

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

**November 19, 2002
Williamsburg Lodge
Williamsburg, Virginia**

ATTENDANCE

Board Members

Lew Flagg, Chair , Maine DMR	John De Persenaire, proxy fo Assemblyman Smith (NJ)
George Lapointe, Maine DMR, proxy for D. Etnier	Dick Snyder, PA Fish & Boat Commission
John Nelson, New Hampshire Fish & Game Dep.	Roy Miller, Delaware DFW
G. Ritchie White, New Hampshire Gov. Apte.	Timothy Targett, Delaware Gov. Apte.
Paul Diodati, Massachusetts DMF	Eric Schwaab, Maryland DNR
Bill Alder, Massachusetts Gov. Apte.	Bill Goldsborough, Maryland Gov. Apte.
Vito Calomo, proxy for Rep. Verga	Richard F. Colburn, Maryland Legislative Com.
David Borden, Rhode Island DEM	A.C. Carpenter, PRFC
Jerry Carvalho, proxy for Rep. Naughton (RI)	Ira Palmer, DC F&W Division
Ernest Beckwith, Connecticut DMR	Jack Travelstead, Virginia MRC
Lance Stewart, Connecticut Gov. Apte.	Bill Pruitt, Virginia MRC
G.L. Gunther, Connecticut Legislative Com.	Preston Pate, North Carolina, DMF
Gordon Colvin, New York DEC	Damon Tatem, North Carolina Gov. Apte.
Pat Augustine, New York Gov. Apte.	Melvin Shepard, proxy for Rep. Redwine (NC)
Brian Culhane, proxy for Senator Johnson (NY)	Anne Lange, NOAA Fisheries
Bruce Freeman, New Jersey DFG&W	Bill Cole, USFWS
Tom Fote, New Jersey Gov. Apte.	

Ex-Officio Members

John Carmichael, NC DMF, TC Chair	Stuart Welsh, USGS/UWV, Tagging Subcommittee Chair
Alexei Sharov, MD DNR, SA Subcommittee Chair	

ASMFC Staff

Megan Gamble	Carrie Selberg
Bob Beal	Lydia Munger
Tina Berger	Mike Lewis
Vince O'Shea	Brad Spear

Guests

Bruno Vasta, MD Saltwater Sportsfishermens Assoc.	Andrew Loftus, SFF
Rich Novotny, MSSA	Richard Abele, Striped Bass AP & Com Fisherman
Phil McMann, MA Environmental Police	Walter Peter Kelly, Commercial Fisherman
Najih Lazar, RI DFW	Ed O'Brien, MD Charterboat Association
Columbus Brown, USFWS	Pete Jensen, MD Legislative Proxy
Beverly Ludford, Commercial fisherman	Kelly Place, Striped Bass AP & Com. Fisherman
Chris Ludford, Commercial fisherman	Cory Routh, VMRC
Tom McCloy, NJ DFW	Rob O'Reilly, VMRC
Peter Burns, NOAA Fisheries	Albert Spells, USFWS
Charles Lynch, NOAA	Gorden Birkert, PRFC & VMRC
Eleanor Bochenck, Rutgers University	Herb Drake, ASMFC Consultant
William Windley, MSSA/RFA	James Price, CBEF
Jim Hayden, CCA-VA	Dick Brame, CCA
Paul H. Keziam, PRFC	Bob Fjelstad, Striped Bass AP & Rec Fisherman
Steve Wray, Long Bay Pointe Bait & Tackle	Walter Burryh, Commercial Fisherman
	Ellen Cosby, VMRC

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MOTIONS

1. Move that the Board accept the commercial component of the Massachusetts proposal to change its management program.

Motion by Mr. Diodati, second by Mr. Carvalho; motion tabled.

2. Move to table the motion until the February Commission meeting.

Motion by Mr. Beckwith, second by Mr. Miller; motion passes (12 in favor, 4 opposed).

3. Move to grant North Carolina's request to increase its harvest in the Albemarle Sound by 100,000 pounds.

Motion by Mr. Pate, second by Mr. Cole; motion passes (13 in favor, 1 opposed, 2 abstentions).

4. Motion to table until the February Meeting.

Motion by Mr. Adler, second by Mr. R. White; motion fails (6 in favor, 8 opposed, 1 abstention, 1 null).

5. Move that the Board approve Virginia's request to increase the coastal commercial quota by 31,397 pounds, from 98,000 pounds (53% of the 1972-1979 historical landings) to 129,397 pounds (70% of the 1972-1979 historical landings).

Motion by Mr. Travelstead, second by Mr. Diodati; motion passes (15 in favor, 1 null).

6. Move that the Board accept the Annual Compliance Report.

Motion by Mr. Pate, second by Carpenter; motion carries.

7. Move the acceptance of the two individuals (Mr. Pappalardo and Mr. Bergonzi) to the Advisory Panel.

Motion by Mr. Adler, second by Mr. Augustine; motion carries.

**ATLANTIC STATES
MARINE FISHERIES COMMISSION**

**ATLANTIC STRIPED BASS
MANAGEMENT BOARD**

**Williamsburg Lodge
Williamsburg, Virginia
November 19, 2002**

The meeting of the Atlantic Striped Bass Management Board of the Atlantic States Marine Fisheries Commission convened in the Tidewater Room of the Williamsburg Lodge, Williamsburg, Virginia, on Tuesday, November 19, 2002, and was called to order at 2:00 o'clock p.m. by Chairman Lewis Flagg.

WELCOME & INTRODUCTIONS

CHAIRMAN LEWIS FLAGG: Would you please take your seats, and we'll begin the meeting of the Striped Bass Management Board. Thank you all for being here this afternoon. I'm Lew Flagg from the state of Maine and current chair of the Striped Bass Management Board.

BOARD CONSENT

You have before you an agenda, which was mailed out prior to the meeting, and I would like to suggest a couple of revisions to the agenda.

Under the Advisory Panel Report, that will be given in conjunction with Item 9, which is also an updated item. It will be review/ approved proposed changes to Massachusetts, North Carolina and Virginia management programs.

As we discuss each of them, I will ask Bob Beal for the Advisory Panel Report relative to those three requests. Item Number 11, the Draft FMP Review, will be deleted. There will be an updated review that will be presented to the board at the next meeting.

Are there other additions or deletions from the agenda? Anybody have any additional items they'd like to add or delete from the agenda? Seeing none, then we will proceed with the revised agenda.

I would note for the record there is a quorum of

members of the board available to conduct this meeting, and I would ask staff to circulate a sign-in register to confirm the attendance at the board meeting.

You also received previously the minutes of the May 23, 2002, meeting held in Washington, D. C. Are there any errors or omissions to the minutes? Are there any objections to approval of the minutes as printed? Seeing no objections, then we'll declare the minutes approved as printed.

PUBLIC COMMENT

At this time we will allow for public comment. Are there any members of the audience that would like to speak? Yes, Jim.

MR. JAMES E. PRICE: My name is Jim Price, President of the Chesapeake Bay Ecological Foundation. I wanted to make a short presentation to the board, because I have a report that's going to be presented to Congress concerning the status of striped bass health and management in the Chesapeake Bay that's going to first be presented to the Subcommittee on Fisheries Conservation, Wildlife and Oceans, to Chairman Gilchrest with whom I've already met with.

I'd like to read some of the remarks in this report, because I think it's very important for the board to hear this before you address approving Amendment 6.

The Striped Bass Fishery in the Chesapeake Bay is facing one of the most challenging ecological problems ever presented to fishery managers and scientists. The ASMFC has developed a Fishery Management Plan for striped bass that doesn't consider the forage demand of older striped bass, age 3-plus, in the Chesapeake Bay.

The Bay's forage base has collapsed, but fishery managers have made no attempt to adjust the harvest of predators or reduce the harvest of Atlantic menhaden.

The Bay's striped bass population, recently at record high abundance, is suffering from poor nutrition and disease. Natural mortality rates have increased in the Bay and may be increasing along the coast, affecting the larger migratory fish.

Over the past 20 years, fishery managers have increased the Bay's minimum size limit from 12 inches to 18 inches, age 2 to age 4 fish, dramatically increasing the

population of the Bay=s older age 3-plus fish, causing increased prey consumption.

The Bay=s older age 3-plus striped bass are consuming a greater amount of Bay anchovy and blue crab, because their preferred diet of Atlantic menhaden has declined to record low numbers.

A recent University of Maryland study of striped bass in the Bay found that in 1959 striped bass, ages 3 to 6, ate three times as much Atlantic menhaden as in 2001.

Also, in 1959 age 6 striped bass were 73 percent heavier than in 2001. In a related study by the University of Maryland Eastern Shore, Overton suggests that environmental conditions, including water temperature, prey size and prey availability failed to adequately support production of age 3-plus striped bass in the Bay.

The study found that age 3 striped bass consumed five times the amount of Bay anchovies in 2001 as compared to consumption in 1990 and in a 1992 bioenergetic study.

Since 1994, increased predation and recruitment failure has reduced the Bay anchovy to the lowest level ever recorded by the Maryland DNR. Bioenergetic studies suggest that the Chesapeake Bay is better suited as a nursery area for young piscivores than as a production area for older fish.

The prey supply is inadequate to support the production of older age 3-plus striped bass. Bioenergetic modeling was used by Hartman and Brandt in =95 to evaluate predatory demand and prey supply for striped bass in the Chesapeake Bay.

Total prey demand by age 3 striped bass exceeded supply by 80 percent, while demand by age 4 through 6 striped bass was 101 to 103 percent higher than supply.

In general, young predators came closer to balancing prey supply and demand than older classes. Management measures that permit increased escapement and presumably increased migration of age 1 and older menhaden to the Bay will benefit the production of striped bass."

The Maryland DNR Gillnet Survey Index for the striped bass spawning stock has shown a declining trend over the past five years since peaking in 1996.

The survey initiated in 1985 is a fishery-independent index of male and female striped bass comprised of mostly males, and indicates the relative abundance of age 2 and older fish.

The 2000 and 2001 index values were about one-half the series average. Recent tagging studies have estimated low fishing mortality, so decreasing abundance likely indicates higher natural mortality of resident striped bass.

Most alarming is that the =96 year class -- that=s the largest ever recorded in the Bay -- did not show up in the Maryland Gillnet Survey in sufficient numbers to alter the declining trend in the spawning stock index.

The Marine Recreational Fishery Statistics Survey, conducted by the National Marine Fisheries Service, indicated a 44 percent reduction in catch per trip in private boats in Maryland=s inland tidal waters over the past five years.

The two fishery-independent surveys indicate that the Chesapeake stock may be declining and support the findings of studies conducted by the University of Maryland and the Virginia Institute of Marine Science.

Fishery scientists and pathologists from both universities and Maryland DNR scientists have warned fishery managers that a disease called AMycobacteriosis@ may cause an increased rate of mortality in striped bass populations.

The university studies estimate that between 50 and 75 percent of the Bay=s striped bass population is infected by Mycobacterium, which has been documented to cause death in infected fish. The harvest of Atlantic menhaden by the industrial fishery in the Chesapeake Bay has averaged 300 million pounds per year since 1970, creating the largest commercial fishery on the coast.

This massive removal of menhaden is equal to five times the combined Maryland commercial seafood harvest of shellfish and finfish. This intensive fishery contributes to localized depletion of forage for the migratory and older resident striped bass in the Chesapeake Bay.

The ASMFC and the Chesapeake Bay Program need to develop FMPs for forage fish that would result in the restoration of the Bay=s foodweb.

The ASMFC has been successful in developing an FMP for striped bass that has helped rebuild the population; however, Amendment 6 doesn't allow management the flexibility to balance the Chesapeake Bay striped bass population with its forage base.

Amendment 6 needs to be changed to raise the estimated total fishing mortality rate because the plan continues to underestimate the rate of natural mortality for striped bass and could allow the stock to be overfished.

The public has been told that the striped bass recovery is an example of good fishery management; however, the ASMFC doesn't consider the ecological effect their FMPs have on the striped bass in the Chesapeake Bay.

The results have been devastating to the ecosystem, creating conditions that threaten the health and restoration of the Chesapeake Bay. And under recommendations:

The ASMFC needs to consider coordinated ecosystem-based management. The Chesapeake Bay Fisheries Ecosystem Plan is an example of the approach needed to develop cooperative management that should include the ASMFC, since they manage species that support Chesapeake Bay fisheries.

The Striped Bass Technical Committee should examine available information and studies concerning the status of the striped bass population in the Chesapeake Bay. The Technical Committee should reply to the Striped Bass Management Board its findings concerning the issues in this report on the status of striped bass health and management in the Chesapeake Bay..

I respectfully request that the board take this into consideration, and I believe the state of Maryland may have information that they're going to provide to the Technical Committee, but I rely on the committee reviewing the information and making the right decision.

I think we all have the same goal, which is to have a healthy striped bass population. Thank you.

CHAIRMAN FLAGG: Thank you, Jim. Jim, could you state your full name for the record, please.

MR. PRICE: James E. Price.

CHAIRMAN FLAGG: Thank you, Jim. Are there other public comments at this time? I did receive a letter this morning that was faxed, and I'd like to just -- these individuals were hoping to be here but weren't able to be here, and I was faxed the letter this morning.

I would like to just expound a little bit on it and give you an overview of what the concerns are. That's from Ed Wollen and Jay Stearn from the state of Massachusetts.

Their message is that they are working with the Coalition of Associations and interested fishermen in Southern Massachusetts. They'd like to endorse Option 2 of Section 4.9 of Amendment 6. This option allows for harvest in the territorial sea.

They explain that the conditions off Massachusetts create a situation where a lot of striped bass move off into deeper water during the warm summer months, and that access to these traditional fishing grounds, which are further offshore than three miles, would be advantageous to recreational fishermen.

The other issue is that they support having the state of landing be -- the management measures controlling this fishery would be wherever the fish are landed, and that the fish landed from any part of the territorial sea would be governed by the state, the regulations in the state of landing. They feel that the option is a reasonable compromise and should be endorsed. That was signed by Ed Woolen and Jay Stearn.

Review of Public Comment on Draft Amendment 6

If there are no other public comments, we will continue with the next agenda item. The next agenda item is the review of public comment on Draft Amendment 6. I'm going to ask Bob to just briefly review the public comments from the public hearing process.

MR. ROBERT E. BEAL: Okay, thank you, Mr. Chairman. I don't think I'm going to go through all the comments, since we don't need to be here until Friday. As you might imagine, on a striped bass amendment, we got numerous comments through public hearings and through mail and fax and e-mail and every other possible avenue.

What I've done -- and Megan has helped a whole lot

on this -- is put together a summary of what we received as far as public comment. In the interest of time at this meeting, I'm just going to kind of highlight the documents that we've put together.

We're not going to take any action on Amendment 6 today, or we don't intend to. There is a meeting of this board scheduled for December 19 up in Rhode Island, so you have about a month or so to review the documents that I'm just going to highlight today instead of going through each one.

I haven't put together a packet of every single letter that we've received for the management board. This is one of the packets.

This is doublesided, 500-and-some pages worth of letters that we've received.

If any of the board members want those, obviously, we can get those out to you, but we have summarized all those through a couple documents that I'll go through real quickly right now.

In the information that was on the CD-ROM directly following the minutes from the May meeting, there was a series of, I think, four tables that Megan put together, which summarized the public comment that we received via mail and e-mail.

It basically breaks down each of the comments into the issues that are included in Amendment 6, and you can see where they came from, what groups are involved, what their comments were, how many comments we received on each of the separate issues.

I think it's a pretty concise way of summarizing the 500-and-some pages that we did receive, so that definitely directs you to a quick summary of what we received via mail.

The other thing I want to highlight is a document, 20 pages or so, that was handed out at the beginning of this meeting. On the first page there's a list of the public hearings that were held. There are about 20 of them. I went to 13 or 14 of these and had a grand time doing it. Each of these hearings is summarized.

The ones that I did not attend were summarized by the state. Some of the states took the initiative to summarize their hearings even if I was there, so I thank them for that. So, instead of reading through what happened at each of these hearings, I think it's

probably best, in the interest of time, just to kind of leave you with this document.

Between now and the meeting later in December, if you can take the time to read through these, you can get a flavor of what happened at each of the public hearings. If we get to the December meeting and anyone has any questions or would like further elaboration on any of the hearings or on any of the written comments that we've received, well, I'll gladly do that.

I think the summary documents that are put together will probably be sufficient to handle most of it.

CHAIRMAN FLAGG: Are there any questions of Bob from the board members for clarification? Thank you, Bob.

STOCK ASSESSMENT UPDATE

The next item on the agenda is the report on stock assessment update. Alexei, are you providing that? We also have Stu Welsh and John Carmichael that will be assisting. Thank you.

MR. ALEXEI SHAROV: Good afternoon, ladies and gentlemen. The Stock Assessment Subcommittee met this fall to conduct the annual assessment of Atlantic Coast striped bass. Traditionally, the assessment is based on two different activities or two different groups of models, and one is the age-based assessment that utilizes the age-structured model of VPA or ADAPT.

I'll present results on that analysis and then Stuart Welsh will present independent estimates of fishing mortality and trends based on the tag models.

The ADAPT part of the assessment that we will be looking at, I will briefly go through the inputs and describe the trends and the catch in different sectors of the fishery, the fishing-dependent surveys trends, as well, the most important issues of the age structure of the population that the committee discussed and the results of the VPA model.

I will begin with the recreational landings. As you could see, the total for the 2001 was slightly above 2 million fish, and at your pleasure you can review the contribution of every individual state in terms of the number of fish harvested.

As you can see, it starts with New Hampshire and goes up to almost 600,000 fish landed in New Jersey. That is recreational harvest landings only in numbers.

This slide represents essentially the same information but not in numbers, rather in weight. As you can see, New Jersey remains the major contributor to the recreational harvest, while Massachusetts follows it in terms of the weight, and then you go down to New York, Virginia, Maryland and so on.

This is the time series trend for recreational harvest so that you could estimate as to where 2001 stands compared to the past. As you can see, the general trend for recreational harvest was to increase in time. Please note that there is a trend when you compare the harvest and discards.

Here the light blue line represents the dead discarded fish, so that was calculated assuming 8 percent of discard mortality. It shows the increase in proportion of the fish that were landed and decrease in the proportion of fish that were discarded.

In other words, if you'll look at the gap between the purple line and the light blue line, that gap gets bigger and bigger which indicates that, in general, fewer and fewer fish are being discarded. The interpretation is the increase in the number of legal size fish in the population that leads to smaller total numbers of discards in general.

This is the age structure of the recreational harvest in 2001. For landings and discards, as we can see, ages 5 through 8 comprised most of the recreational harvest, and discards were obviously primarily younger fish with ages 3 through 6 or 7 being the greatest part of the discarded fish.

The commercial fishery by state and numbers, represented on this graph, shows you that essentially 80 percent of the commercial harvest comes from the Chesapeake Bay Area and 20 percent from New York, Massachusetts, Delaware, North Carolina and Rhode Island.

Several other states do not have a commercial fishery in their waters, as you all know. That's the comparison of the landings and discards. As you can see, as opposed to the trend in the recreational fishery, discards show some variation but in general there is no trend for an increase or decrease in discards.

There are some fluctuations, but those might be the result of high variability in the data that we're using, because the commercial discards are calculated using the ratio of the tags that are being returned by recreational and commercial fishermen.

That is a quite volatile variable, so those estimates can be rather imprecise at this point. This is the age structure of the commercial harvest. As most of the fish landed commercially are from the Chesapeake Bay Area; therefore, they're substantially younger than the bulk of the fish in recreational harvest.

As you can see, ages 4 through 6 comprise most of the commercial harvest. That's the break in numbers of fish landed or harvested by different components of the fishery. As you can see, recreational harvest and discards comprise 71 percent of the total, and the commercial is 29, where 7 percent of that harvest is commercial discards.

So, this graph shows you a comparison of the total removals in 2001 and 2000. As you can see, there was a significant change. In 2001 few fish of younger ages were landed, and at the same time there was a significant increase in the harvest of the older fish compared to the year 2000.

A few examples for you on certain age classes -- the major decline occurred in the age 4 and age 5. As you can see, that happened primarily in the Chesapeake Bay Area, as well as in Massachusetts. Well, actually, age 4 shows that decline in practically all the states as opposed to the next one, the age 5, which shows a significant decline in harvest in the Chesapeake Bay Area.

That is why the totals for the age 5 are so much lower. So those fish left the Bay and are highly likely not available to the recreational and commercial fishery on the coast yet.

As opposed to the younger fish, we look at the older fish.

There was a significant increase in harvest of the age 8, which is the famous 1993 year class period, very strong year class, which continues to show a strong presence in the population.

There was a significant, almost 100 percent increase in harvest of the age 8 in Massachusetts, and essentially all

the states probably not had that high a level as in Massachusetts. But, apparently, this year class is going to show itself in the next several years as well.

Well, the next step, once we have the total catch at age matrix, we are generally almost ready to run the VPA model and estimate population size and the fishing mortality.

During several years the Technical Committee members discussed the issue that we all are using scales to age striped bass, and it has been shown there were several publications peer reviewed in the gray literature that indicated that stripers, as well as hundreds of other species, their scales are not as accurate in aging those fish as otoliths are.

So, that issue has been discussed on and off for several years, and at this time we decided it's time to look at what the effects would be and what that uncertainty with the age structure, what kind of effect it would have on the population, size estimates and fishing mortality rates.

It is generally known, and there are several studies that show that scales tend to under age older fish, and that underaging results in biased estimates of fishing mortality and abundance.

Of course, it increases uncertainty in our estimates of abundance and fishing mortality. As we have found, the model itself is quite sensitive to the solutions that are usually applied in such situations.

This is just an example, a sample of the study which shows the distribution of age readings from about 1,000 fish where they were aged using both scales and otoliths.

When they are young, the age estimates based on scales and otoliths are pretty equivalent; but as fish get older, most of the numbers tend to be below this dividing line, which indicates that if you use scales, they would give you, in general, smaller or lower estimates of the age of the fish as opposed to otoliths.

This is the same graph that shows you the deviation from the one-to-one line which indicates a potential bias. Both graphs are provided by Steven Bobko from the Old Dominion University.

So, what does that do to our estimates of the population

size and fishing mortality? If the catch that we know is fixed, and we're using the catch equation, then if we underage, what happens, then, our estimates of abundance become underestimated, so our estimates are too low, and the fishing mortality estimates are too high, and a bias does occur.

To solve this problem, what usually has been done in the assessment, when the age is a problem for the older fish, then those fish are being compressed into just one group, which is usually called the Aplus@ group.

In the past we used 15 age groups, that the last one, the 15 actually included fish that were age 15 and older so it was a 15-plus group. This time we looked at a number of plus groups based on the fact that several studies showed that the divergency in the age readings start to show up quite significantly at age 12.

So, we looked at the variety of options, looking at the plus grouping from 12 through 15. As you can see, the results are quite sensitive. So, after an intensive discussion, the committee agreed, for this assessment, that it will be based on the 12 age groups because the estimation of year ages will reduce the uncertainty associated with aging error.

The estimates of the fishing mortality-based model agreed best of all with the fishing mortality estimates that come from the tag model, and that the change resulted in the staple exploitation pattern or the partial recruitment vector that comes out of this model.

So, the rest of the results will primarily concentrate on the output where the 12 age groups were used in the analysis. The other updates fore the inputs, we updated weight at age for the 1997-2001 period, which would affect the spawning stock biomass estimate.

Also, we updated and calculated commercial discards for the period 1998 through 2000, using methods that are trying to account for spatial or aerial differences, at least Chesapeake Bay versus coast, in terms of the rates of discards.

Of course, the important input into the model is the fishing-independent and sometimes fishery-dependent indices of abundance, which are being presented here as collapsed, that combine all the age groups for every survey; although in the analysis, because it is an age-based model, we use an individual index for every age group for every survey, and we have 87 of those.

But, we quickly will scroll through these just to show you the trends for the population. Of course, these surveys, all of them are local.

All of them represent essentially the trends in abundance in a certain area, which may be or may not be representative of what happens to the total coastal complex; and that is part of the problem of utilizing this model, but that is the only solution, the only available information to us at this point.

But, in general, they tend to show similar trends for most of the age groups that we're looking at. Although some show large variations, others seem to be more stable, but they were all used in this particular assessment.

Now we go into results, because that's the most important part of the analysis, obviously. We'll discuss fishing mortality estimates, population size, spawning stock and the recruitment. This light blue line represents the estimate of the fishing mortality, which is an average for ages four through ten. On every graph I will follow this one.

You will have, also, a line with the pink line, which would show sort of the alternative, the 13-plus grouping result, which was chosen to show you a potential variation in the estimates; that is, the upper possible value for either fishing mortality or the population size estimate to sort of illustrate the level of uncertainty that is there in the assessment due to the aging problem of striped bass.

Yet, at this moment it was the consensus of the Technical Committee that the 12-plus estimate is the preferred option that is most likely, in the opinion of the committee members, representing the status of the stock.

So, the average for ages 4 through 10 in the 12-plus run is 0.29, which is below the target level of Amendment 5 and certainly below the overfishing definition. We've looked, also, at the average fishing mortality for the older ages.

The fully recruited ages of striped bass are 7 through 10 in this particular assessment. They would be a representation of the so-called F_{full} that is supposed to be compared with the threshold F and the target F and the overfishing F for Amendment 6, where this

fishing mortality for a fully recruited fish has to be compared with the one that comes out of the assessment.

So, the 7 through 10 for the 12-plus run is 0.29. I apologize, I said it was 0.29 for ages 4 through 10. Ages 4 through 10, it's 0.23, as far as I recall.

So, this full F actually is below the current overfishing definition and slightly below the target, as well. Traditionally, we're looking at the fishing mortality for ages 3 through 8 because this fishing mortality for these represents the F on the ages that are being primarily harvested in the estuaries like Chesapeake Bay or Delaware Bay and Long Island Sound.

So, the average fishing mortality on those ages is below 0.2. The population size for the total complex for ages 1 and older is being estimated as an average at 59.6 million fish, and you see the general trend is increasing with some dip down in 2000. Yet, it's the highest estimate of the population size in the time series available.

The female spawning biomass essentially repeats the same trend and is above the 26,000 metric tons. The model estimates recruitment based on the correlation between the index of the young-of-the-year and the estimate of the population size in the past.

The principal nursery areas, in the Chesapeake Bay, the index for 2001 was very high, comparable to 1993 and 1996, indicating another very strong year class. So, the model output shows the age 1 estimate even higher than the '93 or '96 year class, but it, for sure, will be corrected.

At this point, it's just the output of the regression that is being used in the model. Finally, the now standard type of presentation of the uncertainty and the estimate of fishing mortality, that is the estimate of the fishing mortality, the bootstrap estimate, for the fully recruited ages, 7 through 10.

As I said, the average is 0.29 and the 80 percent confidence bounds are in the range of 0.26 to 0.32. The corresponding distribution of the population size estimates are between 55 and 70 million fish with the mean of 59 million fish.

So, these are the principal results of current assessment. The population size overall goes up. The SSB goes up.

Recruitment is very strong to age one. The fishing mortality is slightly below the target for the full recruited ages, and it's well below the target for the younger ages.

That's the major message. The only thing that the Technical Committee members wanted to say is that they would like to view this as an interim assessment, because they understand the extreme importance of the age determination issues.

The Technical Committee agreed, with the help of the ASMFC, to hold the aging workshop sometime early in 2003, the results of which would be used to reassess the population once the aging issues are cleared. That would conclude my part of the assessment.

CHAIRMAN FLAGG: Thank you, Alexei. Are there questions of the board for Alexei at this time? Paul Diodati.

MR. PAUL DIODATI: Alexei, did I understand you correctly that the 2001 recruitment is at the highest on record?

MR. SHAROV: Highest on record based on the VPA output, but we realize that it will almost definitely be marked down to some level, how far we don't know because it is based -- this estimate is still based on primarily on the index, the young-of-the-year index, and those are quite variable, as you know.

But it's definitely going to be a strong year class, for sure. We just cannot tell whether it will be stronger than the '93 year class or not.

MR. DIODATI: Okay, and the F equals 0.29 on 7 to 10 year olds, was that using the 12-plus group?

MR. SHAROV: Yes, correct.

MR. DIODATI: Okay, what was it if you used the 15-plus group? That was the group that was historically used.

MR. SHAROV: For ages 7 through 10?

MR. DIODATI: If that's the age group that's consistent with full recruitment.

MR. SHAROV: I don't have that because after the discussion, we agreed not to present this. I did

not include that table. It would be slightly over 0.4, I believe.

MR. DIODATI: Lastly, I don't imagine the target F of 0.31, that doesn't change because of the aging issue, does it?

MR. SHAROV: No, it doesn't, but in principal, the reference points could be adjusted or reviewed if the age distribution of striped bass would -- and our understanding of mortality, primarily natural mortality would change as the result of the improved understanding of the catch-at-age and age distribution of the older fish. But, I don't think that it will change significantly, so reference points should stay the same, I believe.

CHAIRMAN FLAGG: Dave Borden.

MR. DAVID V.D. BORDEN: Thank you, Mr. Chairman. Alexei, a quick question. At one point you put up a chart or a graph on commercial and recreational landings with the age distribution and the catch in each one of the ages. Which of the fisheries that are landing the age ones in two fisheries, where are those being landed or discarded?

MR. SHAROV: Just a second, we will try to get the graph on the screen. There is very, very little harvest of age 1. It has to be Table 7 in the document that you have, D-7.

MR. BORDEN: Yes, you actually just had the one up that I was referring to, the one that was -- the recreational harvest, because I can make the same point.

MR. SHAROV: Yes.

MR. BORDEN: I mean, at the current minimum size, I know there's a range of sizes associated with age, but what is that range?

MR. SHAROV: What is the range of the minimum sizes?

MR. BORDEN: Yes, the minimum size at age, for an age three fish what is the range of sizes that are associated with that fish?

MR. SHAROV: Oh, are you asking for just Age 1 or --

MR. BORDEN: No, you actually can do age-1, age-2 or age-3.

MR. SHAROV: All right.

MR. BORDEN: Or you can do all three. I=ve got two questions here that I=m toying with.

MR. SHAROV: Okay. Well, the age one has to be really low. But if you will allow me to use centimeters, I would say 10 to 15 centimeters.

Age 2 is probably 20-25; Age-3 is -- the average is about 40-45 for age 3 centimeters. That=s what it is. But, the way these number ones, the age 1 fish shows up is primarily the logbooks of the recreational fishermen volunteers so then when they catch them they measure them.

They release them, well, obviously, and those real small fish, like age 1, usually come from that source, and they rarely are present in the MRFSS data.

MR. BORDEN: Okay, and just a quick followup. The age 3 fish, for instance, looking at the graph up there, are those all pretty much below the minimum size still?

MR. SHAROV: No, for age 3 it=s probably - - it really depends also on the area. For the Chesapeake Bay area, about 50 percent of the fish reach minimum size, 18 inches or 45 centimeters at age 3. It, obviously, varies on what time of the year it is.

MR. BORDEN: Okay, thank you, and the last question is the issue of the discards of twos and age threes, in particular, which are fairly substantial, can you tell us what fisheries those are occurring in? I mean, this is obviously the recreational fishery, but is it coastwide or it just down in the Chesapeake Bay?

MR. SHAROV: Well, it occurs coastwide, but in Chesapeake Bay primarily ages two and three are discarded. The older fish are primarily discarded on the coast, and then they are not discarded in the Chesapeake Bay because they are primarily legal.

CHAIRMAN FLAGG: Gordon Colvin.

MR. GORDON C. COLVIN: Thank you, Alexei, that was an excellent report, and I appreciated

the conclusion of the Stock Assessment Subcommittee=s finding that this ought to be regarded as preliminary information pending further work on resolving the aging issues and the workshop that is scheduled for this winter.

I think Paul Diodati=s questions certainly underscored, to me, the importance of trying to bring further light on the aging issues and to reduce perhaps what might be at least in some of our minds -- certainly in mine -- some uncertainty about how we ought to be looking at the plus groups.

My question is not necessarily to the Technical Committee but maybe to the staff. I believe that the aging workshop is quite important, and is there anything that the board needs to do or its members need to do to help assure the success of that workshop?

CHAIRMAN FLAGG: Bob, would you like to respond?

MR. BEAL: Sure, thank you, Mr. Chairman. No, actually, everything is in the action plan for next year to hold that workshop. I think we=re going to do two species next year; striped bass and one that I can=t remember right now. I think maybe eel -- no, I don=t know.

But striped bass is one of them. It=s in the action plan, and the money is set aside for next year so I think we=re all set, assuming the action plan is approved on Thursday.

CHAIRMAN FLAGG: Eric Schwaab.

MR. ERIC SCHWAAB: Thank you. Alexei, just a quick question, back to that recruitment figure, the 2000 numbers are also unusually high. Would we expect that they would also be adjusted downward in the future?

MR. SHAROV: We might be talking about, actually, the same year class. It=s the 2000 year class, but in the assessment, when it shows as age 1, it=s the age 1 in 2001.

It=s probably the same one we=re -- no, you=re right. Yes, you=re right. As you can see, yes, it definitely would be corrected, for sure. As every year class, when it starts to show up in the fishery, and the catch is the principal information in the model, that makes the

correction as to what the year class strength is.

CHAIRMAN FLAGG: Yes, Ernie.

MR. ERNEST E. BECKWITH, JR.: Thank you, Lew. Alexei, did you calculate F just for the coast, the coastal fishery?

MR. SHAROV: No, we cannot do this in that model that we're using. We cannot separate fishing mortality for the coast or the Chesapeake Bay.

MR. BECKWITH: But the Chesapeake Bay estimates their F by a tagging --

MR. SHAROV: Yes, correct. Yes, the Chesapeake Bay, there are tag-based estimates available for the Chesapeake Bay for the coast. Those will be presented to you in a few minutes by Stuart Welsh, and he'll talk about all those estimates. But, the VPA-based estimate is for the coastal complex that is from Maine down to North Carolina.

MR. BECKWITH: Alexei, if I can just follow up, each time we take a look at the F rate in the striped bass population, we look at it in terms of where we are with the target.

So, for the coastal states, what F would we utilize to compare it to the target? It would be an F that includes all the fish, even the ones that are in the Chesapeake Bay?

MR. SHAROV: Well, as I said, we cannot definitely separate the overall F that comes from this model into the Chesapeake Bay component or any other estuary component and a coastal component, but with some reservations, I should say that definitely if you look at the ages seven and older or eight and older, you essentially are talking about the fish that are primarily in the coastal area and are exploited by coastal fishery.

So, F on ages seven through ten, in this particular assessment, is essentially a representation of more or less what is the fishing mortality on the coast. That's my opinion, not the Technical Committee. But I hope that they will agree.

MR. PRESTON PATE, JR.: Lew.

CHAIRMAN FLAGG: Yes, Pres Pate.

MR. PATE: If you will look at Table D-3 in your report, you will see that Virginia's commercial fishery has taken on a level of purity that none of us realized existed. It's subtle, but it will catch up with you in a minute.

CHAIRMAN FLAGG: Are there other questions of Alexei from board members? Seeing none, I believe our next presentation will be by Stu Welsh, who will give us a report on the tag-based studies.

MR. STUART WELSH: I'm Stuart Welsh, the current Chair of the Tagging Committee. What I'd like to do today is go through a brief background initially of the striped bass tagging program.

This program has been and is coordinated by the U.S. Fish and Wildlife Service. It began back in the mid-80s. This is just a partial list of agency acronyms, basically emphasizing the coverage of the tagging program.

One thing that I think is monumental about this program is the number of tags. As of July 2002, over 385,000 fish have been tagged, and we have over 70,000 recoveries. What I'd like to do next is go through the tagging programs that we use in our tag assessment.

I'll begin with the producer area estimates. Basically, we have three programs here: the New York Hudson River, the Delaware Bay and also the Chesapeake Bay, which includes data from Maryland and Virginia.

Then we have the mixed coastal stock programs, and these include the Massachusetts Tagging Program, which is a hook-and-line tagging program, the New York Ocean Haul Seine Survey, New Jersey and also the North Carolina Winter Trawl Survey.

Now, it's important to realize that these programs do not operate on the same time scale. The Massachusetts and the New York programs are in the fall. New Jersey tags fish in March, and then North Carolina is typically in late January.

I think it's important to emphasize that there are a number of uses for tag data, but today I'm just going to go through the survival estimates that we get from these data which are converted to fishing mortality rates.

It's also important to realize that there are a number of assumptions, as with any analyses, and the first five here are typical assumptions that are associated with tag-based analyses.

The bottom three are also very important, and currently we assume a reporting rate of 0.43, a hooking mortality rate of .08, and we assume natural mortality of 0.15. So, what we do is we estimate survival rates.

We convert that to a fishing mortality rate. We use standard Seber models within an information theoretic framework. The methods are somewhat quantitatively complex; and for the sake of brevity, I don't think this is the place to go into a lot of background on the analyses.

But I will emphasize that the methods have been supported by peer review and by the scientific literature. So now on to the results. This is for the coastal estimates of fish larger than 28 inches. The first thing that will strike you is that the unweighted average seems relatively low, 0.09, and the reason for this is the influence of the very low estimate for Massachusetts.

Now we are uncertain as to exactly why the Massachusetts estimate is so low, but it has been that way for several years. Possibly, a better approach for an average would be to exclude the Massachusetts estimate or possibly just consider the program separately.

But if we compare these results with the VPA, what's interesting is that the tag-based F estimates are relatively consistent with those provided from the VPA.

Now, the white line represents one of the VPA estimates. The blue line represents the tag-based estimate of F based on an average from North Carolina and New Jersey and New York.

Then the yellow line represents an average just based on the North Carolina and New Jersey data. These are the results from the producer area programs. There are a couple of things here that will also strike you.

Initially, you'll notice that the estimate for the Delaware producer program is relatively high. Another important point is the blank under Hudson, and this is that way because we did not have a -- the data were not available from the Hudson River this year for this

year's tag assessment.

The Tagging Committee believes that these data are very important, especially if we want to see an overall picture of producer areas. But based on a weighted average, we got an estimate of 0.16.

Again, if we compare these data, these producer area estimates with the VPA, again, you see that the trend of the VPA tracks relatively closely with the trend of the F estimates from the tag-based approach.

Again, as I emphasized before, the high estimate for Delaware is also shown by the blue line. So, if I could make a conclusive statement, I think it would be that it appears that the VPA-based estimates are relatively in line with what we get from the tag-based estimates.

CHAIRMAN FLAGG: Questions from the board of Stuart? Yes, Roy Miller.

MR. ROY MILLER: Thank you. Stuart, was the Delaware estimate that you showed, in fact, the Delaware River estimate, or did it include the Delaware Bay Tagging Program that New Jersey conducts?

MR. WELSH: It did not include the New Jersey Program; it included the data that are provided from Delaware and also from Pennsylvania.

MR. MILLER: So, it was the Delaware River only, then?

MR. WELSH: Yes.

CHAIRMAN FLAGG: Other questions of Stuart from the board members? Yes, Bruce Freeman.

MR. BRUCE FREEMAN: Just a followup on Roy's question. You indicated that the gillnet tagging information was not used in New Jersey, and the question is why? You indicated that the New Jersey gillnet tagging information was not analyzed, and the question I have is why wasn't it?

MR. WELSH: Are you referring to the Hudson River information?

MR. FREEMAN: No, Delaware Bay.

MR. WELSH: Currently, our protocol has been to just look at the Delaware and Pennsylvania

estimates, and then we look at a separate set of New Jersey data from a separate timeframe.

CHAIRMAN FLAGG: Ernie.

MR. BECKWITH: Stu, could you speculate why the Massachusetts tag-based estimates are so low.

MR. WELSH: I think there's a lot of uncertainty as to why that estimate is low. There are a number of possibilities. I've heard several people suggest that possibly the group of fish that are tagged there are not representative of the total population.

It may be that these fish move farther off coast and could be in the EEZ or somewhere that is not as heavily fished as other areas. There are a number of other potential explanations, and I'm not sure if anyone knows the true explanation.

CHAIRMAN FLAGG: Paul, you're going to tell us?

MR. DIODATI: Well, we have a much smarter striped bass up in Massachusetts. But, in addition to that, our tagging program is different than some of the others in that we established it because there was a lack of information on larger, older fish in the tagging programs.

So, we established this program which targets primarily larger striped bass in the EEZ, and so I suspect there might be more than speculation to the fact that these fish are then aggregated further from shore during perhaps the remainder of their life, except when they spawn. So, I think that's probably one of the more credible explanations of why we get such a low F.

CHAIRMAN FLAGG: Thank you, Paul. Other questions of Stuart? Yes, Tom Fote.

MR. TOM FOTE: Going back to New Jersey's gillnet tagging program, that's done in the Delaware Bay, and it's really not a mixed stock, yet you have it listed as a mixed stock. I'm trying to figure out why.

MR. WELSH: That's currently the way that we have analyzed it, but perhaps we need to take a closer look at it.

MR. FOTE: Yes, I mean, it's done in almost

the same area as -- a little further south but it's done up the river.

CHAIRMAN FLAGG: Roy.

MR. MILLER: The New Jersey gillnet program is conducted in mid-Delaware Bay where the Delaware and Pennsylvania program, the tagging is conducted on the spawning grounds basically from Wilmington upstream to Philadelphia, so they are separated in time and space.

The New Jersey tagging program takes place approximately a month or so earlier. It's primarily a March-April program is my understanding. Is that right, Bruce?

MR. FREEMAN: Yes.

MR. MILLER: So, it is very likely that the Delaware Bay Tagging Program is a mixed stock. Certainly, there are stocks that are bound for the Delaware River there. There are also stocks that are headed elsewhere, ultimately.

CHAIRMAN FLAGG: Thank you, Roy. Other questions? Yes, Paul Diodati.

MR. DIODATI: Stu, you gave a list earlier that showed that you're only looking at the survival rates from tagging, but there is a whole array of very valuable types of information that is available.

I'm guessing that it's a time constraint put on the Technical Committee members that doesn't allow you to examine some of the other kind of intriguing aspects of tagging?

MR. WELSH: Yes, that's correct. We're hoping to have an additional meeting, possibly this winter, to look into some of those other issues.

CHAIRMAN FLAGG: Other questions? Seeing none, I guess we'll have John Carmichael give us a summary of the results of these two reports.

MR. JOHN CARMICHAEL: Okay, the way we assess this stock is the two methods that we just saw, the VPA and the tag-based approaches. The VPA is what we use as measures of recruitment, population abundance of biomass and selectivity at age and also as measures of exploitation.

We use the tag information as sort of a check on the exploitation, another source of information on the overall exploitation, as we saw with the averages.

We also use the tag information -- one of it=s primary reasons that we continue this program is to get information on the individual stocks which we looked at.

So what we do through the Assessment Group is look at all these sorts of analyses, put them together in the report you saw and then come up with sort of the brief Cliff Notes Advisory Report, one page or so that tells you the status of the stock.

That=s the front page on the document that you were given out. In spite of some of our concerns this year over aging errors and our efforts to try and improve that, hopefully, over the next few years will pay off or, I mean, over the next few months will pay off.

I don=t want to say years. We want to have this done. But, as Alexei showed in some of the comparisons of the different plus groups that we looked at, the trend is the same throughout all of the different measures; the abundance, the fishing mortality rate.

The trends are the same. So, while the magnitude may change, the relative advice is still good, especially as concerns, say, trends and the status of the stock. The stock size estimate for January 1, 2000, which would be our terminal estimate, is a series high regardless of which plus group you looked at, so we know the stock is at a series high.

The spawning stock biomass is also at a series high, and that=s regardless of the plus group you looked at. While the magnitude of those may change by 10 percent or so across the different plus groupings, they=re still at series high.

Recruitment for the 2001 cohort, which would have been our January 1, 2002, age one abundance, is the highest observed and, as Alexei noted, the terminal year recruitment estimate is largely coming out of the surveys, and that may come down as it did for, say, the =93 and the =96 cohorts.

If you=ll think back in time, we sort of tracked those two and saw them go up and go down as their availability changed from survey year to survey year.

As they shifted, say, from the JAI surveys, we get a good indication at age zero and age one. Then it takes them a couple of years before they show up in some of the other surveys where we get primarily three- and four-year-old fish.

It=s really not until a cohort recruits through the bay fishery and into the coastal fishery at age six that its estimate really start to settle down and we get a good picture on it. So, the =96 cohort, we=re finally getting a good picture on that one here in 2002. These two look to be high, and the surveys are certainly high.

If the abundance of those and the discards in the Bay fishery, the recreational fishery discards at age zero and age one would also tend to tell us that, yes, these are probably really good year classes, so we think we=re continuing to get strong recruitment.

The fishing mortality rates coming out of the VPA, which is what we=ve historically used as a comparison to our standards, that=s the point estimate that we use, they=re below target based on the Amendment 5 standards where we look at ages four to ten with the F of 0.23 in 2001 being compared to a target of 0.31.

The Amendment 6 reference points, we have a little bit of a different approach for calculating those, so the Technical Committee feels that the valid group of ages to compare to the reference point is the fully selected ages.

Looking at the partial recruitment, we decided that the fully selected ages are seven to ten, so the average fishing mortality, which is the best estimate of the fully recruited fishing mortality, was 0.29 for 2001.

That=s below the threshold that we have suggested for Amendment 6, so from that we would not conclude that overfishing is occurring, but it is at about the highest.

I think the targets we had for Amendment 6 were 0.2, 0.25 and 0.3; so, depending on how the targets were picked, we might decide we=re slightly above target, but we are safely away from the threshold, and we would not conclude that overfishing is occurring.

Now, the stock-specific estimates coming from the tags, we looked at the Maryland portion of the Chesapeake Bay, Rappahannock River and Delaware River.

The fishing mortality estimates for the Delaware River were high last year and they're high again this year, and they're above any of the target levels that were looked at.

The Technical Committee is concerned with high exploitation of this Delaware River stock. We looked at the distribution of tag recoveries by states to try and see where that's coming from, and they do seem to be largely coming from a localized area in New Jersey and Delaware.

So, it seems to be that stock is getting heavily exploited right there where it lives. If you look at something like the -- as we were talking about New Jersey's gillnet thing that we treat as a coastal tagging program, the distribution of tag recoveries across states, which is in one of these last tables to have to do with the tags; they're like Table D-28, the distribution for that program is very similar to the distribution of landings and for the distribution of tag recoveries by state for most of the coastal programs.

So, we feel confident in treating that as a mixed stock based on how the survey is conducted, when it's conducted and the distribution of the recoveries.

The other one does seem to have a more localized distribution with, as I say, a lot of the tag returns coming from New Jersey, Maryland and Delaware.

The Technical Committee just wants to point out that the exploitation rate is high on this stock. It's possible that the recovery of this individual stock is being jeopardized by the current exploitation of it within probably the Delaware Bay area.

There's some good language about that in the report where we look at that in depth. Now the Chesapeake Bay fishing mortality from the directed numeration study is 0.23, which is below the target for there, so that's good. Now, the total catch dropped slightly. The catch including both landings and discards dropped somewhat between 2000 and 2001.

The total catch that was taken, the total landings that was harvested, not including that which was discarded, is not down as much. So, what this means is that the total loss as to discards was down slightly in 2001 over 2000.

So, although the total catch went down, the total catch

that people got to keep didn't go down. It only went down by about 1 percent as compared to 15 percent, say, for the total landings and discards.

So, the total trend in catch in what they can keep is pretty good, and we consider positive that the discards went down. Of course, those are uncertain estimates and all that, but it's still a good sign any time your discards go down.

The big uncertainties that we're dealing with this year are the age errors and the concern about the aging. We plan a workshop pretty soon, in the spring, to get this worked out. We're going to do this concurrently, hopefully, with the workshop we've never gotten off the ground, which is one to estimate weight at age.

So, we need to look at growth; we need to look at weighted age; we need to look at age and try to get a good handle on what's going on and try and bring you guys the best information we can.

As Alexei said, the committee thinks this is largely a preliminary run because of these concerns about aging, but we're going to have to do the hard work, get back to the original length distribution's age-length keys and try and correct it.

So, our advice is, while there is uncertainty in final estimates of fishing mortality and stock sizes, uncertainty in their absolute magnitudes, we hope to address these as soon as possible, and we still consider the stock to not be overfished and that overfishing is not occurring.

So, are there any overall questions or general questions about the advice?

CHAIRMAN FLAGG: Yes, Ernie.

MR. BECKWITH: Thank you, John. My question about the point estimate of F, you said Amendment 6 reference points are based on a fully recruited F. What were the reference points in Amendment 5 based on?

MR. CARMICHAEL: Amendment 5 was calculated in a different method, and they were based on a group of reference ages which was -- Amendment 5 standards were referring to the exploited ages, and it was an average across those ages that were exploited.

In the producer areas, it was generally ages three to eight, and on the coast it was ages four to ten or four and above.

MR. BECKWITH: Okay, I'm just trying to determine whether there's a subtle change here. Perhaps, it's not so subtle, but we were getting a point estimate of F before that was based on some range of ages and now -- and correct me if I'm wrong -- now the point estimate will be fully recruited, it's based on older ages, and the older ages tend to generate a higher F rate.

MR. CARMICHAEL: Well, as I said, in the past, yes, it included a range of ages, and it included ages that were not fully recruited. It included ages below the age of full recruitment to the fishery. Now, if you look at the full recruitment to the fishery, it has gone up substantially from -- in the first few years of analysis, it was as low as age three.

Now that we have higher size limits and we've reduced the mortality, we've seen that the age of recruitment has approached age ten, so, it's about fully recruited.

I think it was in eights maybe that were 0.1, and the sevens were about 0.9 as far as their partial selectivity. Seven to ten are approximately fully recruited. What this means is you have the smaller group of ages, and in this case it turns out to be a group of ages that are less selected, and it's a smaller group.

But it is consistent with how the reference points were generated in both cases. The reference points we established for Amendment 6 are generated differently than the reference points we used in Amendment 5.

We've always grappled with comparing the two different results; and to make sure that when you have reference points generated from yield per recruit analysis, they're based on being fully recruited fishing mortality rates, full F's.

MR. CARMICHAEL: The Amendment 5 analysis was an average across a group of ages, and Amendment 6 is based on a yield per recruit, a merge with stock recruitment parameters and is based on -- the actual standards as they are developed are based on the fully recruited ages.

Now, we could look at, say, the exploited ages. We could say, all right, taking the analysis that gave us the

reference point values, what is the average F across a group of ages as we used to use?

But, however you do that, you have to make sure you maintain consistency. And since we reported fully recruited F's, we want to make the move now to reporting fully recruited F's in the advice.

MR. BECKWITH: If I could just follow up. Obviously, this is a very important issue because we're looking at quite a range in F rates from 0.23 up to 0.29, I believe, depending which group of ages that you use.

I think, unfortunately, that falls right in the critical range because we have some options in Amendment 6 that are there to achieve some goals to get more age ten and plus fish into the population, and the issue is where are we?

If we're at 0.29, then perhaps we need to do more, but if, in fact, we're at 0.23, then there isn't any need to do anything. I think it's very critical that we look at the range of age classes to select when we generate our point estimate of F.

MR. CARMICHAEL: Well, if you were to compare across exploited ages, you have to keep in mind that regardless of whether you use the first sentence or the last sentence, you're at the same place. If you decided that you wanted to look at an average across ages four to ten to compare to your targets, your targets are going to be lower, because those targets include ages.

That average of including age four includes ages that are not fully recruited, so the yield-per-recruit analysis would include F values that are actually lower than the F value that is the fully recruited F and that's applied to the ages seven to ten.

As long as you're comparing the same things, you're always going to find yourself in the same place. So, you may say, well, four to ten, my F is lower, but your standard is going to be lower across four to ten, so you're still in the relative same place.

CHAIRMAN FLAGG: Bruce Freeman.

MR. FREEMAN: A couple of questions. The spawning stock biomass, John, as you indicated the terminal F's as computed now will probably drop.

Normally, we would also see spawning stock biomass be somewhat lower. Would this be anticipated to be true in this instance, the fact that spawning stock biomass may be somewhat lower than is estimated at 55.3 million pounds?

MR. CARMICHAEL: Do we think spawning stock biomass will -- that this is a liberal estimate, are you saying?

MR. FREEMAN: Yes.

MR. CARMICHAEL: No, probably not, because the spawning stock biomass just reflects abundance of the mature fish and most of those are greater than age six, so those are all age classes that are fairly reliably estimated.

MR. FREEMAN: Okay. My other question, originally in the tagging, the Littoral Society Tags were used, and I don't see those mentioned at all. Is there a reason why?

MR. CARMICHAEL: There's probably a variety of reasons. I don't know if Stuart has anything particular -- if he has looked at those Littoral Society tags.

MR. WELSH: We have looked at the ALS tags, but currently we do not include those in our analysis. The reason for this is that our protocol calls for tags to be released within a relatively short timeframe, and then we have a recapture interval. The ALS tagging occurs across a timeframe, and so it really doesn't fit into our current analysis protocol.

MR. FREEMAN: Well, the reason I asked, it seems to me my recollection was that they were used several years ago, maybe three years ago.

Gary Sheperd had done an analysis. At the time it was just one of many data points, and I don't recognize it, as you indicate, being used. I don't recall why it was dropped, and I'm just trying to understand that.

MR. CARMICHAEL: Certainly, that was one of the reasons, the timeframe. I think Gary did look at them and through some exploratory analysis, and there are continued concerns about that because of the lack of good standardization in the way the tags are put out.

At least the programs that are conducted by the

agencies, you have better trained personnel putting them out. They're putting them out over a short time. That's their primary focus when they're out there.

One of the problems you run into a lot is the potential for increased tag-induced mortality through the ALS tags, and you don't have as good a method necessarily for keeping track of all the returns.

We don't always get all the information we would like back, so it does sort of throw a lot more wrinkles in there which translates into greater chances for violations of the tag analysis assumptions.

CHAIRMAN FLAGG: Ritchie White.

MR. G. RITCHIE WHITE: John, we're not now overfishing. If all states were fully implementing Amendment 5, and we were fishing on that basis, do you think we would be overfishing then?

MR. CARMICHAEL: The Technical Committee, in reviewing the variety of proposals that have come forward, has always raised that possibility, that any one change on its own is generally insignificant when you look at the few examples we've had over the last couple of years.

A given state going up by 100,000 pounds or so in its harvest as compared to the total harvest is not expected to be a measurable change, but as we always have reported, we are concerned about the magnitude of all those in total in that if every state did fully implement Amendment 5 and every state went up 100,000 there and 50,000 there on the exploitation of the coastal stocks then, yes, we may find ourselves saying, well, now you've gone too far.

It's really like -- and it's been compared to this in some of the technical deliberations -- it's like what's the straw that breaks the camel's back.

At some point there's going to be a change, and it's going to put us over the limit and we're going to say, well, with some certainty we conclude that overfishing is occurring, but we don't know where that point is just yet.

MR. WHITE: Followup, then, to talk about status quo as not overfishing, then, would be incorrect. In other words, status quo fully implementing Amendment 5, we would be overfishing is your --

MR. CARMICHAEL: The Technical Committee has discussed that possibility, that status quo might. Because we've not seen it, we're hesitant to say, yes, you go status quo you're going to cause overfishing. But probably the general inclination is that, yes, we think it would.

CHAIRMAN FLAGG: Yes, Paul Diodati.

MR. DIODATI: Well, this leads me to a different question than I had, but only because it has been raised, but looking at the numbers I see here, I would tend to disagree with you.

I guess I'd have to ask the Technical Committee to look at that more formally before it comments to the board about it, because if you look at Amendment 5 standards, your numbers here suggest that the F that you're estimating is 35 percent below the F target under Amendment 5 standards.

Your stock abundance is 13 percent higher than your past five-year average and you've got the biggest two-year classes I've seen in recruitment in the whole time series, so you should be downright giddy about the condition of this stock.

I think this stock is in incredible shape. I can't imagine how we could ask for a better condition. To be talking about overfishing at this time is, I think, very premature for us.

On the other hand, I'd like to know, getting back to some of the tagging information, have you looked at the geographic recovery distribution of tags in terms of recovery? Are we getting a higher percentage from the north or the south?

MR. CARMICHAEL: We're getting a pretty strong percentage that matches. From the coastal programs, we're getting tags returned from areas that pretty well match where the landings come from, so we get a lot of returns for the coastal programs from Massachusetts, New York and New Jersey; and in the producer areas, the Virginia and the Maryland tag releases, we get a lot of recoveries in the Chesapeake Bay.

MR. DIODATI: I guess what I'm interested in is that I know that we've always gotten returns from Canadian waters. Are we seeing an increased

percentage of returns from Canadian waters over the past? Is there an increasing trend?

MR. CARMICHAEL: I've not heard anybody comment on noticing any trend within any particular program. I'll ask if Stuart can recall anybody mentioning this.

MR. WELSH: No, I have not noticed any trend of change with that.

CHAIRMAN FLAGG: Yes, Roy Miller.

MR. MILLER: Quick question for Stuart. If a fish is recovered, a tagged fish is recovered, is that fish assumed to be harvested, or is the tag recovery of a fish where the tag is just cut off and the tag number is phoned in; is that treated any differently?

MR. WELSH: We do treat recoveries differently depending on whether or not the fish was harvested or released alive. We have a bias correction where if a fish is released alive, we assume that 8 percent of the fish released alive actually die based on hooking mortality.

CHAIRMAN FLAGG: Yes, Dick Snyder.

MR. RICHARD SNYDER: Stuart, this is a question on for the future tagging reports, like for the producer area, for the Delaware, would it be possible to break out coast versus Bay?

As an example, for us to look at where the Delaware River fish have been reported from, it's more meaningful if I know it's, as an example, New Jersey Coast versus New Jersey-Delaware River; Delaware Bay. I think for several of these other areas, that might be more meaningful if it doesn't clutter up the tables.

MR. WELSH: Yes, we could certainly do that.

CHAIRMAN FLAGG: Thank you, Dick. Are there other questions of the board? I'd like to just briefly go to the audience to see if there are any members of the public that would like to ask questions of the previous three presenters.

If anybody would like to ask questions, please feel free to come forward to the mike. Seeing no response, we'll continue to the next agenda item.

**GENERAL DISCUSSION ON DRAFT
AMENDMENT 6**

The next agenda item is a general discussion on Amendment 6 to the FMP, and basically, as the board members are aware, we are setting up a meeting in December for the Advisory Panel on the 18th, and the board will meet on December 19th to hear final Advisory Panel comments.

We need to review the public hearing comments, the stock assessment report and then start to make decisions relative to Amendment 6.

I=d like to solicit some comments from the board on how we might enter this process, if you have suggestions on how we should go about tackling this very complex amendment.

One of the thoughts I had that I think might be helpful - I talked a little bit with Bob and staff about it -- is to see if we might be able to get the staff to put together a decision document which would sort of be a step-wise approach to dealing with the various elements of the plan.

There are various elements within those management measures that are interactive on one another, and I think we need to have a clear picture of how the decision process affects each of the options as we move down through the document.

But I=m interested in getting some thoughts from board members relative to that. Gordon.

MR. COLVIN: Thank you, Mr. Chairman. I do think that having a decision document available and, if possible, ahead of time to the board members would be a very important device to help facilitate what we have to do.

In fact, it might even be helpful to ask board members to respond to a non-binding pre-meeting kind of straw poll structured according to a decision document for the sole purpose of giving the staff an indication of how far apart -- and the chairman, I think -- how far apart the board members are and organizing a meeting so that the time is apportioned according to those issues where we have the most work to do. That=s just one thought that I had.

CHAIRMAN FLAGG: Thank you, Gordon.

I think that=s a very good suggestion. I have Eric Schwaab.

MR. SCHWAAB: Thank you, Mr. Chairman. I just wanted to ask a broader question about schedule. Obviously, we=re anxious to get this done. What is the expectation at this point relating to a final date for implementation, assuming we succeed in making all the appropriate decisions on the 19th?

CHAIRMAN FLAGG: I=m going to ask Bob to respond to that.

MR. BEAL: Thank you. Assuming we succeed, as you put it, I think one of the big decisions that the board is going to have to tackle at that meeting is when do they want to implement this.

I think part of that has to do with how large or how small the changes are going to be. In other words, is it just a small adjustment to a commercial quota, which may be something we can do mid-year and react to that.

If it=s a complete reworking of the system, as we have it now, it may take a while, depending on the state processes. Some changes have to go through state legislative processes, which take quite a while, and some of the states have the authority to do within their state fisheries agencies.

So I think it=s difficult to say, but the original intent was to have this ready and implemented January 1 of next year. Obviously, that won=t work if we=re not making the decisions until December 19th.

I think probably the final decision we have to make on the 19th is when do we want to have all the states implement these things. So, I think it=s kind of tough to say before we really know where we=re going to decide on a timeline of implementation.

CHAIRMAN FLAGG: Eric.

MR. SCHWAAB: If I could just follow up, it strikes me that there=s not much of a chance that we=re going to have the states implementing this amendment, certainly not before mid-2003 at best, which begs the question -- and we=ve had some discussion about it informally as to why we are attempting to conduct this next step so quickly at a special meeting less than a week before the Christmas holidays, which create all sorts of logistical scheduling and travel challenges, not

only for board members but also for other members of the public who might want to be there.

I just wanted to raise the question as to how important that really is to try to do that on the 18th and the 19th as opposed to within the context of a more regularly scheduled commission business?

CHAIRMAN FLAGG: Yes, Bob Beal.

MR. BEAL: Well, not to respond to the importance of it, but kind of one of the practical matters that we have to deal with is that we have money to do it this year, and next year the action plan that you guys are going to review, there=s not nearly as much money set aside for striped bass as there was this year to get this amendment done. The first issue is the fiscal issue, and we have the money to do it this year.

CHAIRMAN FLAGG: Yes, Tom Fote.

MR. FOTE: To Eric=s point, I=m looking at two weeks in December there where three of those days, because we=re having a summer flounder meeting in Duck -- most of us are commissioners that are volunteers as we come to meetings -- basically are going to require to take three days time out to go to this Duck meeting for summer flounder because of just the way the travel arrangements are.

Then if I=m looking at the schedule here for December 19th, I=m looking at saying is this meeting going to be at 5:00 o'clock, and I=m looking at -- I=ve basically have checked our flight schedules, and unless I get to the airport by 3:00 o'clock, I can=t get a flight out of Rhode Island back to New Jersey, so I have to spend another night over.

So, really, you=re asking a lot of us to spend five days at meetings inside almost a two-week period, which I find is very difficult.

It=s a real drain on some of the commissioners and the general public involved, too. That=s why I would like to say is this meeting really necessary the week before Christmas.

CHAIRMAN FLAGG: Thank you, Tom. Ernie Beckwith.

MR. BECKWITH: Thank you, Lew. I have a technical question, and then I=d like to follow up with a

comment on how we should approach Amendment 6. I don=t know who could answer this. I guess Alexei is gone so maybe, maybe it=s you, John. I guess it is you, John.

The science we=ve seen today, stock size and perhaps F and recruitment estimates, are different than what was included in Amendment 6. The question I have is how does that affect some of the options that were put forth in Amendment 6; and is this significant? Should we go forth based on the input we got previously, or is there a need for additional public input on some of these options?

MR. CARMICHAEL: Yes, certainly, the science is a little bit different. The absolute numbers have changed. The fishing mortality rates have changed slightly.

The change in the selectivity that we were talking about before, the partial recruitment vector, as estimated now is not very different and probably not significantly different from just some brief preliminary looks from what went in to Amendment 6 analyses.

So, the relative values of all the options should still be similar. Now, what might change is, say, the absolutely harvest level associated with any one particular option. So, it may be that the amount of poundage actually allocated to any single jurisdiction under one of the allocation schemes is different, but the percentage is still all the same.

So, the basic analyses is all the same and is unchanged by this. What could change is how each little piece would be implemented, depending on what the board chose.

I think that=s the case regardless of whether we, say, had this concern with the aging or not. We=ve seen the VPAs and the estimates of abundance come in and change from one year to the next.

We=ve seen some fluctuations in the exploitation patterns that lead us to some of our management changes, so I would hope that Amendment 6 is flexible enough that once a particular scheme is chosen and a percentage or an approach is chosen, the absolute numbers could change in response to changes in the abundance as estimated through the stock assessment.

We certainly can expect that down the road there will

be continued changes in the stock=s abundance, and the amendment is going to have to respond to those.

The bottom line answer is we haven=t seen anything in the changes that would change the relative impact of any of those options, although the absolute numbers in the tables now would have to be reconsidered.

MR. BECKWITH: Okay, John, thank you. I=ll pass on my second.

CHAIRMAN FLAGG: Bill Adler.

MR. WILLIAM A. ADLER: Thank you, Mr. Chairman. Bob, are you saying that at the December meeting, let=s say, we come to a conclusion on Amendment 6 and we pass on it, are you saying that at the next meeting of the commission in February that the Policy Board can pass on it at that time and thereby the amendment is done, rather than wait until the spring meeting? Is that the way you envision that to happen?

MR. BEAL: Yes, the next time the full commission will meet to approve an amendment will be the February meeting.

MR. ADLER: So they can approve amendments at other than the fall and spring?

MR. BEAL: Yes.

CHAIRMAN FLAGG: Yes, Paul Diodati.

MR. DIODATI: Well, given that, then it seems that for a number of coastal states, at least, we would be able to implement Amendment 6 rules prior to the start of our fishing year.

And if the amendment wasn=t four years in the making, I would agree and say let=s enjoy the Christmas holiday, but, you know, four years is a long time. In fact it looks like stock conditions have changed. I=d suggest that we move ahead. I would support moving ahead with the schedule that you=ve laid out.

CHAIRMAN FLAGG: Thank you, Paul, I was going to make the comment that the chairman of the commission is here and, frankly, I=d like to leave this room alive today, and so I hope that we will move along. With that, Bob Beal had a comment.

MR. BEAL: Yes, this is kind of a followup on what Bill and Paul are saying. My assumption on the schedule, if we stick with the December 19th meeting, is that following that meeting the staff will have to go back and rework the document and then come back at the February meeting week and present the final document to the management board and get the board to sign off on the final appearance of the document and make sure that the decisions that the board makes in December, that the document reflects those decisions.

Then the commission will consider signing off on that document at the same February meeting week. So, we still have two more steps before this thing will be final after the December 19th meeting, but the heavy lifting, the big decisions should be made by the end of that meeting.

CHAIRMAN FLAGG: A. C.

MR. A. C. CARPENTER: I guess it=s back to Eric=s original question about the scheduling. If the commission doesn=t act on it until the last week of February -- and I think that=s when your meeting is scheduled -- we=re certainly going to need -- depending on how substantive the changes are, we=re going to need 30 to 60 days to put together plans which are then going to have to be reviewed by the Technical Committee and approved by the board probably at the spring meeting.

Then you=re looking at another 30 or 60 days to implement, so you really are talking about a July 1st implementation date, with or without the December meeting.

We=re in the position that our fishery starts January 1st. We have, for the Potomac River Fisheries Commission, adopted the 2003 regulations identical to the 2002 regulations so that we can have our fishery start in January like it always does.

And we=re talking now about having to possibly change horses in the middle of the stream here, through no fault of anybody. Really, this process, as Paul just said, has been dragging on for four years, but the stock status changed and the clock did not stop and regulations have to be put in place in order to be effective. I=ve got a dilemma with or without the December meeting.

CHAIRMAN FLAGG: Thank you, A. C. George Lapointe.

MR. GEORGE LAPOINTE: Just a comment on the schedule. We certainly need to talk honestly about implementation, but I favor having the December meeting and keeping the glacial speed with which Amendment 6 is progressing, because we might as well all get on with it.

If we wait until February, we won't approve potentially until May. Some of our state legislatures will be getting out. It will just delay that entire clock longer, so I say stay the course. I'd rather spend a day of Christmas shopping on striped bass than a day of my legislative session next year, thanks.

CHAIRMAN FLAGG: Thank you, George. Pat Augustine.

MR. PATRICK AUGUSTINE: Mr. Chairman, is a motion in order to cut all this little small talk about whether we can make it or not? Why don't we just make a hard decision, do December 19th, be grown up people and get on with it? If a motion is in order, I'd make it.

CHAIRMAN FLAGG: I think we're already scheduled for that. Unless there's major objection from the board that they don't want to meet in December, I think we're going to have that meeting.

MR. AUGUSTINE: Well, Mr. Chairman, from the conversation around the table, I'm beginning to wonder, even though it's on, whether it's really going to happen. So, as I say, if a motion is in order, let's be as subtle as a meat cleaver and make it absolutely clear it's on and it's done. Thank you.

CHAIRMAN FLAGG: Thank you, Pat. Roy Miller.

MR. MILLER: I'm just wondering if, at the December meeting or perhaps the February meeting, we should have a discussion to follow up on what A. C. said.

Our state, for instance, has their commercial fishery in March and April, so opportunities for adjusting our quota will be passed by should this plan be approved sometime between February and July.

I would urge the chair to consider in the agenda for the next couple meetings how states can make amends, so to speak, for the loss of opportunity due to the implementation of the plan in mid-year.

CHAIRMAN FLAGG: Thank you, Roy. I think it would be our intent that at the December meeting there would be an agenda item at the end of the meeting that would focus on the implementation, and we'll have some discussion about what the capabilities of the various states are relative to being able to meet whatever that implementation date is.

I'm sure there's going to be certainly due accord given to those states that need a relatively long timeframe to do that, but we certainly will address that. I have Tom Fote, also, who had his hand up.

MR. FOTE: I was just wondering about the same thing, the implementation. I just think about -- and plus, who knows if we're going to do a lot of changes.

We were all talking assuming that we're going to be doing a lot of changes. I'm not sure, when we finally vote on Amendment 6, how many changes are really going to be in there.

I'm also looking at if we do it in February, then we have to basically go back and do plans, submit it to the board, which takes a period of time. In New Jersey, unlike every other species, striped bass still has to be handled by legislation so that means I've got to prepare a bill after to basically get that in place, so I'll be lucky to get it in by July or August, just looking at the time table.

CHAIRMAN FLAGG: Okay, thank you, Tom. Ritchie White.

MR. WHITE: Getting back to the structure of the December meeting, I would suggest that we limit discussion prior to a motion, that we try to start the meeting out with a motion and then have the discussion about the motion, so that we don't spend a lot of time discussing the stuff that we've already been around and around and around on.

CHAIRMAN FLAGG: Thank you, Ritchie, I think that's a very good point. I hope that we'll be able to develop some specific timeframes to make sure that we move along with the agenda and that we can

cover everything.

I know there are perhaps some folks in the public. I'd like to go to the public now and offer them an opportunity for comment. Yes, could you state your name, please.

MR. RICHARD ABLE: My name is Richard Able. I'm from Cape Cod, Massachusetts. I find this very disturbing that you have to be concerned about whether you want to work on this in December.

It has been an awful long time; and although it maybe inconvenient to you people to make a meeting, you need to think of possibly serving the people that are affected by whatever you are going to do, whatever your motions or decisions will be, and I'm talking about the fishermen.

We've waited in the coastal states. We've had promises year after year, and we've gotten nowhere. We've got no increased quota. It's so unfair that we might have to go through another year. I'm from Massachusetts and you know how we feel up there.

We'd just like to get a fair shake. I don't want anymore than anyone else here, but I know that we're in the hole as far as quota goes, so I would ask you gentlemen to please consider putting an effort in to the coastal community that we could get a fair allocation of quota and for this year coming.

You'll have an uprising if we don't get it, I promise you that, because this is terrible to sit here and hear this. You've had a long time to work on this.

I would be ashamed, myself, if I was a commissioner -- and I mean this respectfully, gentlemen -- but I would be ashamed if I didn't fight with my fellow members to get going on this.

It's been held back. I've been to advisory meetings that the men would refuse to even discuss allocation on May 22nd of this year, refused to even discuss it. I mean, you all have a job to do. Why don't we do it and get it over with. I appreciate your listening to me. Thank you.

CHAIRMAN FLAGG: Thank you for the comments. Are there other comments from the public? Seeing none, we'll go back to the board. Are there other comments from the board? Bill Goldsborough.

MR. WILLIAM GOLDSBOROUGH: Thanks, Lew. I just want to raise one issue now, because it might require a little bit of technical analysis between now and December.

This involves the issue of trying to achieve a broader age class distribution which is consistent with one of the objectives in Amendment 6. From all the public comments we've gotten, there's a lot of interest in achieving that objective, and there have been a number of suggestions put forth about that.

I think what it boils down to is how and how soon we attempt to achieve a broader age class distribution. But the most popular tool for doing that appears to be, from the comment we've gotten, appears to be a lower fishing mortality rate target.

I guess I just want to throw out there that given that there's a lot of ancillary effects of changing the fishing mortality target, I wonder if somebody could remind me, because I'm quite sure there has been some discussion, technically if not at this board in the past about this, but if another possible tool for trying to achieve a broader age class distribution isn't the use of maximum size limits in one form or another, slots, or modified slots.

I'm sure we've had some discussion of that. I don't recall where it ended up, but it seems to me that protection of older fish is another way to increase the number of older fish.

If our technical folks have any comment on that or would be willing to reflect on that and then come back in December, I would appreciate it. Thank you.

CHAIRMAN FLAGG: Thank you, Bill. Would anybody in the Technical Committee like to address that?

MR. CARMICHAEL: I don't think we've looked at maximum size as protecting above a certain size, per se, directly. Certainly, there is no way it will be done before the December meeting.

There's no way that would happen. The analyses that are in there are all you're going to have to go by. If you really wanted a slot limit with a maximum size of landings allowance in there somehow, it would probably be pretty difficult to analyze it.

It could certainly be done and we could make some assumptions and come up with something, but it would take a while. It wouldn't be done in time for December.

CHAIRMAN FLAGG: Thank you, John Nelson.

MR. JOHN I. NELSON: Thank you, Mr. Chairman. Just to that point, there were, as I recall during the public hearing and Bob's presentation, which I would point out was very good and I'm sure was at other states, too, not just New Hampshire, but we were able to get out at a reasonable time because of Bob, a number of the presentations did have graphics there that did look at various management approaches that showed, as I recall, which ones showed the most promise for increasing the age structure.

So there's at least some of those analyses already in the document. I think that will be helpful in our discussion. Some of them are pretty straightforward.

CHAIRMAN FLAGG: Thank you, John. Other comments? Eric Schwaab.

MR. SCHWAAB: A question, first. I was looking at the summary that you put together, Bob, of the written comments, and I assume that these tables are written comments, only?

MR. BEAL: Exactly. The statements that were made at the public hearings are summarized in this other document that I handed out.

MR. SCHWAAB: Right. Well, I think this table is wonderful. It think it's great, and I just wonder if we could get something like that for the hearing comments, as well?

MR. BEAL: Sure. Yes, I can do that and send it around to everybody.

REVIEW OF THE MASSACHUSETTS PROPOSAL

CHAIRMAN FLAGG: If there are no further questions of the board, at this point I'd like to go to the next agenda item. This item is an action item, and that is review and approve proposed changes to Massachusetts, North Carolina and Virginia

management programs.

I think we'll start out with the Massachusetts proposal. I know Paul wanted to -- originally, I talked with Paul and his thought was that because their season was over, he wanted to withdraw the proposal,

But I think he has had some other thoughts and wanted to get some direction from the board relative to some of the issues on the Massachusetts proposal so, Paul.

MR. DIODATI: Thanks, Lew, you're correct. I will split this proposal. The original proposal had made proposed changes to both our recreational and our commercial fishery.

I would just like the board to address the commercial aspect of it. The proposal was that we were going to increase our commercial quota from approximately 800,000 pounds to 1 million pounds. There was a dual rationale in making the proposal.

I think it did go to the Technical Committee, but I don't know the outcome of the Technical Committee's review. The rationale provided that Amendment 5 allowed us a little over 800,000 pounds and a 28-inch minimum size. We've been prosecuting that fishery at 34 inches and never smaller.

At 34 inches, since we're protecting a number of striped bass that we otherwise would kill if we prosecuted the fishery at 28 inches, we took that difference and it came out to well over a million pounds.

Another way to look at it was that our recreational fishery was allowed a two-fish daily creel at 28 inches, and we have not taken two fish in our recreational fishery, so we can look at it as a shift in resource from one fishery to the other.

That was the dual rationale that we supplied, but just the 28 versus 34 inches alone resulted in, at least based on my calculation, more than a million pounds.

We feel that it's a conservation equivalent, and I would move that the board accept that proposal. Again, it's not clear whether I'm going to adopt it in my state because I'm simply looking for recognition for the board at this point, and then we'll make our decision next year.

CHAIRMAN FLAGG: Thank you, Paul. Before we go to questions from the board, we do have an Advisory Panel and a Technical Committee recommendation relative to the Massachusetts proposal, and I'll ask Bob Beal and perhaps John to give us those reports relative to the commercial request. Yes, Paul.

MR. DIODATI: I can see where the Technical Committee report is needed by the board, but since Amendment 5 has been approved, implemented and it's operational, this is a proposal that requires a mechanical decision by the board.

Does it meet the policy guidelines of Amendment 5 in terms of conservation equivalency, and does it meet the technical merit given by the Technical Committee?

I'm not sure that we need an advisory report or someone's opinion on whether or not Massachusetts should be operating differently in our fishery, so that would be my suggestion. Thank you.

CHAIRMAN FLAGG: Thank you, Paul. Your comments are certainly well taken. I think, though, we do have a process and we do have advisory panels for various species management committees. They do offer us information.

We can accept or reject their information, but I think it is important to the process that we at least entertain the comments and recommendations from the Advisory Panel.

MR. BEAL: Pat Keliher was not able to make it today. At the beginning of the meeting, or actually just a minute ago a one-page, two-sided document was handed out with the Advisory Panel comments on the three proposals that the states of Massachusetts, North Carolina and Virginia have submitted.

There was a conference call held on November 13th at 1:00 o'clock, and the comments on this sheet basically summarize what the Advisory Panel commented on.

The Advisory Panel had considerable discussion on the Massachusetts proposal and some questions regarding the savings of the second fish and what really were the effects of going to 40 inches and those sorts of things.

Ultimately, the Advisory Panel felt that the proposal to alter Massachusetts' management program should be tabled until Amendment 6 has been approved. They felt

that a change such as this, right as Amendment 6 is being approved, there are two different things going on simultaneously, and they felt that a proposal such as this should be rolled into Amendment 6 as it's being approved, so they felt that this should be tabled until the Amendment 6 discussions take place.

CHAIRMAN FLAGG: Now we also have a Technical Committee review, I believe. John.

MR. CARMICHAEL: Yes, just so I can make sure I talk about the right pieces, the recreational measure, did you say you're leaving them both on there or just the commercial?

MR. DIODATI: The commercial.

MR. CARMICHAEL: Just the commercial, okay. As far as compliance with Amendment 5, the Technical Committee was concerned about whether or not quotas were still frozen as they were by one of the addendum.

So, the Technical Committee felt like it didn't have enough information about the current status of commercial quotas at the time that we reviewed this and asked that the PRT provide some information to see if any changes could even be considered.

With that, the other procedural issue that the Technical Committee had concern with was the justification of recreational landings that were being foregone as a justification for an increase in the commercial harvest.

The Technical Committee felt that this was not valid, because the states are not given a recreational allocation. It's, in a sense, declaring some conservation equivalency by not taking some recreational harvest and taking it on the commercial side.

The committee felt it was considerably different than some states that do have a commercial allocation which they choose not to harvest and harvest it through some of their recreational fisheries such as what happens in New Jersey.

So, the committee did not feel that it was appropriate to claim that Massachusetts had a right to an additional commercial harvest because of foregone catch in the recreational fishery.

Concerns about the stock were similar, as we've talked about, to the other changes, and at the time when this was reviewed, the best information we had showed us that the stock exploitation level was very close, if not slightly above, the Amendment 5 targets.

That was the advice that the committee had at that time. Now that we've seen the new assessment and there's the possibility for some increase under Amendment 5 standards, the Technical Committee may decide to soften that, but as we said, the assessment is still considered preliminary at this point.

Until we resolve the aging error, I don't think the Technical Committee would come down on a stand either way as far as impacts on the stock until we really find out where we are.

CHAIRMAN FLAGG: Bob, could you comment on the PRT review on this issue.

MR. BEAL: Sure, thank you. As John mentioned, there was some confusion at the Technical Committee meeting as to whether commercial quotas were frozen due to one of the addenda that was approved for Amendment 5 to the Striped Bass Plan.

The Plan Review Team went back in and looked at the language in the five existing addenda to Amendment 5 to the Striped Bass Plan, and each addendum has a specific time period that it was effective.

Addendum I was for 1997; Addendum II for '98 and so on. Currently, we're working under Addendum V which is the 2000-2001 fisheries. All the previous addenda prior to Addendum V essentially expire -- they have a certain range of years that they're effective, and they expire at the end of those periods.

So Addendum V is the only addendum in effect right now, and that addendum basically refers or allows the states to implement management measures that are consistent with the standards that are in Amendment 5 or consistent with what they had in place during year 2000.

So then the question becomes is there anything in Amendment V that freezes commercial quotas? The Plan Review Team went back to the language in Amendment 5 and there is no language that prohibits changing commercial quotas.

There is language that the board may change these quotas -- referring to commercial quotas -- annually in response to stock size change.

Other than that, there is no other mention of adjusting commercial quotas in Amendment 5, so there currently is no document that technically freezes or prohibits the change for commercial quotas.

CHAIRMAN FLAGG: Thank you, Bob. Bill Adler.

MR. ADLER: Thank you, Mr. Chairman. What we're looking for here is an approval of being able to go to this for our season which doesn't begin until -- well, actually, your amendment may be in place before our commercial season would open anyway, and that would, I believe, supersede -- anything that's in that amendment would supersede action from Amendment 5, anyway.

But in the event that Amendment 6 gets hung up or Amendment 6 takes longer to get implemented, we would like to be able to put this in for our commercial season, which doesn't begin until July.

So with the reports we just heard that it really is okay to do it in Amendment 5 and that the stock assessment isn't -- that we're not going to put the stock in risk here, and the fact that it would be superseded by Amendment 5 and either be or not be, there is really no reason not to allow this at this time.

Paul had indicated that he just wants the approval of this board to go ahead and do what he thinks we are entitled to anyway just so that we can have this ready to go later on. So it adds up to there's really no bad thing if you approve it. Thank you.

CHAIRMAN FLAGG: Thank you, Bill. I have Tom Fote.

MR. FOTE: What I think we need is a clarification of what a conservation equivalency is. If I understand conservation equivalency, you're allowed -- if you want to take smaller fish than is required under a plan, is that you reduce your quota to comply with that quota you want, so you basically get a smaller quota.

Now we use conservation equivalency in fluke and other species whereas you basically use higher size

limits and smaller seasons to basically restrict the catch and keep the catch equal.

I know of no plan and I've never really heard where if you go to a larger size limit, it allows you a larger quota. That is not conservation equivalency that I know, and I'd just like -- well, John, you were running away, but I just wanted the opinion of the Technical Committee on that.

Conservation equivalency doesn't allow you to go to a larger fish to get an increase in quota, because we could do that in summer flounder. My commercial fishermen would love to go to a 16-inch size limit if they could increase their quota, and I don't think that's allowed under conservation equivalency.

MR. CARMICHAEL: Actually, what conservation equivalency allows varies from plan to plan based on what is specified. In some cases, generally in striped bass it is specified that if you go to a lower size limit, you're going to have to have a lower catch because of the selectivity of fish and the greater ages over which you're exploiting.

Of course, the converse could be true. If a state said, well, we want to go with a much higher size limit, then there are instances in which you could have a greater exploitation rate of those larger fish because you're delaying their mortality, unless their lifetime mortality works out to be the same. That's all it is.

There's no rule that says conservation equivalency only applies, but what the Technical Committee did interpret as being a violation of conservation equivalency is that there are no standards for this being an equivalent measure within the FMP.

The one thing about equivalency, the way it's implemented in the ASMFC is that the plans have to specify what can be changed under conservation equivalency and how you determine what equivalency is. In this case there, are no specifications and there's no allowance in the plan for a state to take recreational harvest and apply it to a commercial cap.

Commercial is said, under the Amendment 5, to be 70 percent of the long-term average and not that, well, a state could close its recreational fishery and harvest all it wanted. So, there aren't any hard rules in conservation equivalency. It does vary, but we do feel that this is beyond what's allowed.

CHAIRMAN FLAGG: Gordon Colvin.

MR. COLVIN: Mr. Chairman, I have some questions but before I ask them I feel the need to make the record clear what it is we're debating. There is an incomplete motion on the board.

I don't believe there is a motion before the board at this time. I would submit that we ought to have a motion before we continue the discussion. If we do, I would ask permission at that point to have the floor again so that I may ask a question.

CHAIRMAN FLAGG: Thank you, Gordon, that is a good point. If we could, Paul, would you like to -- now, my understanding is that we're considering only the commercial component of the Massachusetts proposal. We're not looking at the recreational component, so I think if the motion could reflect that, I think it would be helpful.

MR. DIODATI: Again, Mr. Chairman, the motion is on the board. We need a second.

MR. JERRY CARVALHO: Second.

CHAIRMAN FLAGG: We have a second from Jerry Carvalho, so we have a motion on the floor, and I'll go back to Gordon first.

MR. COLVIN: Thank you. Then I understand that the commercial component is simply an increase in the Massachusetts commercial quota to 1 million pounds per year, period; that's it, nothing else, unembellished, increase in the quota.

And what I just heard is that the management plan allows that. If this motion passes, there's going to be another motion from New York five minutes later; I suspect one from Rhode Island, thirty seconds after that.

How did we get to this point? This is remarkable. I cannot believe that a proposal of this nature is in order under Amendment 5. I cannot believe it. I suspect that there are probably 2 or 3 million anglers out there that can't believe it, either.

I really think that we need to ask ourselves a little more clearly what the basis is for evaluating increase the coastal commercial quotas under Amendment 5. I need

a better explanation than we've got on this record as to how that can be done.

CHAIRMAN FLAGG: I have Ritchie White.

MR. WHITE: Bob, you said the plan allowed this based on stock sizes; was that correct? So has Massachusetts -- I didn't see where Massachusetts asked for this based on stock size.

In other words, could there be a clarification on what that means? If there is an increase in stock size, there can be an increase in commercial quota; is that on a percentage basis?

MR. BEAL: Yes, the difficulty we have here is that Amendment 5 really doesn't have much, if any, guidance on adjusting these quotas. The only sentence in there is, "The management board may change these quotas" -- these quotas being the commercial quotas -- "Annually in response to stock size change and when full MSY is instated".

So, the way Amendment 5 is written, it anticipates the implementation of F at MSY, you know, as the plan, becoming the target, and we've never gotten to that point. We're currently using F rate of 0.31.

The estimate that's being used for Amendment 5 is 0.38 -- a fishing mortality rate of 0.38 -- so the board never really went the step of implementing F at MSY as our target. That's all the guidance we have in Amendment 5 relative to commercial quotas.

MR. WHITE: So if I'm understanding that, then, an increase in stock size would allow an increase in commercial quota, is that correct?

MR. BEAL: That appears to be correct.

MR. WHITE: So what we would need to see then is the Technical Committee to analyze it in that regard.

CHAIRMAN FLAGG: I have John Nelson.

MR. NELSON: Thank you, Mr. Chairman, I won't belabor this. It boils down to, again, what Ritchie was just asking. If there is a stock size increase and the Technical Committee has done an assessment that says we can increase the quotas, I guess it's the question of, well, how much is the increase in the quota

that can be allocated to, in this case, the state of Massachusetts?

I don't know if it's a million pounds, so we need to have some information on, yes, there is an increase in quota or there isn't and how much would it be?

CHAIRMAN FLAGG: I have some others but I know, Paul, you wanted to respond to that.

MR. DIODATI: I think it's very clear that the plan allows increases in commercial quota depending on stock size. That is what the amendment says.

I'm not asking for an increase based on the increase in stock size because based on the biomass that we have out there today, and if you go back to when Amendment 5 was adopted, it would be a lot more than a million pounds, I'll tell you that. That's not what I'm asking for.

What I'm asking for is for the board to be consistent with the way it's treated conservation equivalency with regard to minimum sizes and harvest of quotas.

In the past and currently, if you're willing to reduce your minimum size, you can do that with a consistent reduction in quota. In this case I'm doing the same thing by increasing my minimum size, and I would expect a consistent increase in quota. But maybe asking the board to be consistent with that is a little bit too innovative today.

CHAIRMAN FLAGG: Thank you, Paul. Dave Borden.

MR. BORDEN: Pass, Mr. Chairman.

CHAIRMAN FLAGG: A.C. Carpenter.

MR. CARPENTER: I'll pass at the moment.

CHAIRMAN FLAGG: Roy.

MR. MILLER: Paul, you confused me. Since I don't have your proposal in front of me, what would your commercial minimum size be increased to? And then I have a follow-up question.

MR. DIODATI: From 28 to 34.

MR. MILLER: From 28 to 34. My general comment is that rightly or wrongly my perception was that until Amendment 6 was approved, we were not to submit proposals at, shall we say, the last minute for adjustments in our commercial allocations.

Again, rightly or wrongly, I advised our commercial fisheries interests that we were holding the line until Amendment 6 was passed, and now suddenly the perception is, well, we're poised to grant Massachusetts permission to do just what I advised our fishermen we didn't have the ability to do.

That may have been my mistake, but I think it does present a fairness issue. Thank you.

CHAIRMAN FLAGG: Thank you, Roy. Paul.

MR. DIODATI: Again, Amendment 6 has been four years in the making. When we began the process four years ago, it was made clear to Massachusetts, at least, that we would not be held to one fish in our recreational fishery.

If we desired, we would be allowed some flexibility provided that we were consistent. We would not be allowed to increase above and beyond what we were allocated under Amendment 5, and that's not what this proposal is doing.

We're asking for what the allocation of Amendment 5 is.

Furthermore, I submitted the proposal mid-season last year, and we've already missed one board meeting. We decided not to entertain this proposal at our last board meeting where I was prepared to implement mid-season changes in my fishery. So, now I think I'm way ahead of the game preparing for 2003.

CHAIRMAN FLAGG: Thank you, Paul. I have Ernie Beckwith and then Bill.

MR. BECKWITH: I've got a couple questions and, first of all, has any state done this? Did the state of Rhode Island do what he is asking, Dave, in the past? He said no.

The other comment -- and my question, actually, because I'm really not -- I'm kind of mixed up on where we are with this, but I thought that one of the things we were doing with Amendment 6 was to look at

how to reallocate or allocate fish to the commercial fishery, because the coastal commercial fishery was capped at 75 percent of the '72 to '79 period.

If that's a fact, how can we consider going up on the quota if in fact I think Amendment 5 says we're capped. That's why we're doing Amendment 6.

CHAIRMAN FLAGG: Thank you, Ernie. Bill Adler.

MR. ADLER: Thank you, Mr. Chairman. I believe that we're allowed to go to two fish at 28 in the recreational fishery under the proposal, and this is a modification where we're not planning to do that, but we have, I believe, the right, under the existing amendment, to go to two fish at 28.

I think that would -- I think our local commission might want to do that. In regard to something that Ernie just brought up, the fact is that actually this could -- as I mentioned before, your Amendment 6 could supersede this before this ever takes place, anyway, so it's not like it's going to kick in and then Amendment 6 comes in and changes it again.

It would drop it off before it even happens if it were not going to be allowed, or Amendment 6 may adjust the thing so that this would be acceptable, anyway.

The idea is that we would like to be able to have this ready in case there's a problem with Amendment 6 and then, of course, as I said, Amendment 6 coming in, whatever it does, either blesses it or cancels it out later, anyway.

But I want you to remember that we are entitled to two fish at 28 in the recreational fishery. We never took it and I suppose that's some type of an alternative. We could go for the recreational fishery right away, I guess, that two fish at 28. Thank you.

CHAIRMAN FLAGG: Thank you, Bill. I have Gordon Colvin.

MR. COLVIN: Paul, if you don't mind, I had a couple of questions because I think I've become confused about the basis for your proposal. First, I thought that your commercial size limit had been 34 inches right along.

MR. DIODATI: It's 34 inches. It was 34

inches last year.

MR. COLVIN: It's not being increased to 34, it is 34?

MR. DIODATI: It is 34 inches.

MR. COLVIN: Okay, I think a few minutes ago the record suggested something different. The other thing is that I was under the impression that your original proposal had a conservation equivalency argument that was based on the conservation that occurs from having a one-fish recreational creel limit rather than the two which is as of right under the plan, and the conversion of some of that currency, if you will, to an increase in the commercial quota. What I've heard you suggest today, though, is something different than that, and I wondered if you could make it clear on the record.

MR. DIODATI: The original proposal provided dual justification. It did make the argument that because of the one fish in our recreational fishery, we did demonstrate what the increase in yield and mortality would have been if we were at two fish.

That was one justification that it made, but it also pointed towards the higher size limit that we conduct our fishery under.

I think for the purposes of today, I'd like to leave it at the higher size limit given that there is already, I think, a precedent for that in terms of the way we conduct some of our other fisheries.

MR. COLVIN: Thank you, that clarifies it. And with respect to that issue, I can say that certainly, in the case of New York's commercial quota -- and I believe this also is applicable to Rhode Island -- we utilize a size limit, a commercial size limit for striped bass that differs from a simple 28-inch minimum size limit, which is what the plan calls for.

In our case, it's a slot limit that runs from 24 to 36 inches. Rhode Island's is yet different. In order to secure approval of that as a conservation equivalency mechanism, our staff developed a series of calculations that was vetted through the Technical Committee and the board, ultimately, that convinced the process that a revised quota -- in that case, a smaller quota, not a larger one because of the lower minimum length -- was equivalent to that which would result from 28 inches.

My question is two parts; one, is there a calculation in your proposal that is based just on the difference between 28 and 34 and the savings that would result from it; and, if so, has that been reviewed by the Technical Committee and do we have a finding on it?

MR. DIODATI: Yes, there was such a calculation. It was higher than a million pounds, and that's why we didn't really need the recreational fish to reallocate to our commercial fishery, but it was provided as a dual justification.

It was provided to the Technical Committee, but it seems that sounded more like a policy meeting than a technical one, and it didn't sound like they did any technical work at that meeting.

CHAIRMAN FLAGG: Tom Fote.

MR. FOTE: I'm still confused, and I would still like to see the analysis where when you go from 28 to 34 and if you increase your poundage, it's a conservation equivalency, because it's allowing you to catch more fish at a bigger weight, so I'm not sure if that's a conservation equivalency or not.

And I'd like it to be reviewed by the Technical Committee to basically prove that to me before we go that way. I'll just go through the history. I'm looking here -- and we're listening to you saying that it is all right under the present Amendment 5 to increase the quotas.

Well, as I remember when we passed Amendment 5, it was basically pretty clear that it allowed for 70 percent of the historical fishery along the coast and that was basically passed by an amendment.

There has been no time that we have not increased the quotas without an amendment to the plan. That's what Amendment 6 is basically taking into consideration.

I also remember passing a lot of addendums that said we were basically staying the status quo recreationally and allowing states like Massachusetts to go to their two fish at 28 inches until we finally put an amendment in place.

That is the amendment that we have in place. And that's what we voted on time after time to go on. That's how I remember the history.

We have to look at what each addendum says and go back through it, and I don't think it was a thorough job, because I think that's what I remember being passed as amendments went through, as addendums went through to the amendment.

CHAIRMAN FLAGG: I have Ernie Beckwith.

MR. BECKWITH: Thank you, Lew. I move that we table this motion until the February commission meeting.

CHAIRMAN FLAGG: Okay, we have a motion to table, is there a second? Roy Miller seconds. I believe that's non-debatable, and so we will give the states an opportunity to caucus before we vote. (Whereupon, a caucus was held.)

CHAIRMAN FLAGG: Okay, everybody has caucused and we're ready to vote. All those in favor of the motion to table, signify by raising your right hand and keep them up we need to get a vote count, twelve; those opposed, four opposed; abstentions, no abstentions; null votes, no null votes. The motion passes 12 to 4.

REVIEW OF THE NORTH CAROLINA PROPOSAL

The next item on the agenda is review/approve proposed changes to the North Carolina Management Program. I believe we have received in our mailing a proposal from North Carolina relative to the Albemarle Sound/Roanoke River fishery. Pres, did you want to review that at all or John?

MR. BEAL: I'll present it; is that okay?

CHAIRMAN FLAGG: Oh, yes, go ahead, Bob.

MR. BEAL: Okay, thanks. Just a quick summary of what North Carolina has proposed. North Carolina is proposing a change only to their Albemarle/Roanoke Stock Management Program.

Just as a reminder to the board, the Albemarle/Roanoke stock is not considered a part of the coastal migratory population. It's considered a contained stock more or less within the river and Sound system there in North Carolina, and a lot of fish are tagged and very few have

been captured out in the ocean.

The technical information right now that we have is that the population does remain within the borders of the Sounds and rivers in North Carolina.

What North Carolina is proposing is to increase their overall total landings out of that system by 100,000 pounds. 50,000 of that would go to the commercial fishery and their recreational season would be extended to get it to relax the regulations and achieve the additional 50,000 pounds for the recreational fishery.

The overall stock is managed by the standards contained in Amendment 5, which is a fishing mortality rate for this stock of 0.28 since they're fishing on 18-inch fish.

This proposal will maintain or will keep the fishing mortality rate within that system below the standards within Amendment 5. That's a quick summary of what they're proposing to do.

CHAIRMAN FLAGG: Yes, Pres.

MR. PATE: Thank you, Mr. Chairman. I move that the board grant North Carolina's request to increase its harvest in the Roanoke/ Albemarle Sound management unit by 100,000 pounds for this upcoming season.

CHAIRMAN FLAGG: Is there a second to the motion; North Carolina motion? Second by Bill Cole. Okay, we have a motion. Discussion from the board members. I might ask, Bob, if we have an Advisory Panel recommendation concerning this proposal.

MR. BEAL: Yes, we do. The Advisory Panel did review this proposal on their conference call. There was some discussion on whether or not these fish did contribute to the coastal migratory population; and after some discussions and review of the technical information, the Advisory Panel recommended that this proposal be approved by the management board and felt it was consistent with the Amendment 5 management program.

CHAIRMAN FLAGG: Is there a Technical Committee report?

MR. CARMICHAEL: Yes, the Technical

Committee reviewed this as well and determined that it's in compliance with Amendment 5 based on the very high probability that even this increase will result in fishing mortality rates below the target of 0.28.

They also reviewed it as they do all the proposals with recommendations for the stock, and the biggest concern was similar to the AP's, I guess, in the propensity for migration of this population. They were very interested in the number of tag returns from coastal areas.

As it turns out, North Carolina has tagged about 30,000 fish over the years in the Sounds, got about 3,000 back, with about 30 coming from the Atlantic Ocean and about 20 coming from the Atlantic Ocean beyond North Carolina. So the tag returns from the coast are very small, and the Technical Committee was satisfied with that response.

CHAIRMAN FLAGG: Thank you, John. Comments from the board? Yes, Bill Adler.

MR. ADLER: I make a motion to table until the February meeting.

CHAIRMAN FLAGG: We have a motion to table. Is there a second to the motion to table this motion? Yes, Ritchie White seconds the motion to table.

It's non-debatable so we will have a short caucus and be prepared to vote in a few minutes.

(Whereupon, a caucus was held.)

CHAIRMAN FLAGG: Okay are we ready? Everybody has had an opportunity to caucus.

We have a motion to table the North Carolina proposal approval until the February commission meeting. All those in favor, signify by raising your right hand, six; those opposed to tabling, eight; abstentions, 1; null votes, 1. The motion fails on a vote of six to eight.

We're back to the North Carolina proposal. Is there discussion? Yes, Tom Fote.

MR. FOTE: What I'm just not clear about -- and that's why we abstained -- is Amendment 6 going to change the reference points in the Albemarle Sound at all?

Because, one of the reasons we're holding up the other one is because Amendment 6 is supposed to address the coastal catch, but is Amendment 6 going to make any changes in the Albemarle Sound?

Are we going to change the reference point? Are we going to go to possibly 0.20 or 0.25 or something in the Albemarle Sound? That's the only question I have.

CHAIRMAN FLAGG: Bob.

MR. BEAL: Part of the North Carolina proposal was an in-state history of what they're doing with this stock of Albemarle/ Roanoke, and they are developing a state management program or management plan for this stock.

I think the proposed fishing mortality rate target or potentially the accepted one right now is F of 0.22. This proposal that you're reviewing right now, the Technical Committee did -- part of their review was does it keep the mortality within that stock below a fishing mortality rate of 0.22, and it did do that as well.

North Carolina is developing a plan that is on the lower end of the range of targets for Amendment 6 as currently being proposed so it's kind of -- there are a couple other things going on with this stock that are outside of the Amendment 6 process.

CHAIRMAN FLAGG: Thank you, Bob. Vito.

MR. VITO J. CALOMO: Thank you, Mr. Chairman. I was told this afternoon I've been so quiet they thought I was gone, so I thought I'd want to speak and let them know I'm still alive and well and the voice still carries.

Mr. Chairman, I'm hoping to support this motion, because it's right to do, Mr. Chairman. Under Amendment 5, it's right to do. It was right to do the last motion, and it's right to do, Mr. Chairman, and that's my words. Thank you.

CHAIRMAN FLAGG: Thank you, Vito. Paul.

MR. DIODATI: I'm just curious why the Technical Committee felt that they couldn't review the Massachusetts proposal because Amendment 5 didn't allow -- you weren't sure if it allowed increases in the

commercial quota, but it seems that the committee had no problem reviewing this one?

CHAIRMAN FLAGG: John.

MR. CARMICHAEL: The Technical Committee was concerned about the guidance in Amendment 5 as applied to commercial quotas. At the time, the general feeling of the Technical Committee was that they were froze under the addendum, and we didn't know if any of those addendums had expired.

We knew that also Amendment 5 said commercial quotas were to be at 70 percent of some predetermined level. The committee wasn't clear on whether or not the plan allowed the change that Massachusetts considered.

As I said, there were two ways that the Technical Committee reviewed every proposal. It's what we've always used. One is, is it allowable under the guidance of the plan? Does it meet the standards?

And the second one is to provide some advice on what the proposal does in terms of the stock. Concerns for impact on the stock, as I said, for the Massachusetts proposal were that on its own it's a relatively modest increase, and we didn't expect the results to be measurable. But with terms to compliance with the plan, the Technical Committee did not know whether or not it complied with the plan because they needed additional information.

They also felt that, as a completely separate issue and not saying that, you know, this says that this proposal of Massachusetts will cause damage to the stock, but using the recreational savings as a justification for a commercial increase, the committee felt that was inappropriate because no provision --

CHAIRMAN FLAGG: Thanks, John. Okay, I have Tom Fote.

MR. FOTE: When I looked at North Carolina's proposal, I looked at it the same way I looked at Delaware's proposal and basically the Chesapeake Bay proposal. They differ.

They basically look at different -- they have a different model they basically do. That's allowed. We have allowed that under the plan.

Delaware has had some increases in the producing area of the Delaware Bay over the years in their commercial fishery, even though the coastal quotas have been frozen. That's why I'm looking at this differently than I was looking at the Massachusetts proposal.

CHAIRMAN FLAGG: Thank you, Tom. Other comments on the motion? Hearing none, we will caucus and vote on this motion shortly.

(Whereupon, a caucus was held.)

CHAIRMAN FLAGG: Okay, I think we're about ready. We have the motion on the floor. All those in favor, signify by raising your right hand, thirteen; those opposed, one; abstentions, two; null votes. The motion passes on a vote of 13 to 1 with 2 abstentions.

REVIEW OF THE VIRGINIA PROPOSAL

Now the last item that we have under this agenda item is review/ approve proposed changes to the Virginia management program. I think Jack would like to speak to this.

MR. JACK TRAVELSTEAD: Thank you, Mr. Chairman. This is a proposal to correct the number that will be assigned to Virginia next year for its coastal commercial quota.

You may recall back in the mid-90s Virginia was about to be assigned two separate quotas, one for the Bay and one for the ocean.

We requested that the management board allow Virginia to harvest -- rather than having to monitor two separate quotas, we asked the management board to allow Virginia to harvest its Bay quota in both the Bay and in the ocean.

That request was granted by the management board with the provision that Virginia give up its small coastal quota. We have done that. For the last five years, we gave up harvesting our coastal quota, but we're allowed to take our Bay quota anywhere in state waters.

As a result, over the last couple of years, you're now aware that almost half of our Bay quota is now being harvested in the ocean. In fact, the last couple of years we've harvested 8 or 900,000 pounds in the ocean.

Last May the board rescinded Virginia's ability to harvest its Bay quota in the ocean, and you insisted that we go back to operating under two separate quotas, one for the Bay, one for the ocean.

We're prepared to do that next year; however, the number that was assigned to Virginia for its coastal quota we believe was in error.

In May we told you it was 98,000 pounds. That was a number that was pulled off of the tables that show up in Amendment 5. For some reason, 98,000 pounds is equivalent to 53 percent of the 1972 to '79 coastal striped bass landings in Virginia.

We're now aware as a result of all the discussions that have gone on with Amendment 6, that all the other states coastal commercial quotas are equivalent to 70 percent of the '72 to '79 landings history, so we believe ours needs to be corrected to the 70 percent value, which is 129,397 pounds or an increase from the 98,000 number of 31,397 pounds.

So that's what you're voting on. I see that the Advisory Panel has raised some concern about whether Virginia increasing its coastal quota will have an impact on the migratory spawning stock.

The number we're asking for is an increase over the 98,000, but I think you understand it's not an increase in our harvest in the coastal zone. Virginia has been harvesting 8 to 900,000 pounds of striped bass in the coastal zone.

That's now over with as a result of the two separate quotas. So while it appears to be an increase on paper, it is actually a still rather significant decrease in the number of migratory fish that will be taken in the ocean.

I note also that the Advisory Panel expressed some concern about how the two quotas will be monitored and enforced, and one would assume that the board has already come to terms with that question since you required us to go to two separate quotas back in May.

But just for the record, we intend to establish a second striped bass ITQ program next week for the coastal quota. It appears that quota will be allocated to somewhere between 18 and 22 fishermen. They will be assigned tags just like the Bay fishermen are.

They will be a different color. They will be restricted to

the ocean. We don't think it's going to be a significant enforcement problem keeping track of 20 people since we've been able to keep track of 450 in the Bay relatively well.

Fishermen will be allowed to possess both types of tags if they qualify for the ITQ's; however, in the initial allocation, if a person has Bay tags, in order to qualify for the initial allotment of ocean tags, he will be required to give up his Bay tags.

So, initially, most fishermen will not have both tags, both types of tags. That's all I have. If you want a motion at this point, I will be glad to make one.

CHAIRMAN FLAGG: Please, Jack.

MR. TRAVELSTEAD: I would move, then, that the board approve Virginia's request to establish its coastal commercial quota at 129,397 pounds.

CHAIRMAN FLAGG: We have a motion. Is there a second? Paul Diodati seconds. We have a motion on the floor. I would ask Bob Beal if we have an Advisory Panel report concerning this request.

MR. BEAL: We do, and actually Jack hit most of the points for me. Yes, they did raise some questions whether the state of Virginia or Commonwealth of Virginia would be able to monitor two separate quotas and had some questions about possession of tags and those sorts of things.

Overall, the Advisory Panel could not come to a consensus on whether or not this proposal should be approved. There were, commercial and recreational fishermen that were in favor of it and some recreational fishermen that were not in favor of it; however, it was more or less an even split among the advisors whether it should or should not be approved.

CHAIRMAN FLAGG: Thank you, Bob. John, do we have a Technical Committee report?

MR. CARMICHAEL: Yes, the Technical Committee reviewed it on the same two criteria to determine if the proposal is in compliance with Amendment 5, although there was considerable discussion over just how it came to be that the value in the table was different from the '72 to '79 70 percent value.

There was some speculation that perhaps it was an offer Virginia made to maintain their quota at 98,000 pounds as part of the interim rules that were developed under Amendment 5 but no one was exactly clear.

The other criteria, the status, the impacts to the stock is pretty much the same as all the others. They do not feel that the proposal would have a significant impact on the stock, but they are raising concerns about cumulative impacts.

CHAIRMAN FLAGG: Questions from the board. George.

MR. LAPOINTE: A question for Jack Travelstead, if I might. Jack, what's your understanding of how you got to 53 percent compared to 70? I mean, there had to be some -C different databases, different interpretations? I'm unclear at this point.

MR. TRAVELSTEAD: So are we. We really do not know where the 98,000 pounds came from. We've never used it. We've never harvested it.

A few years ago there was an increase allowed in the states. We didn't take advantage of that because we were still operating under the provision that we could take our Bay quota in the ocean, so I cannot explain where the 98,000 pounds came from.

MR. LAPOINTE: That's not helpful, but thank you for the answer.

CHAIRMAN FLAGG: Yes, I have Tom Fote.

MR. FOTE: Now, just so I'm clear, the 129,397 pounds is 70 percent of your historical harvest between '72 and '79?

MR. TRAVELSTEAD: That's correct.

CHAIRMAN FLAGG: Paul Diodati.

MR. DIODATI: Are all the other states correct in the table?

CHAIRMAN FLAGG: Go ahead, Bob.

MR. BEAL: They appear to be, yes.

CHAIRMAN FLAGG: Other questions,

comments?

MR. DIODATI: Move the question.

CHAIRMAN FLAGG: Okay. We'll take a moment to caucus.

(Whereupon, a caucus was held.)

CHAIRMAN FLAGG: Okay, are we all ready to vote on this? All those in favor of the motion, please signify by raising your right hand; those opposed; no opposition; abstentions; null votes. The motion passes on a vote of 15 to 0. Oh, we had one null.

PRT COMPLIANCE REPORT

The next item on the agenda is the review and approval of the state compliance report, and I'll turn that over to Bob Beal.

MR. BEAL: All right. At the beginning of the meeting, I think a memo was passed out. It's from me to the management board; from me as the chair of the Plan Review Team dated November 8.

The Plan Review Team reviewed the state management programs and determined that all states had implemented management programs that are consistent with the requirements of Amendment 5 and Addendum V to Amendment 5.

Two jurisdictions altered their programs this year: District of Columbia and Maryland. Those changes to their management programs were approved by the board in May of this year.

The board did have one specific concern with respect to the monitoring and reporting efforts by the state of New York, specifically for the Hudson River.

In Amendment 5 there's a pretty specific list of compliance criteria with respect to monitoring and reporting requirements for each state.

Specifically, New York has not entered the 2001 tag releases into the coast-wide tagging database; and as Stuart mentioned during his presentation, that kind of creates a hole in the producer area tagging estimates of fishing mortality. That tagging information is pretty important for the consistency of the tag-based estimates

for all the producer areas.

The Plan Review Team also expressed concern that New York had not reported the landings and information from the Hudson River which is necessary information to be input to the VPA assessment model.

The Plan Review Team also had two general concerns. First was the timeliness of state reports. Some reports were quite late this year, and that tends to hold up the compliance review and the inputs to the VPA.

The second concern was that the content of the annual reports vary quite a bit. There is a pretty specific outline in Amendment 5 as to how the states are to report, so those are just the general comments from the Plan Review Team.

CHAIRMAN FLAGG: Yes, Pres.

MR. PATE: I move the board accept the report.

CHAIRMAN FLAGG: I have a motion to accept the report of the annual compliance review. A.C. seconds. Discussion? All those in favor signify by saying aye; those opposed. The motion carries on a voice vote.

ADVISORY PANEL NOMINATIONS

I'll turn this over to Bob to go over the Advisory Panel nominations.

MR. BEAL: There are two Advisory Panel nominations that are up for review and approval by the management board. They are both from the Commonwealth of Massachusetts. The first one is John Pappalardo, who is a commercial fisherman in Massachusetts.

The second one is Ralph Bergonzi, who is a recreational fisherman from the state of Massachusetts.

CHAIRMAN FLAGG: Yes, Bill Adler.

MR. ADLER: I move acceptance of the two individuals on to the Advisory Panel.

CHAIRMAN FLAGG: Okay, George.

MR. LAPOINTE: Second.

CHAIRMAN FLAGG: Is there any objection from any of the board members to these two candidates for the Advisory Panel? Seeing no objection, then they are appointed as Advisory Panel members.

OTHER BUSINESS

Is there other business? Okay, A. C.

MR. CARPENTER: Mr. Chairman, Section 4.5.2 of the Draft Amendment 6 refers to the alternative state proposals and the conservation equivalency.

There was a sentence in that original draft that said there would be a 20 percent penalty for states applying the conservation equivalency, and we had asked that be taken out. I think the record will show that it was supposed to be listed as one of the options for the public hearing from a zero to a 20 percent penalty.

As far as I know, that was not pulled out in any of the public hearings. I didn't even realize it until I was sitting here today looking at this, but I would like to have that sentence removed from this section since it did not go to public hearing, and it would be a change from Amendment 5.

CHAIRMAN FLAGG: Yes, Bob.

MR. BEAL: Thanks, A. C. Yes, you are correct. I think, conceptually, the board wanted to explore that idea with the public, and the range of zero to 20 percent was agreed to by the board.

You are right in the fact that it wasn't -- we received very little public comment on that. There's a whole host of issues in the document that weren't specifically presented at public hearings, and this is one of them.

I don't know if taking it out right now does us any good prior to the December 19th meeting. We can deal with it there and have it removed then, if that's what you would like to do.

MR. CARPENTER: As long as it doesn't fall through the cracks again.

CHAIRMAN FLAGG: Thank you, A. C., for bringing that to our attention, and we will be sure to make sure that's addressed at the December 19th meeting. Is there other business? Pete Jensen.

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MR. W. PETER JENSEN: I=d like to make a suggestion. Based on what I heard today, I=m now confused about what status quo is. Is it that the existing regulations stay in place, or is it that states could do what=s allowed in Amendment 5 as now described based on what we heard today?

CHAIRMAN FLAGG: Would you like to comment on that, Bob?

MR. BEAL: Status quo for under Amendment 6?

MR. JENSEN: Under Amendment 6, yes. This is in preparation for the December meeting. It leaves me confused about what status quo really means.

Is it that all regulations stay in place as they are, or that states can do what is now allowed under a reinterpreted or restated Amendment 5?

MR. BEAL: I think it=s under a reinterpreted Amendment 6. In other words, if the board alters the fishing mortality target, the status quo reference in Amendment 6 is with respect to allocation.

Status quo with respect to allocation means that the Chesapeake Bay would establish a quota based on the Chesapeake Bay, based on the fishing mortality rate and targets within the Chesapeake Bay.

Depending on what the fishing mortality rate is, there will be commercial quotas established, and there will be size limit and bag limit standards for the coast.

So, those may have to be altered. We won=t be able to achieve a lower fishing mortality rate if everything remains the same. Do you know what I mean? In other words, we=ll have to make some alterations to the management program to decrease fishing mortality rate if that=s the way the board chooses to go.

CHAIRMAN FLAGG: Thank you, Pete. Other business? Is there other business to come before the board at this time? Hearing none, I=ll declare the meeting adjourned.

(Whereupon, the meeting was adjourned at 5:10 o'clock p.m., November 19, 2002.)