the natural mortality pie?

MR. GROUT: We assume right now a certain percentage are killed. And what we do -- it depends on which one you're looking at. If you're looking at the modeling VPA results, what we do is we add up all the kills and then we add on an assumed natural mortality rate.

With the tagging you do the opposite. From the tagging you get a total mortality, a survivorship, or you reverse it to total mortality and then you take that assumed natural mortality rate and subtract from the total to get what you're saying the fishing mortality rate is. So one you're adding on; the other one you're subtracting it. Does that answer your question?

DR. PERKINS: Yes. Thank you.

CHAIRMAN TRAVELSTEAD:  
Pres.

MR. PATE: Jack, just a point of order. We've gone beyond.

CHAIRMAN TRAVELSTEAD: I know that.

MR. PATE: Okay. (Laughter)  
What this motion is intended to do so I suggest we vote in the affirmative of tabling or postponing the motion and bring these substantive debates about the need for the addendum back for the next meeting.

CHAIRMAN TRAVELSTEAD:  
Yes, I thought the comments were helpful, though. If the motion to table or to postpone passes I think the implication is that we will still pursue these other things, that the staff will pursue discussions with the Northeast Coordinating Council about development of

a single observer program, that they will discuss with ACCSP about making funding for this type of program a high priority, and thirdly we will ask the technical committee to begin a re-evaluation of their methods by looking at the VTR data and other data sets that Gordon had suggested.

Are we ready to vote, then? Is there a need to caucus? No. All those in favor of the motion to postpone to the next meeting raise your right hand; opposed, like sign; abstentions; null votes. The motion carries. Thank you. Doug.

MR. GROUT: Could I just ask the Board if the charge to the tech committee to look at, what I understand is you want us to look at the existing sea sampling data we have plus the VTR data and come up with an estimate of striped bass discards and compare it to the current method we're using. Is that what you're looking at?

CHAIRMAN TRAVELSTEAD: I think that's my interpretation. Is there any other? Gordon.

MR. COLVIN: I think that's certainly part of it. I think generally the comments from the board members were in terms of perhaps the technical committee giving some advice to the staff and the PDT about how to put better justification throughout the document.

And I don't see that as just a technical committee charge but one that would extend to the PDT so that the document includes a clearer justification and an expression of the need and benefit for collection of this data. And I also heard some discussion about costs which would also be helpful. I don't think that is for the technical committee to do.

MR. GROUT: And you want this analysis by the fall meeting?

CHAIRMAN TRAVELSTEAD: If possible, yes. Paul.

MR. DIOATI: If it's okay, Mr. Chairman, I'd be willing to volunteer my time to work with the technical committee chair and the PDT to help develop the response back to the Policy Board.

CHAIRMAN TRAVELSTEAD: We love volunteers.

MR. DIODATI: I think I might have a sense of what might be helpful for the board so if they want -- they have to call on me, though.

CHAIRMAN TRAVELSTEAD: Okay, Doug, you know who to call on now. Thank you, Paul. Yes, Bruce.

MR. FREEMAN: I mentioned some idea of some kind of cost, just if not in the document for our edification come the Annual Meeting. Now, if Vince can find a way or there is a way that this could be worked in and be, fine; but in the event that's not the case and it goes to public hearing, I think it would be helpful to let the constituents know this is what it is, you know, some idea of what the cost will be. And it's not just do it and it's going to get done because they're going to have to be part of it.

### **RHODE ISLAND COMMERCIAL QUOTA PROPOSAL**

CHAIRMAN TRAVELSTEAD: That's fine. That's good. Are we ready to go to the next item? Okay, Item 5 is the technical committee report issue of a proposal from Rhode Island relative to their

commercial quota. Doug.

MR. GROUT: Thank you, Mr. Chairman. Rhode Island submitted a request to increase their general commercial category quota and the justification was they were at a higher size limit. The increase they were looking at was going from their current quota of 146,000 and 175,000 pounds and they were proposing to increase it by about 8,500 to 154,872 pounds.

The method that they used was an equivalent MSP for 28-inch size limit called for in the plan and a 34-inch size limit that they had for that particular fishery and look at the change in yield per recruit.

The technical committee's consensus was not to approve this proposal and the reasons were that the equivalent percent MSP at 34 inches had a fishing mortality rate of .38 and the plan calls for a target fishing mortality rate of .30.

In addition, the technical committee in that 2004 stock assessment had recommended that there be no liberalization of programs. Are there any questions?

CHAIRMAN TRAVELSTEAD: Questions for Doug. Does Rhode Island wish to address the board?

MR. GIBSON: Yes. Thanks, Jack. I'm the one who, I don't think we need to waste a lot of time on this issue today. It's not terribly important in terms of this year. I would like to reserve a placeholder for this request in the future, potentially for 2006 or whenever the board deems it appropriate relative to past action.

I understand the technical committee's comments. I would point out that you can't balance, you know, MSP at a higher size

limit unless you elevate the fishing mortality rate on those older fish than you would have at a 28-inch limit so that's simply a function of the equivalency calculations in MSP units.

But we can work with the technical committee. I have been advised that no one from Rhode Island was at the meeting to support this proposal which is obviously troubling to me, something I have to look back into.

So it's clear that the board won't approve this without technical committee endorsement so I'm not going to spend a lot of time lobbying for it but I simply would like to reserve a placeholder to come forward, perhaps at another meeting after we work with the technical committee.

I think there is a legitimate issue here of when we fish, you know, choose to fish at a larger size limit we ought to be able to come forward with a conservationally-equivalent argument and I would just like to reserve the ability to do that. So I don't think the board needs to take any action on this at this time.

CHAIRMAN TRAVELSTEAD:  
Paul.

MR. DIODATI: Someone better call Najih and get him out of the office before Mark gets back. (Laughter) The commonwealth of Mass is also at a higher size limit in our commercial fishery and although we've thought about this very same approach in the past to reconcile our quota I've refrained from doing that for a couple of reasons.

But where we will likely consider it, from year-to-year it's very difficult to get these quotas within, to get them right on. We're always within 2 or 3 percent of what our

quota is but when we close it it's a projected closure and you know we often go over 2 or 3 percent or under 2 or 3 percent.

So how I envision us using this approach is to account for those slight percentage overages so we're not doing the bookkeeping exercise every year to knock 8,000 or 9,000 pounds off our quota because we got, you know, whatever it is a little bit over. So we will likely be bringing something similar to this to the technical committee and discussing a very similar combination.

CHAIRMAN TRAVELSTEAD:  
Can we get a motion on the Rhode Island proposal, please? Pat.

MR. AUGUSTINE: Sounds like the motion would be that we actually accept the fact that they are not going to contest it so we move to reject the Rhode Island proposal. Is that clear?

CHAIRMAN TRAVELSTEAD:  
Okay, good. Yes. You have a motion to reject the Rhode Island proposal. Is there a second to the motion? Seconded by John Nelson. Discussion on the motion? I don't think we need anything, really. Eric.

MR. SMITH: Mr. Chairman, I understand Mark Gibson's comment to be that essentially they're withdrawing it for the time being. I'm not sure we need a motion.

CHAIRMAN TRAVELSTEAD:  
Are you withdrawing it?

MR. GIBSON: Yes, I'd like to just simply withdraw it but with an opportunity to revisit it with the technical committee and this board again so I don't think an action is needed.

CHAIRMAN TRAVELSTEAD:  
I'm sorry. I misunderstood you. I agree with you, then we don't need a motion. And certainly I think any state has the opportunity to come back at any future date with a proposal for the technical committee and the board on any subject. I don't think there is anything that precludes that so that ends that agenda item in my opinion. Are there any other comments? Yes, sir.

### OTHER BUSINESS

MR. TODD C. DUBOIS: Good afternoon, Mr. Chairman. My name is Todd DuBois. I'm the Deputy Special Agent in Charge for the Northeast Enforcement Division of NOAA Fisheries Office for Enforcement.

On behalf of Sec. Andy Cohen I just wanted to provide the committee, the ASMFC, with a brief overview. We're often asked about federal violations of striped bass violations and how we're handling those. I thought I would give you a quick, a very brief overview and answer any questions you might have.

CHAIRMAN TRAVELSTEAD:  
Please do.

MR. DUBOIS: Since January 1<sup>st</sup>, 2005, there has been 17 documented violations of striped bass violations in the EEZ. These have been documented with our law enforcement partners, being the Coast Guard and our JEA state counterparts under the Joint Enforcement Agreements.

Eight of those violations occurred in the EEZ off the Mid-Atlantic and were all detected by the Coast Guard. And most of those were in May and June of this year with some happening earlier in January and

February.

There was an addition four in June that were detected in a joint Coast Guard/NOAA operation off the coast of New Hampshire. And then there has recently, in the month of August, been four detected by the Massachusetts Environmental Police and investigated jointly with NOAA off the coast of Massachusetts as well as one which just happened this week in a joint investigation with Connecticut DEP and Massachusetts Environmental Police and involving NOAA.

And that's what we've done and what we've seen for the violations. They've been mostly possession of striped bass or fishing for striped bass in the EEZ. There is one case involving illegal landing and sale of striped bass.

And it's mainly been charter vessels involved in the Mid-Atlantic cases but there has also been commercial vessels involved in the New England cases. And I would be glad to answer any questions that you might have.

CHAIRMAN TRAVELSTEAD:  
Thank you for your report. Are there questions? Vince.

EXECUTIVE DIRECTOR  
O'SHEA: Yes, thanks, Mr. Chairman. I was wondering what the penalty is for those that are caught fishing out in the EEZ for either over the bag limit or possession of striped bass.

MR. DUBOIS: The penalties have ranged, from anywhere, summary settlement penalties of \$50 a fish depending on the violation. The cases that I mentioned off the Mid-Atlantic, those penalties ranged from the \$50 for one fish over limit to the highest

in those cases of \$400 penalty.

CHAIRMAN TRAVELSTEAD:  
Vince.

EXECUTIVE DIRECTOR  
O'SHEA: Do they get to keep the fish?  
(Laughter)

MR. DUBOIS: No, NOAA's policy  
would be those fish would be seized.

CHAIRMAN TRAVELSTEAD:  
Any other comments or questions? Paul.

MR. DIODATI: Are these violations  
the result of directed surveillance for this  
type of infraction or is this incidental to  
other enforcement work?

MR. DUBOIS: Actually it's both.  
Many of the ones detected by the Coast  
Guard were basically in patrol operations  
they detected during the course of their  
patrol. Some of them, the joint  
NOAA/Coast Guard operation off New  
Hampshire was a dedicated, focused effort.  
And Massachusetts also has done some  
focused efforts in the striped bass.

CHAIRMAN TRAVELSTEAD:  
Bruce then Eric.

MR. FREEMAN: The question I  
was going to ask was just asked.

CHAIRMAN TRAVELSTEAD:  
Okay, Eric.

MR. SMITH: Thank you. One of the  
things we've tried to do in my time at New  
England Council was when we got the  
much-appreciated NOAA reports on  
enforcement if it appeared to us as a  
management body that the penalties were  
insufficient to meet the crime we would

recommend by a motion to NOAA General  
Counsel that they do what they can to  
increase the penalties to make them  
commensurate with the offense.

The kinds of surveillance and joint  
operations they have to do to catch people  
are very expensive, very laborious. Fifty  
bucks a fish just doesn't cut it. I mean I  
know that's what Vince was getting at with  
his comment. If it's appropriate, Mr.  
Chairman, a quick motion might be in order  
or sense of the group.

CHAIRMAN TRAVELSTEAD:  
My concern is -- and I want the advice of  
the board on this -- is this was not an item  
on the agenda. It might be something we  
want public comment on in advance, you  
know if we could put it officially on an  
agenda.

MR. SMITH: Gosh darn it, Mr.  
Chairman, I'm going to disagree again, as I  
did yesterday. I know my days are  
numbered here. (Laughter) I apologize for  
that. If it was a management action I would  
agree. If it's a recommendation for them to  
consider changes in enforcement penalties,  
I'm not sure we need public comment on  
something like that under "other business."

CHAIRMAN TRAVELSTEAD: All  
right, let's proceed, then.

MR. SMITH: Consensus of the  
group.

CHAIRMAN TRAVELSTEAD:  
We'll see how it goes.

**MR. SMITH: I would move that  
the Striped Bass Management Board  
recommend to NOAA General Counsel  
that penalties for violations of striped  
bass rules in the EEZ be increased**



**substantially.** Thank you.

CHAIRMAN TRAVELSTEAD:  
We have a motion. Is there a second? It's seconded by Gene.

DR. EUGENE KRAY: Second.

CHAIRMAN TRAVELSTEAD:  
Let's wait until we get the motion on the board and then we'll take some comments. Okay, Gordon.

MR. COLVIN: Mr. Chairman, what's our position of record on the EEZ ban?

CHAIRMAN TRAVELSTEAD:  
Say that again.

MR. COLVIN: What's our position of record on the EEZ ban?

CHAIRMAN TRAVELSTEAD:  
Gosh, I don't know off the top of my head.

MR. SMITH: I do, if I may, Mr. Chairman.

MR. COLVIN: Anybody who does. Pres knows. The Chairman knows. Let's hear it.

MR. PATE: Well, it was in Amendment 6 to recommend to NOAA that the EEZ be opened to the harvest of striped bass. They have failed to do that.

CHAIRMAN TRAVELSTEAD:  
That's right.

MR. COLVIN: That's what I thought, Mr. Chairman. I just want to just throw out the "mixed message" idea here.

CHAIRMAN TRAVELSTEAD:

Okay, Gordon. Eric and then Paul.

MR. SMITH: Thank you, Mr. Chairman. I won't try to belabor this too long. Diametrically opposed corners of the table, diametrically opposed position and partners across the Sound. I agree. And I've advocated that the EEZ ought to be open but it isn't open right now.

And if law enforcement is going to put the resources into making people obey the law as it exists today, we ought to have the penalties that fit the crime so I support the motion. Thank you.

CHAIRMAN TRAVELSTEAD:  
Eric, look at the motion on the board and make sure that's what you wanted. Was it specific to violations in the EEZ or just in general?

MR. SMITH: I had actually said for EEZ violations. I'll take the will of the group as to how they would like the motion formed.

CHAIRMAN TRAVELSTEAD:  
Well, it's your motion.

MR. SMITH: Yes, I thought you'd say that. Thank you.

CHAIRMAN TRAVELSTEAD:  
How do you want it?

MR. SMITH: In the EEZ.

CHAIRMAN TRAVELSTEAD:  
Okay. I've got several hands now. Paul and then Bruce.

MR. DIODATI: Yes, I certainly couldn't support this motion as it is written. To focus specifically on the EEZ I think is the wrong message. I think that based on

this very short report that's done -- it's a verbal one; it's not in writing -- I can't really interpret how severe the crimes were.

I think maybe the penalty is in keeping with the crime. You know what I heard was a lot of these are recreational fishermen. They may not know where they are. I don't know where they were intercepted.

Was it at 3 miles or 30 miles? How many fish were on board? If I'm a recreational fisherman and I have a striped bass on board I think a \$50 fine for the day might get my attention so I don't know how much the level should be. I don't have enough information, basically, to support this motion.

Further, it is inconsistent with the position of the board. The board in Amendment 6 and subsequent actions have clearly supported that NOAA Fisheries move forward with the reopening of the EEZ. And this, becoming more aggressive on actions, enforcement actions in the EEZ is completely inconsistent with that so I can't support this.

CHAIRMAN TRAVELSTEAD: Okay, let's hear from our Law Enforcement Committee rep and then I'll go back to the list.

MR. MIKE HOWARD: Thank you, Mr. Chairman. I think we need to go back a year and a half ago when this board was very concerned over violations in the EEZ and requested the Law Enforcement Committee to prioritize its enforcement efforts on the illegal taking of striped bass in the EEZ.

We had two meetings on this and we discussed fully the penalties that were available which were insignificant to what they would be if you were caught inside

state waters doing the same thing. The second thing we discussed was the potential opening of the EEZ and that was transmitted back to this Board.

The board requested that we enforce the EEZ closure of striped bass, that there was no way to accurately monitor what was going on in the striped bass fishery in the EEZ if it wasn't enforced. Therefore, coast-wide we put an effort led and spearheaded by the National Marine Fisheries Service and the U.S. Coast Guard to enforce the laws.

Fifty-dollar fines are insignificant to fishermen offshore. As a charter boat captain I can tell you that is insignificant. Having said that of course the board can give us further direction and we'll take care of that. Thank you, Mr. Chairman.

CHAIRMAN TRAVELSTEAD: Thank you, Mike. Bruce and then Ritchie.

MR. FREEMAN: I was going to ask that Mike address this issue which he did. But I would recommend that this be referred back to the Enforcement Committee. There is a lot of issues here that are not being brought out and I don't think we have the time to discuss those.

But I think it would be better rather than just simply make this motion is get some factual basis for this and the concerns enforcement has and then report back to the board.

CHAIRMAN TRAVELSTEAD: Are you making a substitute motion, Bruce, or just a recommendation?

MR. FREEMAN: **I'll make a substitute motion just to move this, that this issue be referred to the Enforcement Committee.**

CHAIRMAN TRAVELSTEAD: Okay, so I think what you're doing is postponing this motion until the technical committee can review it and report back.

MR. FREEMAN: The Enforcement Committee, yes.

CHAIRMAN TRAVELSTEAD: I'm sorry, the Enforcement Committee.

MR. FREEMAN: Yes.

CHAIRMAN TRAVELSTEAD: Is there a second to the motion to postpone? Second by Gordon Colvin. Comments on the motion to postpone. Paul.

MR. DIODATI: I hope that -- if this is approved I hope that the Law Enforcement Committee would provide a more broad recommendation that striped bass fines are expanded or increased more broadly, not just in the EEZ. I think that's wrong to be that narrow.

CHAIRMAN TRAVELSTEAD: Ritchie.

MR. G. RITCHIE WHITE: I'll pass.

CHAIRMAN TRAVELSTEAD: Anne.

MS. LANGE: I just want to restate what Mike said, that we as a board requested this action based on advertisements that were going on in several of the states for charter boats telling their customers that they would take them into the EEZ, blatantly, flagrantly take people in the EEZ to fish for striped bass.

So we had already requested that the Enforcement Committee do this so it seems

sort of strange to refer it back to them, aside from more specific things such as what the might recommend for fines.

CHAIRMAN TRAVELSTEAD: Gordon.

MR. COLVIN: To agree with Paul, if we're going to ask the Enforcement Committee to get together and look at this subject, it would make sense, while they're at it, to look more broadly at the subject of penalties generally applied in the case of striped bass violations, including penalties by the states and to give the board more comprehensive advice on the adequacy of the current experience with penalties in their enforcement efforts. "Bang for the buck" here again. Let's get as much as we can out of this advice.

CHAIRMAN TRAVELSTEAD: Okay, I had several hands. Ritchie, you had your hand back up.

MR. WHITE: Yes, thank you, Mr. Chairman. I don't know why we don't do both. I think it's pretty obvious to everybody that a \$50 fine per charter boat that is knowingly going out in the EEZ, which my understanding is the case in the New Hampshire situation, is you know extremely low.

And we're not asking for any amount of fine; we're just asking them to review and to increase so I don't know why we can't have Law Enforcement Committee review and at the same time send a letter on asking for the fines, for the service to re-evaluate the fines in the EEZ.

CHAIRMAN TRAVELSTEAD: Eric.

MR. SMITH: Thank you. We sure

can get tied up in our underwear. (Laughter)  
I thought this was a fairly simple --

CHAIRMAN TRAVELSTEAD: I warned you.

MR. SMITH: Yes, I know.

CHAIRMAN TRAVELSTEAD: I warned you.

MR. SMITH: I know. (Laughter)  
I'm going to support the motion to postpone partly in the interest of time management and partly because it's an issue, if I had had the time I would have perfected the main motion to take out "in the EEZ" and say "federal fines for striped bass violations be substantially increased."

But we can deal with that at our next meeting. NOAA General Counsel isn't going to make the fines to a million dollars just because we say so. I know that from the way they've dealt with our request from the New England Council.

It gives them incentive to review their schedule and decide if there is a better schedule. But we can wait until November to do that so thank you.

CHAIRMAN TRAVELSTEAD: Okay, we're going to take a couple more comments and then we'll vote. Howard.

MR. KING: In Maryland we have a graduated fine schedule so the fines are dependent upon the severity of the violation and so, Mike, is that the case with NOAA and the Coast Guard? Is there a fine schedule that's graduated?

MR. HOWARD: Yes. We didn't make the request of this board at this point to increase the fines or request from NOAA

General Counsel. We haven't fully explained to you and this discussion can fully be explained in a memo to this board which I will prepare.

There is a graduated system of fines and severity clauses. There is a minimum issue. But I think we can explain this to the committee if this is postponed properly so you don't get bogged down any further. Thank you.

CHAIRMAN TRAVELSTEAD: Thanks, Mike. Lew.

MR. FLAGG: Thank you, Mr. Chairman. I was going to speak against postponement of this motion but considering what Mike has said about the fact that the Enforcement Committee will provide some additional information and clarity I think that it might be advisable to do this.

CHAIRMAN TRAVELSTEAD: Thank you. Was that the final comment on the motion to postpone? Are you ready to vote? Is there a need to caucus? I'll allow a few minutes, a few seconds for caucusing and then we'll vote.

Okay, the issue is to postpone the motion until it can be reviewed in a general sense by the Law Enforcement Committee or in a broad sense. All those in favor of the motion signify by raising your right hand; opposed, like sign; abstentions; null votes. The motion carries. Is there any further business to come before the board? Paul.

MR. DIODATI: I wasn't going to raise this today but since we just had this discussion I guess I'd like to ask the National Marine Fisheries Service for any updates they have relative to their decision to postpone the development of the EIS.

Could you give me an exact status of how far you got along. I know that you went all the way through the public hearing process. You started to develop a draft EIS and for some reason you postponed. And I guess I'd like to just establish for the record where you are.

CHAIRMAN TRAVELSTEAD:  
Anne.

MS. LANGE: We were very close to completion of the DEIS. As you recall, at the last Annual Meeting we found out from the technical committee that there was grave concern relative to this, the level of uncertainty in the current status of the stock.

And it was not the normal uncertainty fluctuating around the estimate, it was the entire assessment itself. The fishing mortality estimates that were derived at that time were nearly doubled, the target and 1.5 times the threshold. There were concerns about the spawning stock biomass size. But there was, the technical committee/stock assessment subcommittee were not convinced that those numbers were correct.

We made the decision to hold off on finalizing the DEIS and going out with it to the public because my concern, that the general public and the focus would be on the extremely high estimates of F, that there would be no discussion relative to the merits of the rest of the DEIS and the information that was included in it, that the entire focus of any discussion would be that, how can you even consider this or even think about it if the estimate of F is double what it is supposed to be or what is already in the amendment.

So at that point we chose to withdraw at that point or delay completion and publication of the draft DEIS until the stock assessment

subcommittee and technical committee were comfortable with what the actual estimates of F were.

My understanding is right now that the technical committee is reviewing the data, that they, one of the things that has been identified is the relatively recent -- again my understanding -- the relatively recent increase in the winter fishery off North Carolina.

And I realize that the board and North Carolina requested MRFSS to, several years ago to start sampling that and we were unable to do it at the time. Having one year of greatly increased landings may have been what contributed to the high estimate of F and in fact I don't know what the status is right now as far as the assessment.

But if that fishery or data for that fishery for a number of years, it probably would not have been a sudden increase in fishing mortality. At any rate we're waiting for the results from the 2005 assessment which I understand should be done by the end of August or into September.

We are, I am in the process of incorporating and identifying sections within the DEIS where any updated information would be inserted. I have incorporated in the beginning of the document the concerns relative, that I just explained, relative to the estimates from the 2004 assessment will be incorporated into the results of the 2005 assessment as soon as it's available to us and at that point intend to go out, release it to the public for -- hopefully in the next couple months for review and then a proposed rule would follow if appropriate.

CHAIRMAN TRAVELSTEAD:  
Paul, a follow up.

MR. DIODATI: Okay, so you're actually, you're just waiting for the next stock assessment to be incorporated into the draft EIS and then it's going to be released for public comment?

MS. LANGE: Correct. Correct. That's my --

MR. DIODATI: Okay, so it will be back on schedule within --

MS. LANGE: Well, a year late but, yes, we're looking at where we thought we would have been this time last year. And, again, the reason that we delayed it was because the focus would have been on an extremely high F not on the rest of the document, in my view.

CHAIRMAN TRAVELSTEAD: Anything further for the board? Seeing none we are adjourned. Wait a minute. Why don't you come right on up, then, and we'll hear from you. And before we adjourn I need to call on Vince, too.

MR. JAMES E. PRICE: My name is James Price. I'm with the Chesapeake Bay Ecological Foundation. I'd like to make one brief comment about the law enforcement discussion. I was on a charter boat out of North Carolina a year ago and we brought in 14 illegal striped bass caught about 8 miles offshore.

And I have contacted the Coast Guard on numerous occasions discussing what they're doing to stop this problem along the coast and I've found that there is no coordinated effort by the U.S. Coast Guard along the Atlantic Coast from Maine to North Carolina to enforce these regulations.

They normally respond to a complaint but they don't routinely patrol and arrest or

write citations for these violations. They have told me that they do not have the personnel to do that. They would like assistance from Congress or from anyone that can provide them more personnel to enforce these regulations. So I don't want to get too much into that but that's what I know for a fact.

I have comments today. As you may recall, I presented documentation to this board concerning the collapse of striped bass forage base in the Chesapeake Bay. Maryland's DNR estimates of the number of striped bass lesions and sores reached its highest level last year at 29 percent.

And due in part to the poor recruitment of Age 0 menhaden that are crucial component of the bay's ecosystem they have been unavailable in sufficient numbers in recent years to support the production of larger striped bass being produced and protected under the 18-inch size limit that we have.

Therefore, increased predation by striped bass on bay anchovy has also limited the food supply for predators like bluefish and weakfish in the Chesapeake Bay which appears to have had an undesirable effect on their populations.

Striped bass also suffer from starvation and disease resulting from the lack of forage available in the bay. The Chesapeake Bay Ecological Foundation has initiated a predator-prey monitoring program this past winter which examined 390 large migratory striped bass over 28 inches on their winter feeding grounds off the coast of North Carolina.

This program collected more information concerning the health, diet and sex ratio of migratory striped bass over 28 inches in its first year than has been collected during the

past 17 years by the U.S. Fish and Wildlife Service annual winter survey.

This information is critical to understanding the influence large striped bass have on their prey which consisted mostly of Atlantic menhaden. Older aged three-plus menhaden represented 69 percent of the menhaden consumed by weight which indicates they are competing directly with the reduction industry for a limited, declining resource.

Striped bass over 28 inches are experiencing a decline in weight at age that correlates with their decreasing number of older aged two-plus menhaden. The predator-prey monitoring program examined 390 striped bass over 28 inches and revealed that they arrived on their winter feeding grounds off the coast of North Carolina suffering from malnutrition due to an apparent lack of forage in northern coastal waters.

It is evident now based on scientific research that the striped bass population in the bay and along the coast are suffering from inadequate forage and unless management addresses this issue increased natural mortality may result and a serious decline in striped bass abundance.

And the problem in the Chesapeake Bay appears to be associated with the 18-inch size limit when you have consecutive strong year classes creating a forage demand that cannot be achieved by the bay's forage supply.

I'm not against lowering or raising the size limit when it's necessary to protect or manage this fish. I helped lobby legislation through the state legislature in Maryland raising the size limit from 12 to 14 inches in 1983. But there comes a time when you may have to lower the size limit or raise it to protect the health of the fish and the bay's

ecosystems.

As far as the predator-prey monitoring program, I am asking on behalf of Dr. Anthony Overton who has conducted the program if the board would be interested in funding this project. I have had a number of inquiries and comments that this information is very useful, would be very useful to the Striped Bass Technical Committee.

And the Fish and Wildlife Service has expressed interest in funding this but right now we're asking whoever wants to fund it we would be glad to consider working with any agency. Thank you.

CHAIRMAN TRAVELSTEAD: Thank you. Is there any other? Yes, come on up. I had forgotten we had started early and I think some of the public who had intended to be here had not arrived.

MR. ED O'BRIEN: Okay, Ed O'Brien. I'm an officer of the Maryland Charter Boat Association and have been a spokesman for them for quite a long time. I'm also vice chairman of the National Charter Boat Association. We probably have more members than a lot of sports fishing organizations that address your board.

There are several things that have come up today that I just would like to make a few quick comments on. First of all I guess I'm going to disagree with Mr. Price on some things and then I'm going to agree with him on others.

The menhaden situation, we want to see more of them get through simply because the game fish are following them to eat them. To emphasize the situation about lesions is something that is way overdone to justify a position on menhaden.

I have seen things in print relative to this viewpoint that say 70 percent of the striped bass in Maryland are going to die because of these lesions. Fishing around the Bay Bridge in 1960 I saw many, many lesions on fish and things worse than I'm seeing now.

This year in particular the fish look very, very healthy so I just have to react to an overemphasis on this lesion situation. However, I do agree with Jim that maybe we should be looking at a smaller fish in the bay.

Now I know that goes against the grain of many things that we've done here at the board over the last many, many years. Charter boats up and down the coast do tell me they're seeing more smaller striped bass out there than ever before.

Now that's anecdotal but it is from an organization that has quite a few members and they're pretty much on the scene all the time. Maybe it's the competition from all these little fish we have in the bay; maybe when they get to be 18-19-20 inches they leave sooner. But, gentlemen, they are leaving sooner.

Now, the mortality relative to the situation that we're fishing in the bay right now is very high. It's extremely high. A typical charter boat trip I run I might have to stay out there nine hours to get a limit for six people. And there are days where we do not get that limit.

If I could catch a 16-inch fish I'd be through with striped bass in 2.5 hours, done with them. I'd go and do something else. And I wouldn't be throwing back those many fish. To catch 12 fish, for instance, on many days you're throwing back 120, maybe more. There is a lot of mortality in that.

And we found that circle hooks isn't the answer either because the people want to hold their rods to catch the fish. To catch them on circle hooks you've got to set it in that rod holder and let them take it.

And when they take it that way damage done by a circle hook is just as bad as damage done by a j hook. So I just think that maybe there should be a little more thought to a smaller fish in the bay. It would save a lot of fish. It would save a lot of fish.

If it was 17 inches I'd be done in four hours instead of three. But once you get to that 18 inches it's hard; it's very hard. I don't know why they're leaving but they seem to be leaving sooner based upon the fact the people on the coast say there is more little fish out there.

So that's my comments for the day. Always enjoy being here and you all have accomplished a lot and given us a lot and I know you'll keep that up. Thanks very much.

## **ADJOURN**

CHAIRMAN TRAVELSTEAD:  
Thank you, Ed. Are there any other further public comments? Anything further from the board? Vince. We're adjourned.

(Whereupon, the meeting was adjourned at 12:45 o'clock a.m. on Thursday, August 18, 2005.)

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