

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

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

**Approved August 2012**

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## INDEX OF MOTIONS

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

## ATTENDANCE

### Board Members

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

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

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

#### **Ex-Officio Members**

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

Kelly Place, Advisory Panel Chair

#### **Staff**

Vince O'Shea  
Kate Taylor  
Mark Robson

Bob Beal  
Chris Vonderweidt

#### **Guests**

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

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

The Atlantic Striped Bass Management Board of the Atlantic States Marine Fisheries Commission convened in the Presidential Ballroom of the Crowne Plaza Hotel, Alexandria, Virginia, May 1, 2012, and

was called to order at 8:30 o'clock a.m. by Chairman Tomas O'Connell.

## **CALL TO ORDER**

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

## **APPROVAL OF AGENDA**

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

## **APPROVAL OF PROCEEDINGS**

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

## **PUBLIC COMMENT**

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

## **REVIEW OF DRAFT ADDENDUM III**

MS. KATE TAYLOR: In February the board passed a motion to initiate the development of an addendum to incorporate the recommendations by the Interstate Watershed Task Force and ASMFC Law Enforcement Committee on reducing illegal harvest of striped bass. As you may recall through previous board briefings, the Interstate Watershed Task Force investigation within the Chesapeake Bay resulted in over \$1.6 million in fines levied against 19 individuals and 3 corporations for more than 1 million pounds of illegal striped bass harvested estimated to be worth up to \$7 million.

The investigation revealed that some of the control measures in place for regulating the harvest of striped

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

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

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

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

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

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

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

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

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

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

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

As a note, the Striped Bass Working Group was concerned that requiring each tag number be reported by the harvesters and/or dealers might be a hardship. Under the exportation category, under a mandatory commercial tagging program it would be unlawful to

purchase striped bass without a commercial tag. This is to prevent the sale of striped bass into state or jurisdictions where there is currently no commercial fishery program.

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

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

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

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

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

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

#### **LAW ENFORCEMENT COMMITTEE RECOMMENDATIONS**

MR. MARK ROBSON: Again, my name is Mark Robson; I’m the coordinator for the Law Enforcement Committee. Kurt Blanchard was running late this morning getting into town, but I believe he is here in the room, but Lloyd Ingerson is also here representing the LEC for the Striped Bass Board. We also have a couple of the representatives from the Interjurisdictional Task Force that you’ve met before. We have Jack Bailey from Maryland

who is here at the table and we also have Ken Andrews who is here from the U.S. Fish and Wildlife Service.

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

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

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

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

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

Some of the major problems that were encountered, of course, was the fact that you had a lot of fish moving in and among and between different jurisdictions and states, and that provided the opportunity for a lot of the illegal activity that was uncovered. In terms of the tag information and type, I know there has been a lot of discussion about that, and the LEC itself has also had a number of different points of view on this.

In general, we are pretty firmly recommending that we go ahead and adopt Option 2; and on the first one,

the commercial tagging program, of course, we are recommending Option 2, the mandatory commercial tagging program. For tag information and type, we also recommend Option 2. I will spell out some qualifications.

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

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

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

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

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

CHAIRMAN O'CONNELL: Go ahead, Pat.

### DISCUSSION OF DRAFT ADDENDUM III

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

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

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

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

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

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

related issue that we're going to be addressing later. Thank you for your clarification.

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

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

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

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

In terms of reporting, the LEC supports Option 2, but again there were comments made during our conference call that to the extent possible even more frequent than monthly reporting is valuable in terms of keeping up with where the fishery is at and where the quotas are at and being able to more regularly check records at the dock or at fish houses.

In terms of Item F, striped bass exportation, obviously, the LEC strongly supports this provision. There was an additional suggestion from an LEC member that the language in the draft document



might be modified because it currently refers to only purchasing striped bass; in other words, in order to purchase striped bass, it's illegal without a commercial tag.

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

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

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

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

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

CHAIRMAN O'CONNELL: Thanks, Mark, and a nice job with the Law Enforcement Committee. Before we get into a discussion and consideration of moving the draft addendum for public comment, are there questions for Mark and law enforcement? Yes.  
MR. LOREN W. LUSTIG: Thank you very much, Mark, for an excellent report. The issue of suspensions of licenses, you commented that has proven to be effective. Could you please quantify for the length of time that the license would be suspended? A follow-up question would be if that same angler or commercial operation became a repeat

offender, what would be the implications for a more strict or longer-lasting suspensions?

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

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

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

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

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

MR. PAUL DIODATI: Just to clarify the Commonwealth's fishery; it was sounding as though we were a conduit for a lot of illegal fish, and I just want to set the record straight. First of all, there are some basic criteria regarding our fishery. It is set by season, quota and minimum sizes. The season really extends more than six to eight weeks beginning in July, and we have a minimum size of 34 inches. If you have fish marked as Massachusetts and it's outside of that criteria, then you know it's not Massachusetts.

Furthermore, although we don't mandate the use of tags in Massachusetts, we facilitate tagging for our dealers because of the fish that are exported are going to states that require a tag that show point of origin. A lot of fish leaving our state are tagged. What we

don't do is account for those tags at the end of the season. I'd like to know of the seven states that are tagging fish, what accountability do you have for those states at the end of the year to demonstrate that the tags you issued are the tags that are left on the table at the end of the season?

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

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

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

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

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

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

At the end of the season they have to account for all tags that are left outstanding. We have just recently adopted a penalty. It's a one-for-one penalty. If you're either over the number that you are supposed to have or you're less than the number you're supposed to have, the next year you get that number fewer. I'll tell you from personal experience when you reach in the bag and you take out 20 tags or 40

tags or 3 tags and throw them in the trash can and say you don't get these this year because you didn't keep track of them last year, there is a look that comes over their face that they recognize that they've got to keep track of these things. We also have hearings for delinquent people sending in catch reports. If they're not filed timely, we have sat fishermen on the banks for failure to report. That's a routine part of our business.

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

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

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

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

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

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

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

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

CHAIRMAN O'CONNELL: I'll let Jim follow up but I think that New York has like an ITQ program and they used average weight and divided by the quota, so that's the amount of tags that you would need to catch that quota. Contrast that to Maryland

where the majority of our fisheries are not an individual quota and we have a tremendous amount of latent effort, and it requires us to order a lot of tags. We have been trying to reduce that number but you can see that the average weight of fish in each jurisdiction affects the number of tags in the management system whether it's an ITQ system or kind of an open fishery management structure. Jim.

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

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

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

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

And then other jurisdictions are very supportive of that and the DAs do a great job because they understand it; and then you get to the east end of Long Island and we have a colonial patent so we have the whole issue of even challenging search and seizure right now. Just in our state it's all over the place in terms of the court support for this, so I was just wondering had you considered that. It may a good approach to do consistently but if essentially the support up and down the east coast is all over the place, I don't how well it's going to work.

MR. ROBSON: Actually there was discussion about that and a couple of the members said exactly what you've said, that it's very hard to sometimes get the

attention of the courts for these kinds of cases depending on where you're at. That led to a discussion though where possible civil penalties could also be applied for suspensions and revocations where if you can get through that process, that might be an alternative way than trying to deal through the courts. For those states where you could adopt civil penalties, that has been effective in some states. Lloyd can add to that, I think.

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

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

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

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

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

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

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

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

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

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

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

MR. CARPENTER: Mr. Chairman, I'd like to make a few comments about the document. I want to start with Figure 1. For those of you who remember Amendment 1 and 2 and 3, we were concerned with controlling the commercial fishery only. We had no data at all on the recreational fishery. True to form, once we found out that we were treating 25 percent of the problem rather than 100 percent of the problem and we got serious about treating recreational harvest as well as commercial harvest, we began to make some progress. It looks to me like we are repeating that pattern. We're still treating 25 percent of the problem with this entire addendum.

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

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

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

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

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

One last thing in listening to all the discussion this morning, I recognized that one thing this addendum does not address is counterfeit tags. We have a provision in our regulations that has specific penalties for anybody who is altering or modifying or counterfeiting tags. That is what we have used in our case for revoking licenses when we found out that Potomac River fish were being tagged with Maryland tags. That's not in here.

The other thing that we have is a written agreement with the manufacturer that our tag system, our unique tag that we use in the Potomac, they will not

manufacture for anybody else. Now, that doesn't mean that some other manufacturer is not going to, but that issue has not been addressed in this.

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

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

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

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

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

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

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

The filet issues are difficult because you soon get into the situation where the health department is going to get involved with going into a restaurant or a retail establishment that has got fish carcasses in the back and filets in the counter and they're going to want them cleaned out and thrown away. Has anybody dealt with the health department issues of keeping tags that have fish slime all over them in a bin in the back of the room someplace? I don't know; I just raise it as a point of concern.

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

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

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

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

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

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

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

MR. CARPENTER: Are you ready?

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

MR. CARPENTER: All right, my first recommendation was on Item C, Option 2, remove the words "approved by the technical committee". For the tag accountability, Item D, Option 2, remove "under penalty of perjury". Under Item E, reporting,

Option 2, remove the last sentence in that paragraph. Under Item F, include “the sale or purchase of striped bass; unlawful to sell or purchase”.

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

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

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

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

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

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

MR. ROY MILLER: I was just going to add regarding the issue of tag number accountability that it may be practical for some jurisdictions. At least in the case of Delaware it is practical to note the sequence of tag numbers issued to an individual fisherman. Fisherman A might be issued – just to pull numbers out of the air – number one through three hundred. Although there is not reporting of individual tag numbers as they’re used, at least you know which sequence of numbers were issued to an individual fisherman. Thank you.

CHAIRMAN O’CONNELL: Just to comment on that, Maryland has established a similar process

where there is a data base that is real-time information accessible to the Natural Resource police officers in the field; so if they intercept somebody, they can look at that tag number, go to the data base and confirm what individual was assigned those tags. Kelly.

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

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

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

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

DR. MICHELLE DUVAL: Mr. Chairman, with regard to the previous comments on sequence of tag numbers, we issue our tags to the dealers but include the sequence of tag numbers that are issued to the dealer, and additionally the dealers are required to report on a daily basis both the number of tags that are used as well as the poundage that they have purchased from fishermen – just to illustrate the accountability that we’ve built into our system as well.

MR. LUSTIG: Mr. Chairman, I was listening carefully when Paul made the motion. It has been quite a while ago, but I believe that I heard him

correctly say to be included in the motion was information or recommendations that Pat had made. I don't see Pat's material listed in the motion.

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

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

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

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

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

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

CHAIRMAN O'CONNELL: I don't know if the maker of the motion wants to have a friendly amendment to the motion or need you to amend that. Paul.

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

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

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

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

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

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

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

MR. ADLER: Okay, I've got a 20-pound striped bass I just pulled in. I think he is still alive. You put the tag through his mouth somehow, without your finger, is that ever a problem if you've got a live, kicking fish that you have to put a tag through his mouth while he is still alive. And he is a good-sized one; is that sort of a problem?

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

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

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

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

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

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

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

It's inferred, but it's not said what we wanted in that motion. Then make this as a clear definition within the options about when you tag the fish as Mr. Place had described. We're back and forth and back and forth. I want to make sure we cover in the first part of this option the most critical part, and that had to do

with filets and it had to do with the LEC report being a part of the document. I'd divide the question or if someone wants to take that last part out; otherwise, let's just call the question, Mr. Chairman.

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

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

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

(Whereupon, a caucus was held.)

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

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

CHAIRMAN O'CONNELL: My understanding is that was not included in the options. That was language that was being put up there in case somebody wanted to offer it. It was not in the motion with the understanding that the addendum provides



that broad flexibility and we will make a final decision based on public comment afterwards. Kate.

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

## TECHNICAL COMMITTEE REPORT

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

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

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

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

To address this issue we did the projections forward for striped bass making certain assumptions that we explored several levels of fishing mortality and we

also looked into at least two different options for the future recruitment, which, of course, we cannot predict what it's going to be. We explored the option that the recruitment will continue to be relatively low as it was observed in 2005 through 2010.

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

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

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

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

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

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

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

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

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

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

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

MR. GROUT: Thank you very much Alexei and the technical committee for this information. This certainly allays some of my concerns about the risk we might have of waiting to take action so that we don’t get into an overfished situation. I feel very comfortable right now that we can wait to see what happens with the next assessment, which will be the most up to date and current information, and hopefully we won’t have to take action.

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

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

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

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

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

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

DR. SHAROV: Yes, that’s correct, that is the way it would be, but we should also allow ourselves to consider that there are other factors that will likely play in the opposite direction. The same as the fishing mortality, we don’t know whether that will go up. If it will go up, yes, we will the threshold sooner, but it might be going down as well. We have not accounted for last year’s strong year class which if it will hold, if it will survive, they will start contributing to the spawning stock as females

probably in five to six years. That will be working in a positive direction.

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

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

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

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

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

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

### **ADJOURNMENT**

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

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