

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

Hilton Mystic
Mystic, Connecticut
October 29, 2014

Approved February 5, 2015

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1. **Approval of agenda by consent** (Page 1).
2. **Approval of proceedings of August 2014 by consent** (Page 1).
3. **Motion to move the acceptance of Option B under 2.5.1; Option B under 2.5.2; and Option B under 2.5.3.** Motion carried (Page 34). Motion by Patrick Keliher; second by Dennis Abbott. Motion carried (Page 37).
4. **Move to reduce F to the target within one year with a 25 percent harvest reduction.** (Page 37). Motion by Paul Diodati; second by David Borden. Motion to amend on Page 46. (Page 38).
5. **Move to amend the motion by substituting “three” for the word “one” and make it “years” instead of “year”; and add the words “with either a 17 percent reduction or a tiered reduction of 7 percent for three years”** (Page 38). Motion by Rob O’Reilly; second by John Clark. Motion defeated (Page 50).
6. **Move to amend to add for (for Section 2.6) Option B, up to a three-year time frame with the expectation that the board will be able to select from Section 3.0 Options B, C or D, if necessary** (Page 47). Motion by Adam Nowalsky; second by Emerson Hasbrouck. Motion defeated (Page 50).
7. **Move to amend by replacing one year with a 25 percent reduction to two years** (Page 50). Motion by Tom O’Connell. Motion withdrawn (Page 52).
8. **Move to amend by adding after “reduction” “in the coastal fishery and a 20.5 percent reduction in the Chesapeake Bay beginning in 2015”** (Page 52). Motion by Tom O’Connell; second by Martin Gary. Motion carried (Page 55).
9. **(Main Motion as Amended): Move to reduce F to the target within one year with a 25 percent reduction in the coastal fishery and a 20.5 percent reduction in the Chesapeake Bay beginning in 2015.** Motion tabled (Page 55).
10. **Move to amend to remove “one year” and replace it with “less than two years”** (Page 56). Motion by Mitchell Feigenbaum; second by Rep. Kumiega. Motion tabled (Page 58).
11. **Move to amend motion to read “reduce F to target within one year in the coastal fishery with a 25 percent harvest reduction in 2015 and within two years in the Chesapeake Bay with a 20.5 percent reduction beginning in 2015”** (Page 57). Motion by Leroy Young; second by Louis Daniel. Motion tabled (Page 58).
12. **Move to table Motions 2, 2a and 2b** (Page 58). Motion by Dennis Abbott; second by Patrick Keliher. Motion carried (Page 58).
13. **Move that prior to the start of the 2015 fishing season, all jurisdictions implement rules to achieve the new fishing mortality target by implementing a 25 percent harvest reduction in the coastal fisheries and a 20.5 harvest reduction in the Chesapeake Bay fisheries** (Page 58). Motion by Tom O’Connell; second by Dennis Abbott. Motion carried (Page 61).
14. **Move to add amend to add after “Chesapeake Bay” “and Delaware River and Bay and Hudson River”** (Page 58). Motion by Roy Miller; second by Russ Allen. Ruled out of order (Page 59).

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15. **Move to not allow commercial quota transfers** (Page 61). Motion by Paul Diodati; second by Tom Fote. Motion carried (Page 68).
16. **Move to amend to allow quota transfers only amongst the states with a coastal commercial quota** (Page 63). Motion by Emerson Hasbrouck; second by Loren Lustig. Motion defeated (Page 66).
17. **Move to maintain all commercial size limits that were in use in 2013 fisheries** (Page 67). Motion by Paul Diodati; second by Ritchie White. Motion carried (Page 67).
18. **Move to take a 25 percent reduction in harvest from the commercial coastal Amendment 6 quota** (Page 68). Motion by Paul Diodati; second by David Borden. Motion carried (Page 72).
19. **Move to amend the main motion by excluding from the reduction in commercial quota those states that did not receive a quota increase under Amendment 6** (Page 69). Motion by John Clark; second by Tom O'Connell. Motion defeated (Page 71).
20. **Move that the states submit for technical committee review and board approval conservation equivalency proposals for 2015 that achieve the 25 percent reduction in the coastal recreational fishery** (Page 72). Motion by Adam Nowalsky; second by Tom O'Connell. Motion substituted (Page 76).
21. **Move to amend to Option B-3 for the coastal recreational fishery. Conservation equivalency would be based on a 25 percent reduction** (Page 72). Motion by Ritchie White; second by Patrick Keliher. Motion defeated (Page 75).
22. **Move to substitute Option B-1 and stipulate that any conservation equivalency proposal meet the calculated reduction at one fish at 28 inches** (Page 76). Motion by Dave Simpson; second by Jim Gilmore. Motion defeated (Page 77).
23. **Move to substitute to approve Option B-1, one fish at 28 inches, with all conservation equivalent measures equal to a 25 percent or greater reduction in harvest** (Page 78). Motion by Paul Diodati; second by Pat Keliher. Motion carried as the main motion (Page 79).
24. **Move that the Chesapeake Bay jurisdictions submit for technical committee review and board approval for 2015 conservation equivalency proposals that achieve a 20.5 percent reduction from 2012 harvest in the Chesapeake Bay recreational fisheries** (Page 79). Motion by Rob O'Reilly; second by Tom O'Connell. Motion carried (Page 81).
25. **Move that there will be a 20.5 percent reduction from the 2012 harvest in the Chesapeake Bay commercial fisheries. That reduction will be applied and set before the 2015 season** (Page 81). Motion by Rob O'Reilly; second by Tom O'Connell. Motion carried (Page 86).
26. **Move to amend to replace "2012 harvest" with "2013 quota"** (Page 82). Motion by Adam Nowalsky; second by Ritchie White. Motion defeated (Page 85).
27. **Move for an implementation date of January 1, 2015; and to submit conservation equivalency proposals by December 1, 2014, for technical committee review the first week of January 2015 and board review and action at the February meeting in 2015** (Page 86). Motion by Dave Simpson; second by Jim Gilmore. Motion carried (Page 86).

INDEX OF MOTIONS (continued)

28. **Move to accept the addendum as modified today** (Page 86). Motion by Bill Adler; second by Loren Lustig. Motion carried (Page 87).
29. **Move to adjourn by consent** (Page 87).

ATTENDANCE

Board Members

Pat Keliher, ME (AA)	Russ Allen, NJ, proxy for D. Chanda (AA)
Terry Stockwell, ME Administrative proxy	Tom Fote, NJ (GA)
Rep. Walter Kumiega, ME (LA)	Adam Nowalsky, NJ, proxy for Asm. Andrzejczak (LA)
Steve Train, ME (GA)	Leroy Young, PA, proxy for J. Arway (AA)
G. Ritchie White, NH (GA)	Loren Lustig, PA (GA)
Doug Grout, NH (AA)	Bernie Pankowski, DE, proxy for Sen. Venables (LA)
Dennis Abbott, NH, proxy for Sen. Watters (LA)	Roy Miller, DE (GA)
Rep. Sarah Peake, MA (LA)	John Clark, DE, proxy for D. Saveikis (AA)
Jocelyn Cary, MA, Legislative proxy	Tom O'Connell, MD (AA)
Paul Diodati, MA (AA)	Russell Dize, MD, proxy for Sen. Colburn (LA)
Bill Adler, MA (GA)	Bill Goldsborough, MD (GA)
Bob Ballou, RI (AA)	John Bull, VA (AA)
Mark Gibson, RI, Administrative proxy	Rob O'Reilly, VA, Administrative proxy
David Borden, RI (GA)	Kyle Schick, VA proxy for Sen. Stuart (LA)
Sen. Susan Sosnowski, RI (LA)	Catherine Davenport, VA (GA)
Rick Bellavance, RI, Legislative proxy	Louis Daniel, NC (AA)
David Simpson, CT (AA)	Mike Johnson, NC, proxy for Sen. Jenkins (LA)
Lance Stewart, CT (GA)	Martin Gary, PRFC
Rep. Craig Miner, CT (LA)	Dan Ryan for Bryan King, DC
James Gilmore, NY (AA)	Steve Meyers, NMFS
Emerson Hasbrouck, NY (GA)	Sherry White, USFWS
Katherine Heinlein, NY, proxy for Sen. Boyle (LA)	

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

Ex-Officio Members

Charlton Godwin, Technical Committee Chair	Mark Robson, Law Enforcement Representative
Kelly Place, Advisory Panel Chair	

Staff

Robert Beal	Katie Drew
Toni Kerns	Kirby Rootes-Murdy
Mike Waine	

Guests

John Bullard, NOAA	Ellen Motoi, USCG
Kelly Denit, NOAA	Brian Fiedler, USCG
Kevin Chu, NOAA	Peter Burns, NMFS
Derek Orner, NOAA	Julia Beatty, NMFS
Chip Lynch, NOAA	Stewart Michels, DE DFW
Tony Rios, Ofc. Sen. Boyle, NY	Chris Baker, MA Env. Police
Pat Augustine, Coram, NY	Patrick Moran, MA Env. Police
Harold Mears, NMFS	Dan Costa, RI DEM
Mike Millard, US FWS	Nicole Lengyel, RI DEM
Wilson Laney, US FWS	Curt Gottschall, CT DEEP

Guests (continued)

Kim Ziegler, CT DEEP
Douglas Ferzoco, MSBA
Jonainan O'Connor, MSBA
Lawrence Manning, MSBA
Norman Colen, MSBA
Julianne Bryant, MSBA
Edward Tully, MSBA
Bill Bryant, MSBA
Patrick Gilmartin, MSBA
Dave Smith, MD SSA
Phil Langley, PRFC
William Rice, PRFC
Mike Luisi, MD DNR
Lynn Fegley, MD DNR
Arnold Leo, E. Hampton Baymens
Ross Squire, Centerport, NY

Jack Travelstead, CCA
David Sikorsky, CCA
Mike Armstrong, MD DMF
Raymond Kane, CHOIR
Brandon Muffley, NJ DFW
Steven Anderson, Warwick, RI
Ed O'Brien, MCBA
Ed Cook, N. Kingston, RI
Ken Hinman, Waterford, VA
E.J. Vongher, US Fishlaw News
Peter Jenkins, The Saltwater Edge
William Cramer, New Haven, CT
Keith Hall, Maine Charter Captains
John Brouwer, Maine Charter Captains
Frank Blume, CT Charter Assn.
Bob Veach, CT Charter Assn.

The Atlantic Striped Bass Management Board of the Atlantic States Marine Fisheries Commission convened in The Mystic Hilton, Mystic, Connecticut, Wednesday morning, October 29, 2014, and was called to order at 10:15 o'clock a.m. by Chairman Douglas E. Grout.

CALL TO ORDER

CHAIRMAN DOUGLAS E. GROUT: Good morning, everybody. We have a lot of work ahead of us. This is a meeting of the Atlantic States Marine Fisheries Commission's Striped Bass Board. My name is Doug Grout. I am chair of this board. I have a few things that I would like to mention to everybody here in my opening statements, because we do have a very important decision to make today.

First of all and most importantly to help us not get distracted, if anybody has any cell phones with, can you please put on them silent or vibrate right now. The second piece of information I want to make to the general public here is we appreciate your being here. It is in regard to our public comment guidelines.

I want you all to be aware that we have a procedure that is identified with our agenda. It is put at the beginning of the commission's meeting agenda that is public comment guidelines here. The most important is that right now this is considered an action item that has already gone out for public comment; and it is the board's intent to end the occasional practice of allowing extensive and lengthy public comments at final decision-making like this because we've already gone out to public comment.

We've had a 45-day public comment period. We've had 19 public hearings in 12 states and the PRFC. We've collected over 3,800 public comments from individuals and 34 groups and organizations. I want to assure all of you that these comments are already part of the public record. Every one of our commissioners has received not only the specific comments that were provided for us during that public comment period, but we've also gotten summaries of them.

It is something that the commissioners take very seriously; and I assure that they have gone over every one of them. It is going to be my policy as chair, which is what I'm given the discretion here, is that I'm going to only take public comment during the addendum procedures, when we're making decisions, if a measure comes up that was not contemplated in the addendum.

I'll give you an example. We have a recreational size limit of 28, 30, 32 inches. Well, if there is a proposal by – just as an example, there is a motion to have to a 29-inch size limit. At that point I will take a limited amount of public comment from the people that are here. I'll get an idea of who is going to be for and who is against it and allow people to alternate for and against. Again, I will also ask you to limit your comments to two minutes or less.

This is because we do have a lot of people here and we have a lot of work to do today. The only other time that we have on this agenda for public comment is for items that are not on the agenda. It is number three on our agenda items here. Any public comments that relate to Addendum IV; I will ask you not to make those comments.

I would appreciate that the only comments that are brought forward here are things that do not relate to any of the Addendum IV decision-making here. Another thing I wanted to make you aware of is because we have such a fair amount of time allocated for this decision-making; we are going to break for lunch between 12:00 and 12:15.

It will be a hard stop at 12:15 because we have luncheon. No matter where we are at that point, I'm going to look for an appropriate time, some time between 12:00 and 12:15 to stop. We will resume in the afternoon after the luncheon. Finally, I'd like to turn to our executive director, since we do have a meeting-specific proxy, to provide the commissioners and the public our policy concerning meeting-specific proxies' ability to debate and vote.

EXECUTIVE DIRECTOR ROBERT E. BEAL: The policy is that any meeting-specific proxies

cannot vote on final actions being contemplated by this board. The practice has been for meeting-specific proxies to participate in all the motions leading up to a final decision by the board. As you work through the addendum today, there is going to be a series of decisions that lead up to the final approval of the addendum, we assume.

The meeting-specific proxies can participate in those deliberations as well as voting on all the issues leading up to the final decision; but once you get to the motion that will finally approve Addendum IV, the meeting-specific proxies are not allowed to vote under the commission process. Not to single out Kathy Heinlein, but I think Kathy is the only one that is our meeting-specific proxy for this meeting. She has been participating that way this week and knows the rules.

APPROVAL OF AGENDA

CHAIRMAN GROUT: The next item on the agenda is approval of the agenda. Are there any comments or changes to the agenda from the board? Rob.

MR. ROB O'REILLY: I think just to comment in order to help streamline these activities today, the Chesapeake Bay jurisdictions have distributed a white paper on two occasions, both at the August meeting and for this meeting. I believe it was distributed Friday evening by Toni Kerns.

Before we get to the review and the final approval, I would request that just a few minutes be allowed for me to go over the Chesapeake Bay quota. The reason I bring this up is that it is 2014. That quota was established in 1996 for 1997. I'm not sure everyone really understands what has occurred in the ensuing 17 years as far as the management efforts and what they were all about. It will probably take about three minutes. I didn't want it to be awkward when I tried to place that in the middle of one of the options. If you would, that would be great.

CHAIRMAN GROUT: Rob, would you like that before we review the options?

MR. O'REILLY: Yes; that is the request. It will be fairly brief, but I think it is important given what we're looking at today.

CHAIRMAN GROUT: Are there any objections from the board to that? Seeing none, we will include that change. Are there any other changes to the agenda? Seeing none; any objection to the agenda? Seeing none; it is approved.

APPROVAL OF PROCEEDINGS

CHAIRMAN GROUT: We also had in our packets today approval of the proceedings from the August 2014 meeting.

Is there anybody that has any changes to the meeting minutes? Seeing none; is there any objection to approving the minutes? Seeing none, I take that as approved.

PUBLIC COMMENT

CHAIRMAN GROUT: The next part is the open public comment period. As I previously stated, this is for comments on things that are not on the agenda; so anything related to Addendum IV we would not accept as public comment. If you do have a comment on something not related to Addendum IV, I have three people that have signed up, Bill Rice, Robert Brown and Ken Hinman. I will take Bill Rice first; is your item something not related to Addendum IV?

MR. WILLIAM RICE: Yes, it is.

CHAIRMAN GROUT: Okay, can you come up to the public microphone and provide your comment; and again if you could try and keep to a couple minutes or so, we would appreciate that.

MR. RICE: Thank you very much for this opportunity to speak. I am William Rice. I am the senior commissioner on the Potomac River Fisheries Commission; and I am chairman of the Maryland Tidal Fish Advisory Board. Upon review of the addendum, I don't think that the socio-economic aspects have been properly addressed; and I think this is something that needs to be considered along the way.

The bay states have about 33 percent less quota right now than they had in 2009; and we've fished at approximately 17 percent lower last year than we did in 2009. When we take these cuts back home, that is where the rubber meets the road. Striped bass fishing in the Chesapeake Bay is not a bycatch. It is a full-time fishery for some of us. It is a full-time fishery for myself in December, January and February. A 25 percent cut will equal about a \$1,500 a week –

CHAIRMAN RICE: Excuse me, Mr. Rice, but you are specifically addressing Addendum IV there. I did ask that this not be – this is the time for things that are not on the agenda; and Addendum IV is on the agenda. I'm going to ask if you have something that is not related to that, I'll let you continue to speak; but if you're going to speak to the economic impact from this addendum, I'm going to ask that you – I'm sure your comments have been made in the public record before and we have received that. Do you have anything else that is not related to Addendum IV?

MR. RICE: No, I would say not at this time; thank you.

CHAIRMAN RICE: The next person on the list is Robert Brown. Again, this is something that is not related to Addendum IV?

MR. ROBERT T. BROWN: That is correct. My name is Robert T. Brown. I am president of the Maryland Watermen's Association. I wanted to speak on multispecies fish management and habitat. Anytime the Atlantic States Marine Fisheries Commission makes any change in quota, size limits or species, it affects another whether it is in the ocean, the oceans or the rivers. This year the young-of-the-year index on striped bass is good.

However, there is more pressure on the Chesapeake Bay food chain, especially crabs. Habitat; our grasses seem to be almost non-existent in the majority of the middle and upper bays. For example, the Potomac River, the mid and lower river, no grasses; not a place for the small fish to crabs and grass shrimp, which the fish feed on, to have a place to hide.

Also, the grass filters the water, oxidizes the water; and we have a large problem with the dissolved oxygen, which causes algae blooms and red tides. We have seen several watermen pass away this year because of vibrio flesh-eating bacteria. Two were bitten by crabs that broke their skin and one with a fish fin that stuck in his hand; another by a hook that they were trying to release a fish from.

There are other diseases connected to this vibrio that is very hard to cure once you get it with anti-biotics. We need to focus more on the quality of water for all of our fish as they lay millions of eggs in the bay and in our rivers. Why are we not getting a better young-of-the-year index on these fish? It has to do with water quality.

Water quality is one thing that we can all seem to agree on and habitat that we have lost. We need all of us together to get here. The Atlantic States Marine Fisheries Commission should have input on the water quality because that is what determines how many fish you're going to have. To bring this up a little further on another note, if you go back to 1985 in the Chesapeake Bay we had no restrictions on fishing whatsoever. You could fish 24 hours a day, 365 days a year.

That is when the federal government got into it and wanted to reduce fishing effort by 55 percent. At that time, before it was implemented, Governor Hughes implemented a moratorium for three years, but it extended five years before it was reopened. Well, what that does to our food chain into the river, we went from a 12-inch minimum size to an 18-inch minimum size.

That fish feeds another one to two years before it is even harvested by the commercial or the sport fishermen. We're all in this together. That is a reduction from 12 to 18 inches; and if you don't count the pounds, you always count the pounds – no, count the number of fish. The number of fish reducing from 12 inches to 18 inches is like 50 percent.

Most of the fish in the Potomac we catch or in the Bay are three and a half pounds average. That brings us to a 75 percent reduction in fish, the animal itself. That is what we are all here to protect is the fish. The pounds throw a falsehood on it. We are taking less and less fish and yet we're still catching the amount of pounds.

CHAIRMAN GROUT: Could you wrap it up?

MR. BROWN: Yes, I will. I just want to say that for us to stay into the seafood industry, we need crabbing, oystering, fishing and clamming. That is the only way we make our living. The rockfish in the state of Maryland bring in a little over \$3.5 million to the commercial and the crabs bring in \$14 million or more to the commercial industry, and we need to keep our industries going. We have less anchovies for them to feed on, which the smaller rockfish feed on. Thank you very much for your time; and I hope you will take it into consideration in all your deliberations.

CHAIRMAN GROUT: Thank you, Mr. Brown. Ken Hinman next. Ken, yours is something not on the agenda and related to Addendum IV? Thank you.

MR. KEN HINMAN: I feel like I'm stepping on to the Gong Show or something here. My name is Ken Hinman and I am president of Wild Oceans. Thank you for giving me a chance to make a brief comment. About 35 years ago I helped organize a symposium on striped bass. It was Marine Recreational Fisheries 5, for those of you who may have been in Boston in 1980 or may have a copy of the proceedings.

One of the keynoters there was Richard Frank, who was then the head of NOAA. In my career he was the first high-ranking government fisheries official I heard talk about an ecosystem approach to fisheries management. He talked about it quite a bit; and it made sense in that context because at that time we had panels trying to figure out what was happening to striped bass, what were the causes.

We had overfishing, we had loss of estuarine habitat, toxins in the waters, acid raid. Dr. Frank

actually made a bold prediction that within a few years he expected that all of our fishery management plans would be addressing these issues and taking an ecosystem approach to fisheries management.

We're not there yet; but looking back over the last 35 years, I really believe that no other species, with the exception of a few members of our own, has done more to broaden our approach to managing coastal fisheries than has the striped bass. It was our first success story of rebuilding a fish that was on the brink of disappearing and it proved that we could do this for other depleted species.

The effort to save striped bass had real tangible changes to our interstate federal system that has benefited all of our coastal migratory species over the years that don't know any boundaries. It galvanized a lot of fishermen to get involved in efforts to clean up the bays to protect habitat. Of course, the link to menhaden in particular really kicked off what is now today a national movement to protect a lot of prey species that other species rely on.

In August Louis Daniel called striped bass the flagship species of this commission; and keeping that flagship afloat means not just passing the addendum that shall not be named but also continuing to rebuild menhaden, to protect river herring and shad and other species, this commission's efforts to move into developing an ecosystem-based approach to managing all of its fisheries, to develop ecological reference points; these are all really important things and I think what Dr. Frank was imagining. Sadly he passed away earlier this year. I think the message here is that when you save this fish, you're not just saving a fish. I wanted to thank you tell you to keep up the good work.

CHAIRMAN GROUT: Thank you, Ken. That's the only other person I had on the sign-up list. Anybody else have anything that is not on the agenda? Seeing none; then we will move into the next agenda item, which is Draft Addendum IV.

**DRAFT ADDENDUM IV FOR
PUBLIC COMMENT**

CHAIRMAN GROUT: Commissioners, you will see that Mike Waine, our plan coordinator, has drafted a decision tree for us. I just want you to be aware of it.

I did move things around a little bit different than what is the order in the addendum to try and make for a smooth and orderly addressing of the different aspects of this addendum. Clearly, the first two major decisions we have to make is are we going to approve the stock assessment reference points, the proposed F reference points. Then after we make that decision, clearly the biggest decision is whether we're going to change the addendum timeline to reduce F.

After that, depending on how we make a decision there, we will be getting into – there will be certain pathways that we're going to be taking. One that doesn't depend on a specific pathway is on Page 2 here; and these are the two decisions in 3.1, commercial quota transfers, and then 3.2. I put those up first because that doesn't apply whether we choose one or three years or do it in one year or do it in three increments.

We also had a request from several commissioners to make this decision first. After that, depending on what our decision was on one or three, Page 3 is the decisions we will have to make if we chose to remain at one year to get to the target F; and then Pages 4 and 5 are the decisions we have to make if we have the alternative to go to the target F in three years.

That is just a general overview of the order in which we're going to make the decisions. You will also notice for your reference on here with each decision there is a page number that is referenced, and that is the page within Addendum IV that the decision is contemplated.

**PRESENTATION OF
VIRGINIA WHITE PAPER**

CHAIRMAN GROUT: That being said, the next item on the agenda, Rob, is yours. You

wanted to speak to the white paper that the bay states provide to this board.

MR. O'REILLY: The four jurisdictions in the Bay, District of Columbia, Potomac River Fisheries Commission, Maryland Department of Natural Resources and the Virginia Marine Resource Commission, have met on separate occasions and wanted to share this information with the management board.

Previously in August Maryland DNR and VMRC shared a white paper with you as well. I think today what I want to highlight is maybe to clear up perhaps some misconceptions about the Chesapeake Bay baywide quota. I don't think, but I could be wrong, that there is anyone at the table who was part of the process in 1996. Roy, you were part of the process; okay, I was wrong.

That took three meetings to establish a quota. I think one of the misconceptions that we've heard recently is that we've been able to just elevate our quota whenever the occasion arose. You have a graph in the white paper that shows really the progress of the quota and the harvests. It is on the back, Page 10. You need not have that in front of you, but I can tell you that over the years the bay has reduced the quota four different times in that period since 1997 and especially since 2000 on your graph.

The baywide quota was not a great gift. It was a way to achieve some normality in the fluctuations within the bay in harvest. It was a cap. I'm just going to tell you about Virginia. Nothing has changed with the baywide quota since 1996 from what we have today. We have the same regulations. What has changed is there is a cap; and so we had to be wary like the other jurisdictions of the harvest.

On the commercial end, the quota we have today in 2014 is no different than what we had in 1996. There was a period of about five years where we enjoyed about 300,000 pounds more, the other jurisdictions the same way, prior to Amendment 6. We have been very judicious about monitoring that quota.

The Amendment 6 calls for adhering to a fishing mortality rate target, which currently is 0.27. It

does not stipulate that the bay had to necessarily reduce its quota, but the bay certainly had that type of vigilance. If exploitable stock biomass showed a decrease, the bay took action. Again, I think there has probably been some misunderstandings about the baywide quota. It has had some benefits because in Virginia, for example, we did have some years, 2003 to 2006, where our recreational fishery was doing very well.

It was doing too well. Thank goodness the other jurisdictions weren't under the baywide quota. We stepped in with no-take slot limits and various measures to try and calm that fishery down. Those were the words of the industry, not mine. It, of course, worked. What I ask you today is try and look at the baywide quota as an agreement, a commitment by the bay.

It worked both ways. The management board in 1996 thought long and hard about whether to approve the baywide quota. It took three separate sessions before they did; but this is where we've been since 1997. The last thing I'll say is there has been foregone opportunity for the bay on the recreational fisheries.

There are some tables in your document that show clearly that overall the bay has been conservative throughout that time period. The recreational harvests have been held in check. It is perfectly fine that other states were able to along the coast increase their recreational harvest. That was part of the management plan; but a decision was made in the bay to have that 10.5 million pound quota, which later became about 7.8 million pounds. I did want to bring that out, Mr. Chairman. There are other items. I think some of the items do pertain to the decisions that we make today, and I will have some more to say about that later. Thank you very much.

CHAIRMAN GROUT: Do any board members have questions of Rob on this? Tom Fote.

MR. THOMAS FOTE: Rob, I was here since 1990, so I was around for that discussion. I was hoping that you would go into – are you going to go into this later about the coastal migratory stocks that the bay harvests? Are you going to

do that at a later time or do you want to do it now? A lot of people don't know about that, so I figured it was a good time to get that on the table, too.

MR. O'REILLY: At the pleasure of the Chair, I can do that; and certainly Tom O'Connell also can do that.

CHAIRMAN GROUT: What is the pleasure of the board; do you have any objections to this at this point or would you rather wait until we get it up? You're okay with it? Okay, go ahead, Rob.

MR. O'REILLY: This time I won't make a mistake; there are actually some people who were involved in this process who are here right now. In 1994 we had a tag-based approach to have at that time what was called producer areas and the coastal area. There was a situation where it was debated by the management board on just how to handle the Chesapeake Bay's harvest of migrant striped bass.

The deliberations ended up with – at the time Amendment 5 was adopted in 1995, the proposal was to have 25,000 fish set aside as a cap for the Chesapeake Bay. That worked well for about a year. During the subsequent year the overage that existed, the board came back and asked for a different approach. The second approach was to raise that cap to 30,000 fish.

That had some challenges as well. Maryland certainly has had a very good trophy season out of all the jurisdictions. At one point, which time does run away a little bit, but I'd say probably ten years ago – and Tom can correct me on this – there was a proposal at the technical committee to merely look at the coastal spawning stock, and the magnitude of the coastal spawning stock would really be what would be the basis for any type of harvest in the Chesapeake Bay.

I don't know whether Tom Fote had this in mind or not, but one of the things about this addendum is really the trophy fisheries; the coastal migrant fisheries in Chesapeake Bay really are part of the coastal spawning stock and not really part of the bay fishery. Tom, if you

want to add anything; Mr. Chairman, that is my recollection back in the past.

MR. FOTE: Because there was some confusion, I know, Rob – and Pete Himchak is no longer here; but we're the few people that remember how that process went along. It was a long, drawn-out process. I just wanted to make sure people understood where those fish came from.

CHAIRMAN GROUT: Okay, thank you for that discussion.

REVIEW OPTIONS

CHAIRMAN GROUT: I think the next thing on the agenda we should move on to is, Mike Waive, can you please review the options and the public comment summary.

MR. MICHAEL WAINE: I'm going to start with reviewing the options in the addendum, and then I'll stop and take some questions. Then I will move into the public comment summary. This is Draft Addendum IV. In terms of the timeline, the board is considering final action on this document today.

We had an extensive public comment period of which I'll talk about in a little bit. The planned implementation was for the 2015 fishing season. Before I start moving into the document, I just wanted to try to conceptualize sort of what is in there. First is proposed new fishing mortality reference points.

If adopted, that would put us in a stock status condition in which we're between the threshold and the target for both fishing mortality and spawning stock biomass. Given that stock status, there is a management trigger in Amendment 6 that requires the board to take action to reduce F to that new fishing mortality target; and that was within one year.

There was a motion that passed to make an adjustment to within three years, allowing flexibility for the board to choose one or three years. Based on that decision, there are set time frames that go through specific management options that would achieve the fishing mortality target in one or three years; so that is where we

get into the specific options about how the coast is going to be managed, how the bay is going to be managed in the different recreational and commercial sectors.

That is a broad overview and now I'll get into all those components briefly. In terms of the statement of the problem, we've got new proposed fishing mortality reference points. Those are coming right out of the 2013 benchmark stock assessment. Given those new proposed reference points, F is currently above the new target and SSB has been below the target since 2006. We've observed a similar downtrend in harvest.

To address these concerns, the draft addendum contains management options to reduce F to the target within one or three years. These figures just walk through basically everything that I just showed you. This is a figure of spawning stock biomass through time. The solid black line across the top is our SSB target; and the dashed line is our SSB threshold.

The gray dotted line that is oscillating through time is a measure of spawning stock biomass. You can see that it has been in decline and is actually quite close to our overfished threshold in the terminal year, which was 2012. The reason for this decline is poor recruitment, which is shown by the vertical bars, which is a measure of recruitment over the last five or so years; so not as many juveniles being produced; and therefore as they grow to become spawners, we see a decline in the spawning stock biomass.

I just want to note before we leave this that we did have a strong 2011 year class, which you can see in the vertical bar all the way to the right of that figure. Part of the proposed couple of objectives is protecting the spawners that are out there and also considering protection of that strong 2011 year class.

This figure shows fishing mortality; and you can see that our current reference points as shown in the gray lines we have maintained fishing mortality below that point; but even though we have done that, we've still seen this decline in spawning stock biomass. Ultimately the question we asked in the benchmark stock

assessment is what fishing mortality rate do we need to be fishing at to get us back to that spawning stock biomass target.

That is where these new proposed reference points came out of; and you can see with the solid black lines running across the figure that we are currently above our target in the terminal year. Given that stock status, that is what is triggering management action here. Quickly going to the fisheries and start with the commercial harvest; along the coast, over the last eleven years, we have harvested under three million pounds.

We've had some underages from the quota because fish haven't shown up in some areas; and also some states use their commercial quota for a recreational bonus program. Additionally, in the Chesapeake Bay over this same time period, as Rob noted, they're being managed with a quota and they have harvested approximately four million pounds commercially.

We also have an Albemarle Sound/Roanoke River stock that has some harvest in North Carolina of around 150,000 pounds. In terms of the coastal recreational harvest over this same time period, it has averaged about 26.4 million pounds; so considerably more harvest recreationally than commercially.

In the Chesapeake Bay the recreational harvest has averaged about four million pounds over that same time period. A bulk of the landings from the coast come from New York, Massachusetts, New Jersey and Maryland. That is just a little bit of background and now I'm going to move into those proposed reference points that I referenced on the figure.

The coastal population reference points incorporate all the stocks that make up the striped bass population, the Chesapeake Bay, the Hudson River and the Delaware. We also considered separate reference points for some of these other producer areas. In terms of the coastal population reference points, these are the reference points that came directly out of the 2013 benchmark assessment.

The two options here are status quo, the current reference points, or the 2013 benchmark reference points that bring us back to that spawning stock biomass target. Now, previously we've had separate reference points in terms of fishing mortality for the Chesapeake Bay because that area was harvesting on smaller fish; and so to allow for that, they took a penalty in fishing mortality or a reduced fishing mortality rate.

Ultimately the technical committee tried to develop Chesapeake Bay specific reference points coming out of the benchmark assessment, but they were unable to do that because there were various issues in terms of not knowing exactly the proportion of male/female sex ratio. Also the reference points that came out of the benchmark assessment for the coast actually incorporate the mortality on those smaller fish.

They made the recommendation, having not been develop the reference points, to use the coast-wide population because they adequately account for that harvest on the smaller fish. Now, in terms of the Albemarle/Roanoke stock, North Carolina, at the August board meeting, presented a stock-specific assessment for the Albemarle/Roanoke stock.

They have established both spawning stock biomass and fishing mortality targets and thresholds and plan to use a quota to manage that stock at those target levels. The board previously approved that proposal to do so at their August meeting. It is thought that the Albemarle/Roanoke stock does not contribute significantly to this coastal migratory stock that we talked about.

That is the reference points and now moving into the timeline to reduce F to the target if the new reference points are adopted. As I mentioned, there is a management trigger that requires the board to act within one year to do that. There was an option that was added to do it within three years and that would allow flexibility for these different time frames I am about to talk about.

Those are the two options here that ultimately the board decides whether to act within one year

or allow a flexible three-year approach. I'm not going to get into the specifics of each of the options because I'm going to do that in the public comment summary, but I just wanted to mention that there are timelines that have both commercial and recreational management options going forward.

Option A, as always is the case, is status quo, keep the fishery exactly how it is now. Option B is this one-year time frame to reduce F to the target. To do that, that is going to require a 25 percent reduction in harvest. Option C is a three-year time frame to reduce F to the target. This time frame takes the reduction all up front, a 17 percent reduction, and then holding that constant through time F ends up being reduced to the target over three years.

The last time frame is what we're calling stepwise 7/7/7 percent reduction in which F would be reduced to the target in three years through an incremental reduction in harvest. I'll mention that given the projections, all of these time frames have a 50 percent probability of achieving F target over their specified time frames.

Another question that came up a lot is what happens after the three-year or the one-year period. These harvest levels, after the reduction, would remain in place until the board took another management action to change it. Although the time frames talk about reducing F to the target, the harvest levels would remain constant after the reduction.

This is where I mentioned that the recreational fishery has options for the coast bag, size, trophy fish options that I'm going to get into specifically when I talk about the public comments. Then the Chesapeake Bay has bag, size limits and quota options as well for the recreational fishery. Then the commercial fishery has for the coast reductions from Amendment 6 quota for all of those time frames; and then the Chesapeake Bay has reductions from either 2013 quota levels or 2012 harvest.

Now, the reason that 2012 is considered for the Chesapeake Bay is because in 2013 the bay took a 14 percent reduction from their quota because

the way they established their quota as biomass decreased as exploitable, they also decreased the quota; so they took a reduction in 2013. Because it would be compounding to add the time frame reduction on top of that, it was included to take the reductions from the 2012 harvest.

I just wanted to go back quickly to the spawning stock biomass. If you remember, in the terminal year spawning stock biomass was trending below that overfished threshold, and that is all this figure shows is the continuation of what we anticipate to happen. These are median projections through time; so we expect spawning stock biomass will fall below its overfished threshold under all of these harvest reduction scenarios.

If you're looking at the figure, the dashed and dotted line, the bottom line of those four as they split apart is the status quo option. One up from that, the dotted line is the incremental 7/7/7 percent reduction. The solid line is the 17 percent reduction three-year time frame. The most conservative reduction time frame is the one-year 25 percent; and that is anticipated to bring the spawning stock biomass back up to its threshold and ultimately its target the quickest.

Now there is some uncertainty in these projections, but they are median condition projections. The last two items are the commercial quota transfers, which would apply to any of the time frames selected. Those quota transfers, right now currently commercial quota is not allowed to be transferred between states.

Option B would allow for the transfer of commercial quota between states upon agreement like we have in some of our other fisheries that we manage. Then the commercial size limits are also a provision that is considered regardless of the time frame. The way Amendment 6 was written is if the board adopts status quo and they happen to choose a different size limit for the recreational fishery; that would mean that the commercial fishery would need to change to match whatever the size limit of the recreational fishery is. That is the status quo option.

The plan development team wrote in an Option B, which is keep the current size limits as is regardless of a change in the recreational size limit; the reason being is that ultimately there are a lot of states that have developed gear restrictions that are specific to the size limit that we currently have. The time frames consider reductions to quota and so the plan development team felt that was acceptable.

We didn't want this situation in which unnecessary discards would occur from a change in the size limits; so we wrote in an option to allow the states to maintain their size limits. Just a final note that the board will need to consider the compliance schedule based on any decisions that they make for the options. I'll pause briefly for some questions before I go into the public comment summary.

MR. O'OREILLY: Just very quickly, protecting the 2011 year class will be a challenge given that it is a lot of bycatch and by-kill that will go on. On the commercial side with that gear out of the water, we've found in the past that it makes an elongated process to do protection. Conservation is definitely what we're looking for. I wanted to just update the management board, in case you did not receive the press releases, both Maryland and Virginia young of the year for 2014 was statistically average.

I think in the case of Virginia it was actually numerically higher than the average but within the 95 percent confidence intervals statistically averaged; the same with 2013. I realize that graph you had, Mike, was developed a while ago showing 2011; but 2012, if you don't know, was not a good year in Chesapeake Bay in either the Maryland or the Virginia portion.

I can look at the Virginia Institute of Marine Science's plot here and see that in the last ten years, except for 2012, at least in Virginia it has been averaged close to it or, of course, very above average with that 2011 year class. I just wanted to make that note.

CHAIRMAN GROUT: Do you have a question?

MR. O'REILLY: No, comment.

CHAIRMAN GROUT: Okay, we're taking questions right now, and the next person on the list is Adam.

MR. ADAM NOWALSKY: I have two questions. One is going back to the SSB projections table on Page 11; would you agree that the projections that were shown there, going to back to 2012/2013, due to the historic retrospective bias the model has shown; that when the next stock assessment comes out, if history is any teacher of us, we would see that black line at least for 2012 and 2013 there is a good chance it would be at a higher level of SSB than what we're currently seeing in this chart, based on the history of that bias in the model?

MR. WAINE: I'll give it a try and if Charlton wants to add anything, he can. Yes, there is a retrospective bias, which is a conservative bias, in the assessment. The magnitude of the SSB may change; but ultimately the trend that we're seeing we expect to remain intact. Although SSB could be slightly higher or actually it could be lower, we do expect that downward trend from those poor year classes coming into SSB will continue until that strong 2011 year class becomes part of SSB and it starts to rebound.

MR. NOWALSKY: Thanks for focusing on that point about the trend but relative to where it is to the SSB threshold is something we'll definitely be considering as we move forward. The second question has to do with conservation equivalency. On Page 10 in the document, the opening paragraph of Section 3.0 talks about the availability of conservation equivalency.

The table on Page 14 listing the options for Option B has in parentheses "all jurisdictions would implement". I think we just need to be very clear on the record for the audience that the options we select today may not be the options that individual states implement and that phrase "all jurisdictions would implement" really only means in the absence of them bringing forward a conservation equivalent proposal; and I just wanted confirmation of that.

MR. WAINE: Yes, exactly. As you're aware, through Amendment 6 there were conservation equivalency proposals that were submitted and

accepted and are currently in place. We're not taking that flexibility away. That always exists in our management plans. Ultimately the board will choose what we call the new baseline, but conservation proposals could be submitted, reviewed by the technical committee and ultimately accepted by the board.

MR. NOWALSKY: Great; and if I could have one short follow-up to that? The option that would be chosen; would it set a new percentage requirement for the proposals put forth? What I mean by that is if we go with a 25 percent reduction, a one-year reduction, but chose Option B-1, which has a 31 percent reduction; are conservation equivalent proposals then required to be brought forth at the 25 percent for the one-year reduction or for the 31 percent as we selected with a specific option?

MR. WAINE: Yes, good question, Adam. I think that the board is going to make that distinction when they select an option for what the baseline is going to be. Ultimately the projections suggest the percent reduction is, depending on the frame – I'll use your example – the 25 percent for the one year; so that is what the projections suggest are necessary.

There are size and bag limits that try to achieve exactly that percent; but because of the step-wise function of that, they might be a little higher or lower; so I think the board intends to clarify whether the conservation equivalency proposals would have to achieve a 25 percent reduction or the reduction that was associated with whatever option they selected as the baseline.

CHAIRMAN GROUT: Yes; and I believe there will be a motion so that the board can debate that concept and clarify that for the technical committee when they determine what conservation equivalency is. Emerson.

MR. EMERSON C. HASBROUCK: Mr. Chairman, thank you for rearranging the order in which we're going to look at the options as we go through this document. Mr. Chairman, I have three questions for Mike. I would like to ask at least two of them; and if you'd like, I can hold back on the third question until you come back around again.

CHAIRMAN GROUT: I don't intend to come back around so I think you should – again, these are just questions and I'd like to get them all over with so we can move on to the next agenda item, which is public comment.

MR. HASBROUCK: Mike, thank you for the excellent presentation and thank you also for the good job that you did at the public hearing in New York. There were a lot of people there and a lot of comments; so thank you. Mike, my first question is relative to the graphic that you have up there. The driver in those projections is really the 2011 year class driving that as well as reductions in fishing effort.

My question to you is between the three non-status quo options; is there a statistically significant difference in those three? In your presentation you said there is a lot of variance around those. That is what I would guess would be that there is a lot of variance; and that the error around each one of those projections probably overlap each other. Again my question there is there a statistically significant difference between the three non-status quo options?

MR. WAINE: Yes; for simplicity we didn't include the variability around each of these median projections. If we did, they would overlap. We haven't formally done the analysis; but given that the confidence intervals would overlap for each of these projections, they are not statistically different from each other.

MR. HASBROUCK: My next question has to do with the commercial quotas that are listed under the different options for both the one year and the two three-year options; a two-part question, I guess. One is those quotas are based on a 28-inch minimum size; is that correct?

MR. WAINE: The Amendment 6 quotas; is that what you mean?

MR. HASBROUCK: Well, yes, the Amendment 6 quotas and then the reduction that would result from the three different timeline options for the commercial quota?

MR. WAINE: The Amendment 6 quotas are coming out of Amendment 6 as the average

commercial harvest from 1972 to 1979. Those other quotas that went in place with Amendment 6 are using a 28-inch minimum size limit, yes.

MR. HASBROUCK: And since those quotas are based on numbers of fish, as I understand it, and the assessment is based on numbers of fish; if there were to be a higher minimum size for the commercial fishery, higher than 28 inches, would those quotas then need to be adjusted upward in terms of pounds to account for harvesting the same number of fish but at a larger size?

MR. WAINE: Yes; I guess if the board decides to change the commercial size limit from what they have now; then they could also decide to change the quotas to account for that change in the size limit. Ultimately as the size limit increases, you're going to be harvesting less fish under the same poundage amount, because those fish are going to be larger. If the board wanted to account for that and adjust the quotas, they could.

MR. HASBROUCK: And my last question is in the document it says that total harvest is down 19 percent since 2008; and one of the tables in the stock assessment document shows that 2008 was the highest total catch in the entire time series. It is probably biologically unlikely that the resource can sustain that 2008 harvest level; would that be a correct assumption?

DR. KATIE DREW: Well, I guess it means what do you mean by biologically sustain it? It can sustain it, but your population size would be lower than what then – like you could fish at that level – according to the reference points that we proposed in the new addendum, you could fish at – that period of time was overfishing; so, yes, in that sense to maintain it at the population size – to maintain the population at the size that the board has established as the threshold; then, no, it could not sustain that level of harvest. According to the reference points that we've proposed, that was overfishing.

MR. HASBROUCK: Follow-up?

CHAIRMAN GROUT: You're getting into more than three questions; but go ahead, this is your last shot.

MR. HASBROUCK: So then it would be unrealistic for people to assume that regardless of what we do today, that catches are going to go back to that level?

DR. DREW: There is a combination of things at play here; and one of them is the lower recruitment that we've seen in recent years and that is part of what is driving that decline. It is not strictly the sense that overfishing is driving that decline; but if we fish at the target and we see sort of your long-term average recruitment, then we could get back to the population size at the target that could sustain.

I can't go back and tell you exactly how close you could get to that level. It was not extreme overfishing, but you could probably get close. We haven't done that kind of what is the MSY or what is the yield that you could expect; but it is not outrageously unsustainable at least according to the reference that we have proposed.

MR. JAMES J. GILMORE, JR.: Mike, thank you for the flow chart. I think this is terrific and you probably should make an iPhone app for it and you'd make a lot more money. I only have one question; but I just wanted to follow up with a comment on Rob. He provided information on the Chesapeake spawn in the last couple of years.

We've had poor spawns also in 2012 and 2013 in the Hudson; however, in 2014 we have an above-average spawn from the preliminary data that we've looked at; so just so everyone has got that piece of information. My question is simply – and I'll refer to the graph on the board – that I checked with Toni; the next stock assessment is an update in 2017.

I imagine the next one after that would be a five-year period. I'm really focusing on the decisions we make today how long we're going to be living with them. I extended the lines last night on your different projections on 25 versus 7/7/7.

If we take the 25 in one year, we hit the threshold in 2017 based upon my rough line.

What we do today is important; but when we're going to be able to reassess this, the earliest would be 2017. If we take the 25 percent reduction in one year, we may hit the threshold in the next stock assessment. If we do something lower and those lines hold, then we're looking at seven years, I guess, or eight before we would actually have data to adjust what we were doing here today. Is that correct thinking or are there other things we could do to adjust this earlier?

MR. WAINE: The board has flexibility through the adaptive management process or the addendum process to make changes at any point. Frequently that is done from the results of a stock assessment. We usually do for striped bass a benchmark every five years and an update every two or so years.

Technically we'd be planning for an update in 2015. It is actually something that we've asked to be talked about today because the technical committee currently has the task of developing Chesapeake Bay reference points. The board is considering a management action today that would change the management program.

An assessment in 2015 would only have data through 2014; and does the board want to wait to get more information before we do another stock assessment considering that we have Chesapeake Bay reference points to focus on in the meantime. Those are the types of things we were hoping to get some clarity from; but ultimately back to your original questions, I think it depends on how many years the board would like to see under whatever ends up happening before they look at another stock assessment.

MR. DAVID G. SIMPSON: Mike, earlier in your presentation you mentioned that the bay states took some percent reduction in their quota from 2012 to 2013. I missed that percentage and I wondered in addition to providing that if you could tell me or someone from the bay states could tell me how they accomplished the reduction.

MR. WAINE: Yes; the reduction was 14 percent; and I'll let Rob correct me if I'm wrong on that. Ultimately they used their quotas to manage both their commercial and recreational fishery; and so staying within or under that quota would achieve that reduction. They have been harvesting under their quota somewhat, anyway, so maybe they can provide a little bit more clarity on that.

MR. SIMPSON: Okay, yes, I just wondered if there was a shortening in a season or something like that would be informative. If someone can provide a quick answer to that, that would be great. Then I just have one quick question for Katie.

CHAIRMAN GROUT: Tom, do you want to respond to that?

MR. THOMAS O'CONNELL: Sure. David, that reduction was made through a reduction in the commercial fishery's quota that we manage year to year. The recreational fishery has been tracking abundance with a constant management strategy; so their harvest has been fluctuating up and down. Some of that reduction was because the recreational performance decreased. The other part is that the commercial quota was dropped.

MR. SIMPSON: Okay, that helps; so there is a hard quota with commercial and you're able to manage that; so that makes good sense. Katie, I remember from our discussion in August there was a data limitation that prevented you from being able to calculate a percent reduction associated with minimum sizes greater than 28. The 32-inch option which a number of people have commented, we can't provide a percent reduction associated – that talking on the side with Paul, he thought that four-inch difference might be a year or two difference in age.

DR. DREW: We cannot do the combination of the bag limit and the size limit. Basically we cannot calculate the reduction going from two fish at 28 to one fish at 28 or one fish at 32. That combination is because of data limitations; but we can do if we were just keeping the bag limit the same but going to a different size limit; so two fish at 28 versus two fish at 32. That

information should all be in the table. It is when you try to combine the bag and size limit changes that we run into data limitations.

MR. MARTIN L. GARY: Mr. Chairman, I have two questions, if I may with your permission. The second one is a two-part, but I promise you it will just be two parts. Before we get my first question, Mike, could you bring up the juvenile index that you had, the juvenile reproduction index over time that you referred to?

While you were describing this in general terms, Mike, you referred to I believe in general the time frame from the mid-2000's up to the present as recruitment being poor. I would agree with you that the 2012 year class was a poor year class of reproduction. In general that time frame has been inferior to the time frame in the nineties up to say 2004/2005. Was the term "poor" your choice of words subjective or is that by definition – that was my first question – or would you rather refer to that as "lower than average"?

MR. WAINE: If you prefer lower than average; that would work.

MR. GARY: Well, it isn't preferred; it goes to my next question and I just want clarification. I think a lot of people think that – at least the ones I have talked to, constituents and other folks that I've met up here – that there is some issue going on there than really has been. Certainly, it is concerning and you're absolutely right; I think everybody here at the table, as this discussion progresses, will agree that recruitment is the issue.

My follow-up question, which is two parts and it goes to Charlton, Katie or Mike, either or you, is for the current level of SSB as it is right now; how does that compare to the early 1990's, '92, '93, '94? My point is back then that SSB at that level back in the early nineties produced three of the most dominant year classes in the history of the juvenile index, the '93, '96 and 2001 year classes. Is the level of SSB at the present time higher, lower, about the same as the early nineties that produced those dominant year classes?

MR. WAINE: Yes; if you look at the figure, you can see that in the early nineties SSB was roughly about the level that we currently have. The threshold that we use is the spawning stock biomass in 1995, which was the year that we declared striped bass rebuilt. I think your question is are there levels of SSB that are lower than what we have now that also are capable of producing a strong year class and the answer to that is yes.

MR. GARY: Okay, so the follow-up – and I guess it is subjective – is under the new fishing mortality rates that we will walk out of the meeting with today presumably we'll get elevated levels of SSB, but there is not necessarily a guarantee that will result in dominant year classes; would that be correct?

MR. WAINE: Yes; there is a weak stock-relationship relationship, which just means that it is not a given that higher SSB is going to produce higher number of juveniles.

MR. KYLE SCHICK: I'd like to know if there can be – we talked about the biological reference points for the Chesapeake Bay; and I was wondering about the timetable. Can we revise the biological reference points; and if yes, when do we think we might be able to deliver on that and get an idea of being able to do that for the Chesapeake Bay Region?

MR. WAINE: In regards to the stock assessment; one of the tasks that came out of the August board meeting was to continue with development of the Chesapeake Bay reference points. The technical committee plans to have an in-face meeting in November to continue that development.

As I mentioned, we're technically on the books for a stock assessment update in 2015; but given that there has been a task of developing Chesapeake Bay reference points, does the board want us to continue on that task or switch over to doing an assessment update.

It would be difficult if not impossible to do both of those things in the same year. I think it ultimately depends on the prioritization at the board level of which they prefer. Also, in terms

of when can we deliver on those, assuming that the task ends up being focused on Chesapeake Bay reference points as quickly as we can do that; so at all the technical meetings that we have in 2015, we will continue to have the technical committee to meet until they can deliver on that task.

MR. O'CONNELL: Mr. Chairman, two quick questions. Under the coastal commercial management options; the addendum makes it very clear that those options will not achieve the desired reduction; but there is a follow-up sentence that says, however, there may be some level of reduction from the 2013 harvest if the fishery performs similar to previous years. I'm just wondering what that "some level of reduction" might be. Are you able to kind of put some quantification; is it going to be 5 percent, 10 percent and 20 percent?

MR. WAINE: I can't remember. I think we prepared it for the August board meeting. Let me take a look at my files and try to get you an answer. Ultimately it would be a reduction from the states that are harvesting right to their quotas, right; so if states aren't harvesting right up to their quota, then the reduction in quota is not going to impact their harvest.

If states are harvesting right up to their quota, their harvest would be impacted by a quota reduction. Let me take a look, Tom, and hopefully I will be able to get back to you. Just generally speaking and looking at the quotas and the harvest levels and the figures, you can probably see which states would be impacted.

MR. O'CONNELL: I think that would be helpful information to have as we look at equity between the different sectors. My quick note suggests that it would likely be a 5 percent reduction. If North Carolina does not catch their allocation, which they haven't, it may be 19 percent. It just to point that it is going to be below 25 percent.

My follow-up question is as the board and the working group of this board developed the public information document, we were trying to keep this document relatively simple. There was a conversation about if we're looking at a one-

year time frame, a three-year time frame; obviously, two years is within that time frame.

The working group thought that would overly complicate the document to add that additional time frame but would it be within the range. I just want to ask – and I know you have the answer to this question, Mike – if the board looked at the two-year time frame, we know that one year is 25 percent, three years is 17 percent; what would the level of reduction be required in the first year, is it 20 percent?

MR. WAINE: Yes; it was a 20 or 21 percent reduction for the two-year time frame.

MR. DAVID V. BORDEN: Mr. Chairman, I'd like to follow up on Jim Gilmore's comment on the SSB chart, if I might. Under the three-year phase-in strategy, I'm just curious – and this is the question – will our scientific advisors have the ability to measure annually whether or not we're achieving a 7 percent cut. If the answer to that is no; then the second question is in what year would we be able to measure the cumulative impacts of those cuts?

MR. WAINE: I'll explain in terms of the sectors of the fishery. With the commercial harvests we have the tagging of commercial fish and a good estimation of the pounds that are being harvested; so in the following year to assess sort of the reduction, we could use that data. For the recreational fishery we're going to be relying on MRIP estimates to do that.

Something that I wanted to mention is, is the uncertainty in the MRIP estimates of harvest going to inhibit our ability to estimate whether a reduction has been achieved or not? That is something to consider is that there is more uncertainty in the recreational harvest data than there is in the commercial and noting that the recreational harvest is higher than the commercial harvest.

MR. BORDEN: Maybe I'm missing it. Let's assume that we can't measure it annually; how many years would it take for the scientific community to have confidence that we had achieved those cuts over time? Is it going to be

two years after the final cut or one year after the final cut, three years after the final cut?

MR. WAINE: In terms of achieving the harvest reduction, we could evaluate that on an annual time-step with looking at the harvest numbers, which we do annually for all our species through our FMP reviews. In terms of how is that going to relate us back to what our estimates of fishing mortality are and spawning stock biomass; we would rely on a stock assessment to estimate where we are with both fishing mortality and SSB; and ultimately that would just depend on when it is we update the stock assessment.

MR. G. RITCHIE WHITE: I wanted to follow up on the train of thought that Tom O'Connell was going down. If a coastal recreational size limit was picked, let's say one at 32 which would be more conservative one at 28; if you combine the saving that option would take with the commercial harvest, isn't there a high probability then that the combination of those two would reduce mortality by at least 25 percent?

MR. WAINE: Ultimately if you're not achieving it from the commercial fishery, it can be achieved from the recreational fishery with the caveat that there is some uncertainty involved with each of those management options. Although we're estimating the percent reduction that would be associated with that option; there is noted uncertainty in that reduction.

MR. WILLIAM J. GOLDSBOROUGH: Mr. Chairman, just to put a finer point on, Mike, your response to Marty a minute ago on where we are right now with SSB and how that compares to where we were in the early nineties, specifically in '93 when we produced the record year class show there as one year olds in '94, and then to use that as a frame of reference for where we're projected to go in the next few years – and I'll ask you to turn to that chart in a minute – but using the SSB units on that chart, which was thousands of tons, if I'm not mistaken where we were in '93 when we produced that record year class was 42,000 metric tons.

The threshold level where we are now is 57,000 metric tons. Correct me if I'm wrong on either of those; but could you turn back to that other chart, the projection chart for a second? Okay, I don't know the exact number but just trying to read this chart, it looks like if you take the status quo line as maybe the firmest projection we have, it looks to me like that's around 46/47,000 metric tons; is that a fair judgment from that chart? Something like that; but the point was that I think it is a useful frame of reference as we look at the options and where they may take us in the next few years; that all of them are still well above that level that produced that record year class in '93.

MR. WAINE: Yes, as we talked about, strong year classes have been produced from lower SSB than what we have now.

MR. THOMAS FOTE: I had my hand up earlier and I guess you missed it again, but a lot of the questions were answered. I just wanted to comment on the public hearing process for one second.

CHAIRMAN GROUT: We're going to get to the public hearing comments here soon; do you have a question for Mike?

MR. FOTE: Well, I just wanted to get Russ to basically tell us what the Delaware River is doing; what it did this year in the young of the year.

MR. RUSS ALLEN: I know the Delaware doesn't get its just due sometimes; but we're not seeing as many problems in the Delaware as in some other systems. For this year, the Delaware – we're not finished yet. We have a crew out today doing the last day; but we're already the eighth highest index in the history since 1980. That will give us four top tens since 2007. We have a good young year class that is coming through the system in the Delaware; and it is probably helping drive some of that recruitment that is being shown in the figures up there. Thank you very much.

CHAIRMAN GROUT: Okay, Rob, you've got a question. This will be the last question on this before we go to the public hearings.

MR. O'REILLY: Mr. Chairman, these are follow-up questions. First of all, I was asked as one of the Chesapeake Bay representatives to respond to Dave Simpson. Tom O'Connell responded, but what I wanted to say on that item was that, yes, after 2006 there was tracking by the recreational fishery with abundance.

Before then, measures such as one fish in December, which is a big wave in Virginia, no-take slot limits, season curtailment, all those were in play because each jurisdiction has its own regulation concerning their own part of the quota. I wanted to clear that up a little bit. I also wanted to – there has been a lot of conversation about the stock-recruitment.

I guess I would ask the technical folks despite the fact that it has been asserted that high and low recruitment, you might end up with high recruitment, you might not, it might be medium; and the comments of Bill Goldsborough about 1993; however, I think there is a line in the sand. I think once you get below 30,000 metric tons; that there is pretty good evidence that your recruitment is not going to be very strong.

That is a question if you looked at the data; but otherwise I want to feed that into what Dave Borden asked about. My perception is you will not know. It is sort of like Excel Solver; you're waiting for the answer. You do the assessment; if the answer is there that you have reduced the F, that is fine. You won't know whether it is abundance changes.

You won't know whether it is discard changes since we're not really looking at reducing catch. We're looking at reducing harvest. I think that is typical to our summer flounder management; that proceeds the same way; and what we typically do there and what may happen here is if the assessment shows the progress hasn't been made, try again.

CHAIRMAN GROUT: Did you get your questions answered?

MR. O'REILLY: Pardon me, Mr. Chairman, I did answer myself; but I invited the technical folks if they had information about that 30,000.

CHAIRMAN GROUT: Would the technical committee like to answer that question?

DR. DREW: I don't think I can give you a hard line in terms of – the technical committee would absolutely agree that there is a point at which your low spawning stock biomass will result in low recruitment. I mean look at the beginning of the time series; that during the worse of the stock conditions, biomass was very low and recruitment was very low. We are, as has been pointed out, nowhere near those levels of either SSB or recruitment even in the below average recent years. I couldn't say whether or not line is 30,000 or not. The technical committee hasn't really looked at that kind of calculation.

PUBLIC COMMENT SUMMARY

CHAIRMAN GROUT: Okay, public hearing comments.

MR. WAINE: I will now provide a summary of all the public comment we received on this addendum. We held 19 public hearings in all 12 states within the management unit for striped bass from Maine all the way to North Carolina, including PRFC. There was really great attendance. Thank you, public and everybody that got involved in this process, spending your time and giving your input on striped bass management.'

There were approximately 875 attendees at all the hearings. The percentage breakdown of attendees was 40 percent in New England, 44 in the Mid-Atlantic and 16 percent from the bay. I'm just going to just run through sort of a general summary of all of the public hearings combined. With the briefing materials, there was public hearing summary tables provided that broke out support at each of the states; so this is just a general summary.

In terms of lots of participants from the recreational fishery at the hearings, they represent the majority opinion at the public hearings that we held. They are in support of adopting the new F reference points; a lot of comments about acting now, don't delay, reduce F to the target within one year. A majority support for the most conservation option in the

document, which was a one-fish bag limit at the 32-inch size.

Some charterboats were in favor of a two-fish bag limit, noting that is what helps them sell trips is having the ability to have two fish. They were suggesting a 25 percent reduction from the commercial quota occur because that was the option in the document; but they noted that it should be from harvest because that is what the projections are suggesting that is needed.

They want to reduce mortality in all areas, including the Chesapeake Bay. The sentiment of this group was manage for abundance and opportunity that creates. There were two other diverging opinions from that, which were from the commercial fishery mainly the data being used in the stock assessment are flawed.

They favored either status quo of that incremental 7/7/7 percent reduction. They are concerned about the economic impacts of the harvest reduction and that no socio-economic impact analysis was conducted that would help them evaluate these options. They noted that increasing striped bass populations may impact prey, as we heard some of the public comment about earlier.

The other opinion came out of the Chesapeake Bay, which they expressed disappointment that the technical committee wasn't able to develop the F reference points specific to the bay; that their harvest is predominantly on males, so a plan that would protect or ultimately increase SSB through harvest reductions would not have the benefits for the bay. They favored the status quo or that incremental reduction.

They wanted to take reductions from the 2012 harvest, noting they took a quota reduction from 2013 already. They are concerned about disease and the prey for striped bass if populations of striped bass were to increase. A common issue that came up at a lot of the public hearings was illegal harvest; a lot of comments about poaching.

There was some note that the Coast Guard has done a good job trying to have more of a presence in the exclusive economic zone and controlling illegal activity there, but this job is

not done. They recommended increasing fines and stepping up enforcement to get a better handle on this. Moving into the written comments that we received; we got over 3,800 public comments that were written.

I have to give credit to my fellow staff members at the commission who helped me read through all this; and thank you very much for your help. I couldn't have done it without all of them. In terms of the breakdown of the comments, there is about 2,500 from form letters; 1,300 were personalized individual comments; and we got 34 letters from groups and organizations.

Here is a list of all the groups that submitted comments; and here is a list of representatives from states that also submitted comments on the plan. Now, the public summary comment tables that I'm going to present here represent a total of all individuals in support of the options as I go through it; so this includes individuals, groups, from the form letters and also the public hearings. It is the grand total, if you will.

In terms of the reference points, strong support for adopting the new proposed from 2013 and use of the coast-wide reference points for the Chesapeake Bay; support for North Carolina managing with their stock-specific assessment, with their SSB and F targets. In terms of this timeline, whether to adjust the management trigger in Amendment 6 to allow for the three-year, there was support to do it all in one year.

A vast majority wanted to go with the quickest time frame for the harvest reductions. Now, here we're getting into the proposed management program; so looking at those three different time frames, you can see a vast majority of comments were in support of doing it in one year, taking a 25 percent harvest reduction to achieve that one-year time frame to reduce F.

Now I'm going to go specifically into support for the options within the document. For Option B, this is the one-year time frame, 25 percent harvest reduction; a lot of support, as I mentioned, for a one-fish bag limit, 32-inch size, that is Option B-3. There was some support for the two-fish options as well, which I noted came

from some of the for-hire so that could be able to sell trips.

In terms of Chesapeake Bay recreational harvest, there were options that supported a trophy fish; so that is where a majority of the support was for B-13. In terms of the commercial fishery, there is only one option, B-16, for the coastal; so there was support for that. Then for the Chesapeake Bay, there was support for taking the 25 percent reduction from 2013 quota.

I will note that a lot of this was in support of sort of this general time frame from the recreational fishery; so this doesn't necessarily reflect individuals from the bay states. In terms of Option C, this is the 17 percent harvest reduction that reduces F to the target in three years. There was some support for the trophy fish option in this as well. Obviously, a lot less support than the one-year time frame. In the terms of the Chesapeake Bay, there was some support for the two-fish bag at 28-inch minimum size.

Once again, some support for Option C in the commercial fisheries as well, but not nearly as much as the other time frame. Here is the incremental reduction. As I mentioned, at a lot of the bay public hearings this is the option that they were supporting. For the coastal recreational fishery, there was a little bit of support. And then in terms of the Chesapeake Bay recreational fishery, there was a fairly even breakdown of those options.

For the coastal commercial fishery, the support was taking the reduction from 2012 harvest, noting that the quota in '13 was already reduced. The last two options that were in the document are the quota transfers; overwhelming support for no commercial quota transfers, leaving it status quo, noting that the objective is to reduce mortality and just transferring quota to other states would not necessarily be in line with that.

And then the commercial size limit; there was a lot of support for keeping the size limits as they currently are; noting that if they were changed, there would be discard mortality that could potentially offset any of the reductions. Obviously, with so much public participation

and so many comments received, not everything fit into the options within the document.

I'm just going to quickly run through some of the general themes that came up through the public comments that were submitted. Both commercial and recreational regulations should reduce mortality; poaching must be addressed; require circle hooks; do not allow or limit striped bass tournaments; industry is seeing a decline on the water; declining striped bass populations will result in economic impacts to business; and also stricter fishing regulations will be a negative economic impact.

Stock assessment biases result in uncertainty and the assessment results; declare game fish status coastwide, making the striped bass fishery only recreational; don't allow captain and crew to take striped bass on charter trips. The options only have a 50 percent probability of success, which is risky. The fishery should be catch and release only.

None of the commercial scenarios achieve the necessary reduction, as we talked about; stronger restrictions for the commercial fishery; e.g. a moratorium or a 50 percent reduction in the quota. Charterboats should not be regulated separately; establish licensing fees to pay for additional law enforcement to get at the poaching issue.

Don't allow transfer of commercial quota to be harvested recreationally through bonus fish program. Take pressure off large breeding females and do not allow the take of trophy fish; cut the coastal quota; increase the bay quota to save the blue crab industry. The Chesapeake Bay should not have a more liberal bag limit. Encourage the protection, maintenance and enhancement of habitat.

There is depletion of forage species preyed upon by the striped bass; research micobacteriosis and its impacts on the striped bass populations; set policy with the goal of increasing abundance and not maximizing harvest; preserve the 2011 year class; reevaluate fishing seasons; and obtain reference points for the Chesapeake Bay. Thank you, Mr. Chairman.

CHAIRMAN GROUT: Questions on the public comment summary? Tom.

MR. FOTE: I've got two comments I'm going to make real fast. One is it was interesting for me to go around the public hearings this time. The average attendance at the public hearings in New Jersey were about 50 people in the three public hearings and maybe a little more. I remember when we had striped bass public hearings when I had 400 people at each hearing.

I can remember with a striped bass public hearing we had over 900 people. I guess a lot of people spend their time on the internet. They need to get out. They need to come out to the public hearings. It is a place to basically exchange ideas and everything and face to face. I'm a little disappointed that we don't get that out there.

The other thing I wanted to say was what amazes me is the professionalism of the people we find as staff. I mean, when they come up and do public hearings, I always look at these young men and women, they walk into a room – and at least when Russ and Adam and I go, we know all the people in the room – and they look around and they don't know really anybody.

They might know me; and they did. The courteous treatment they give the public; they answer the questions, the patience they have, and they'll stay there as long as you want. The commission is doing a good job of going and finding the right people to basically do that; and that is what I wanted to get on the record. (Applause)

CHAIRMAN GROUT: I definitely echo that sentiment; the work of the staff and the technical committee and our stock assessment committee has been absolutely incredible. Further questions on this? Rob.

MR. O'REILLY: I'll tell you up front it is not a question; but seeing as Tom made his very comments, I realize Mike had a challenge and staff had a challenge taking all the public comment and putting them in categories; and I recognize that. I did want to say about our public hearing in Virginia, if I may, shortly.

CHAIRMAN GROUT: Since you've got the mike, I'll give it to you.

MR. O'REILLY: We were fairly strategic in Virginia and we had our advisors there. We had our 12 advisors and they were really part of the public hearing. There was some public, not enough, I don't think; another dozen; but the 12 advisors were certainly the ones that have been kept up to pace on everything going on with this addendum for probably the last eight or nine months at every meeting we had.

I think their comments did reflect that they do, like both recreational and commercial, to do the three-year approach of 7/7/7. They do like to have – you know, if they have one fish, they would go for that as far as one option, but that was split on two fishes to 21 inches. I think it is important because it is hard for Mike to capture all that. These are the folks that spend time representing us and giving advice to our commission. Thank you.

CHAIRMAN GROUT: Yes; and it is true that commissioners are at all public hearings. Loren.

MR. LOREN W. LUSTIG: I believe early in the report there was reference made to comments from the Chesapeake Bay Region concerning or relating concern for prey species for striped bass. This very day we heard at the public microphone comments about the ecosystem approach and perhaps linked to menhaden. Can you elaborate on what the public said about prey species, please?

MR. WAINE: The concern centered around there being enough forage for an increased striped bass population. The concern was that if abundance were to increase for striped bass; would here be enough forage to support the health of the individuals of that population. Another concern that was noted was would that potentially lead to disease as well if there wasn't enough forage in terms of menhaden, river herring, the shad species for an increased striped bass population.

CHAIRMAN GROUT: Any other questions about the public comment? Loren.

MR. LUSTIG: Yes; follow-up to that issue, would it be reasonable to presume that the commentators concerned about prey species would support additional cuts in the harvest of menhaden from a commercial basis?

MR. WAINE: To be honest; we didn't really get into the regulatory program for the prey species. It was just more of a concern of will there be enough forage for an increased striped bass population; so you might be able to infer that means to increase the forage base for striped bass as well; but like I said, we didn't specifically get into comments on that.

CHAIRMAN GROUT: Any other comments or questions on the public hearing? Okay, I think we're about the time that we're going to approach our hard stop here. Kelly, how long is your presentation?

MR. KELLY PLACE: I haven't timed it. I would prefer to do it after lunch if that is what you're getting at; because that would be quite out of sequence. I do have one comment related to what Mr. Lustig just mentioned, but I would think I would maybe say that after, too. Were you thinking about the advisory report right now?

CHAIRMAN GROUT: That's what I was thinking if you can do it in about five minutes; but if not –

MR. PLACE: Well, the only time frame I've heard mentioned to me; I think Mike mentioned it would be nice to see ten or fifteen minutes, although he mentioned 20 or 25 minutes. I haven't heard a five-minute time frame. I could do whatever you need, Mr. Chairman. I have never heard the same time frame suggested to me yet, but I'll do whatever you need. I would prefer to do it after lunch just because I was kind of not expecting that, but whatever you need.

LAW ENFORCEMENT REPORT

CHAIRMAN GROUT: Okay, we'll let you do it after lunch; and we'll take the Law Enforcement Report. Right after that, we'll break for lunch.

MR. MARK ROBSON: The Law Enforcement Committee provided a few comments about the addendum at the August meeting, so I'm not going to spend a lot of time. We did review those again yesterday at our Law Enforcement Committee Meeting.

I would only reemphasize the key issue for the Law Enforcement Committee really rests on the management option that would involve an incremental increase in whatever you're looking at; if it is a size limit or bag limit. That is not something that they would prefer to see done; so in this case options that would implement a change immediately or within a certain time frame and keep that change in place in terms of management options is what the Law Enforcement Committee would certainly prefer. I think that is pretty much how we still view this and that would conclude my comments.

CHAIRMAN GROUT: Any board questions for law enforcement? Okay, we're going to suspend this meeting until after lunch; and we will reconvene immediately afterwards.

(Whereupon, the meeting recessed at 12:10 o'clock p.m., October 29, 2014.)

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WEDNESDAY AFTERNOON SESSION

The Atlantic Striped Bass Management Board of the Atlantic States Marine Fisheries Commission reconvened in the Presidential Ballroom of the Crown Plaza Hotel Old Town, Alexandria, Virginia, October 29, 2014, and was called to order at 2:00 o'clock p.m. by Chairman Douglas E. Grout.

TECHNICAL COMMITTEE REPORT

CHAIRMAN GROUT: Welcome back. We have a couple more agenda items to go through before we start to make decisions on this. The next thing on the agenda is the technical committee report that will be given by Charlton Godwin.

MR. CHARLTON H. GODWIN: The technical committee met on September 9 to discuss the biological implications of the Draft Addendum

IV. This is the following summary of our discussion. The proposed F target of F 0.18 and F threshold are expected to maintain the long-term average SSB at or near the corresponding SSB targets and thresholds.

However, there is the probability of SSB occasionally declining below the SSB threshold even while F is maintained at the target. This is due to the natural variability in recruitment because of environmental conditions that are beyond our control – we've talked about this some already this morning – also a lag time in strong year classes contributing to SSB.

Just as the 2011 year class; it is going to take a few years to get in there and start affecting SSB just because of the maturation schedule. However, SSB is expected to recover without additional management action as long as F is maintained at or below F target. Relative to the timeline to reduce F to the target; reducing F to the target in one year will be more beneficial to increasing SSB. It will increase SSB quicker and protect the 2011 year class than reducing in three years.

However, higher levels of SSB does not necessarily result in stronger year classes. We talked about this a little bit as well. This is evident when the stock was pretty high, we did have some poor year classes come through. 1999 and 2002 was a poor year class and then right behind it 2003 was one of the biggest we've had. 2006 and 2008 are some other examples of poor year classes when the stock size was fairly high and able to produce big year classes.

The 2011 year class, of course, is like the top four or fifth recruitment in the time series in the stock assessment. Relative to the proposed management programs; status quo, if total harvest remains unchanged, there is less than a 1 percent probability that F will be at or below its target within one or three years.

Relative to reducing the F target within one year; although all the recreational management options achieve the required reductions, the technical committee has greater certainty in the percent reductions of simple management

measures such as changes in the bag limit or changes in the size limit as compared to more complex management measures such as slot and trophy fish options.

The technical committee also wanted to point out that changes in angler behavior. For example, relative to effort, discards, or poaching may also impact the percent reductions in harvest and there is no way to really quantitatively account for this. For example, since 2003 and Amendment 6, the recreational harvest on the coast has ranged from 19 to 31 million pounds; so there are a lot of environmental conditions, economic factors and other things that are just hard to predict what is going to happen and quantitatively account for these.

The technical committee is unable to really quantify biological benefits of one option over another because of these uncertainties and the projections as well such as selectivity patterns, fecundity, stock-specific exploitation and the maturity schedule. The technical committee does not have a specific recreational management option, but does remind the board that more simple management measures have been successful when managing striped bass in the past.

Relative to the recreational fishery options in the Chesapeake Bay; the technical committee just wanted to point out that if the board is concerned about conserving the 2011 year class, Option B-12, the slot limit for the bay recreational fishery, would seem to be the least preferred option. The technical committee did have some discussion that the use of the recreational quota in the bay has been helpful in maintaining a stable fishery in the bay through time.

We did talk about the trophy fishery in the bay. It is accounted for in the harvest reduction analyses. Therefore, Options B-10, B-11, B-14 and B-15 assume the 28 inch for Maryland and 32 for the Virginia Spring Trophy Fisheries. Likewise, Option B-12 assumes no trophy fisheries and Option B-13 assumes the trophy fishery is operating at 36 inches.

Relative to reducing the F target within the three years with the 17 percent harvest reduction; the technical committee just wanted to make a point that a constant harvest strategy held for several years is better for management evaluations when we redo stock assessment analyses than regulations that are constantly changing.

This kind of goes to the three-year step-wise seven plus seven plus seven harvest reduction. It is just difficult to evaluate management when the regulations are changing from year to year to year associated with all the other uncertainties with angler behavior and harvest. For the commercial fishery options, the technical committee just noted that none of the proposed commercial quota options achieve enough necessary level of harvest reductions.

The technical committee recommends taking the harvest reductions from the 2013 total commercial harvest and let the board reallocate as they see fit. Relative to the relative to the commercial quota transfers, the technical committee is concerned that at a time when we're needing to take reductions, if the percent reductions are taken from Amendment 6 quota instead of the 2013 level of harvest, allowing commercial transfers in conjunction with that could have the potential to increase harvest. The technical committee also wants to point out that if transfers are used, conservation equivalency would need to be maintained between states if they have different size limits.

States don't have the same commercial coastal size limits; and that sort of thing would need to be taken into consideration if the transfers were allowed. For the commercial size limit, the technical committee does not recommend matching the commercial and recreational size limits and recommends maintaining the same minimum size limits because the percent reductions are applicable to the current fishery selectivities.

Selectivities would have to be changed as well the next time a stock assessment is updated; and that is relative to any of the size limit options. Really, the selectivities would change with assessment updates. As Mike discussed earlier, the technical committee is also concerned there

are a lot of gear regulations that have been in place for the 28 inch or for whatever states' minimum size limit is; and if we increase those size limits, that may result in more discards. The technical committee didn't recommend Option B for that.

And just a general comment – we've touched about this just a little bit as well; but the changes in the MRIP methodology and implementation are also going to make it – that is just going to add another level of uncertainty as we assess the changes in the harvest moving forward through future stock assessments and stock assessment updates. I will take any questions.

CHAIRMAN GROUT: Questions for Charlton? Rob.

MR. O'REILLY: The question I have earlier today I think Dave Borden was asking about – I think what he was asking was how do you know when you've achieved your target, essentially; and maybe more so how do you know, from my point of view, what has resulted in achieving a target since you have more than one thing at play here.

You've got an abundance that plays into this; you have a harvest; and in this case you also have discards. You mentioned the 7/7/7 was deemed by the technical committee to be problematic because of the management changes. However, when the assessment is done, the update is done, it is not really going to focus on the management changes.

It is going to focus on SSB and F; so I'm not really sure why that comment was made by the technical committee in light of the new methodology that has been used, using a statistical catch-at-age model, and maybe you could comment on that?

MR. GODWIN: I think it was just a general overall feeling and discussion of the technical committee that, first, if you do have the management changes that are kind of constant over time, it is a little bit easier to evaluate maybe if those management changes had something to do with it because there are so many other things that play.

But I think you're right; what the final end is going to be, it is going to be what the stock assessment – you know, when we update the assessment, if we've met the reduction – if the F is back to the target. I guess it comes into play into more if we don't reach our target, then you have to kind of try to figure out maybe what piece of the play is in play more; you know, what piece of the changes have been most effective or not effective.

DR. DREW: And in addition with the statistical catch at age; if you're changing your size regulations and everything like that from year to year to year, you're changing the selectivity of the fishery from year to year to year; and the model has a hard time trying to estimate those changes and tease out differences in abundance from differences in selectivity from year to year. I think that was part of the structural concern with the difficulties of having a constantly changing management regime.

MR. O'CONNELL: Mr. Chairman, two questions. One is I saw and I agree in regards to the technical committee's concerns with the discards that may come with an increased size limit on the commercial. Speaking from the Chesapeake Bay; did the technical committee have any concerns with the increased discards related to increased minimum sizes on the recreational fishery?

I say that because our data shows that if we go to a 20-inch fish, which is not the 25 percent reduction – that's is 21 – but if we go to 20-inch fish, 45 percent of the 2011 year class is going to be less than 20 inches next year. There is going to be a tremendous amount of interaction with those fish; and there is going to be a high discard rate. I'm just wondering if the technical committee share those concerns on the recreational side as you did with the commercial side.

MR. GODWIN: Yes; we absolutely talked about those things; increases in the size and looking from the MRIP data of what the lengths of the catches are. Once again, that is kind of hard to quantitatively put number on because of angler behavior and just not being able to predict angler behavior moving forward; but, yes, we

did recognize that increases in size limits would more than likely increase some discards from the catch-and-release recreational fishery.

MR. O'CONNELL: Just to follow up; through our deliberation with the public over the last year, there is a strong sentiment that the striped bass population – and I'll use words that people often use – is on the verge of collapsing. The population is at that point where if we don't take action, we're looking at another moratorium.

As we heard earlier today – and I just seek confirmation of this – yes, the population has declined; but in the technical committee's viewpoint, do you think that the stock is a biological risk of collapse or we're at a point where we're going to be seeing a higher level of recruitment failure? I'd really appreciate if you could respond to that question.

MR. GODWIN: Well, we kind of talked about this earlier relative to the year classes that have been produced at the SSB levels; and the technical committee recognized that the SSB levels we're currently at are still well above what they were in the eighties and early nineties and well above what they were in '93 when it produced one of the biggest year classes in the time series.

However, I think we also recognized that the overall trend has been declining. If you look at the years in the mid-2000's compared to our current reference points, we were indeed overfishing several of those years. I think the technical committee also recognized that if we have more year classes and a bigger year class is produced and the stock increases, if there are no changes – you know, if there are no reductions in harvest, then we're likely to be overfishing again as time goes on.

I don't think anyone feels on the technical committee that the stock is not able to produce big year classes as it is now. I said the 2011 year class was fourth or fifth highest in the stock assessment time period.

MR. HASBROUCK: I have two questions. One is I'm wondering if the technical committee

had any discussion around the issue of the age data bias relative to calculating ages based on scales and comparing those ages based on otoliths.

MR. GODWIN: I have been on the technical committee since 2004; and we have been discussing that ever since I've been there; so, yes, we have continued to recognize that there is a bias with the scales and the otoliths. In fact, if I misspeak, Katie can correct me, but a few years ago we sent around – this is relative to the paper that has been published recently about the bias with the scales and otoliths.

We sent around scale and otoliths to all of the states that age striped bass; because it is not just one state that does all the aging, so lots of states contribute to this. We found that the biases in there are a little bit more – not quite as easy to just explain in the paper. There are biases in between state aging agencies.

There is also a different bias with inter-annual ages depending on what the year class is. It is not we can just say there is a 15 percent bias across the board year after year; that these are aging bias. That is why the technical committee didn't feel comfortable in using an adjustment factor for those. I think that ultimately would be the goal, the best we could do to adjust it; but right now because of all the variations between the different agencies and different scale readers and the inter-annual variations, it would be something that you'd have to almost do every year and then make a correction factor for it. We have discussed it and have talked about it at length.

MR. HASBROUCK: So would the committee then recommend that the states start collecting more otolith-based aging information?

MR. GODWIN: We have talked about it a lot. That is one of the recommendations from the stock assessment report. Of course, you have a much harder time collecting otoliths, obviously, than you do scales. You're not going to want to sacrifice 25-year-old females on the spawning grounds to get at an otolith I think to tell whether she is 25 or 29 years old.

I think the thing is the bias exists and it seems to be pretty consistent and we know the direction of the bias. It does have a tendency to cause F to be overestimated a little bit when you're using the scales versus the otoliths. That has been one of the recommendations; and the technical committee and many other states have been spending a lot of time and money collecting otoliths over the past ten years where we can without having to increase mortality on some of these bigger fish. Of course, you have the money constraint of moving to all otoliths would be a larger monetary burden on the states and agencies.

MR. HASBROUCK: My second question is relative to the comment that you made on the top of Page 2 of your report; the caveat that an increase in size limits would require a change in the selectivity for the affected fishery in the next assessment update. Is that caveat in there because there would be an issue doing that or just kind of to remind people that has to be updated in the next assessment? Will that pose a problem?

MR. GODWIN: It is just as Dr. Drew pointed out; the more moving pieces that you change, sometimes uncertainty increases. Right now we have selectivities that have been fairly constant through several assessment iterations. As size limit changes, we just did want to point out that selectivities in the next model are also going to have to change, and that is just another little piece of the uncertainty that we just wanted the board to be aware of.

MR. MARK GIBSON: My question concerns the biomass target and threshold. This addendum and the action before us contemplates changing our F reference points to conform with the existing biomass target and threshold. There doesn't seem to be any quantitative examination of the reasonableness of the two lines that we've seen drawn on the graph for so many sessions now.

I'm wondering when is there going to be an opportunity to examine the biomass target and the biomass threshold. Does that require a benchmark assessment and a term of reference specifically addressing that? Is the technical

committee already working on that? Those who have been around the table for a long time – and they have already been identified so I won't do it again – will recall that the 1995 SSB level was a cause celebre at one time in achievement of rebuilding the stock and a movement from transition fisheries and the very low fishing mortality to full status fisheries.

Somewhere along the line there was a reformation so that a line that was the cause for a celebration and achievement has now become a threshold that we can never approach. I must have missed a memo because I don't know remember the quantitative demonstration of where we needed to do that. It has already been noted several times here and in other sessions as well that the largest year class ever in '93 was produced at an SSB level below that.

The 2011 year class appears to have emanated from an SSB near the threshold as has several other year classes. I'm very concerned about what those two lines – I understand we have a very difficult action to take today and those are the lines that we have to work with. My suggestion to the board is if those are the two lines we're left with, we're going to have a tortuous management process for as long as any of you are going to be here trying to keep your SSB between those two lines.

You're going to have to have very low fishing mortality rates and you're going to have to hope that you don't get a string of not poor year classes, just a sequence of average year classes is going to take you below that threshold again. I'm certainly questioning the reasonableness of those two lines; and I hope that there is somewhere in the future – that is my question; are those going to be examined at any point?

MR. GODWIN: I don't know exactly when the '95 SSB abundance was chosen as the targets and thresholds, but they've been there a long time. That has been the biomass targets and thresholds; and they have remained at that. I think the biggest adjustment in this last assessment go-around was that the fishing mortality now has been more closely linked with that '95 biomass target and keeping it at the target and thresholds. We have not done any

further work that I'm aware of on recalculating a benchmark. I think that would have to be a directive from the board if they wanted us to look at that.

MR. GARY: Mr. Chairman, I know the board has previously extensively discussed the sex ratio issue and some of the bay states have brought up the issue of predominately a male fishery, up to 80 percent males. I guess a sense observing that a lot of the board members walk away with, okay, there is some data that substantiates that and there is an inequity issue.

I think that is part of it; but also I wanted to make sure the board was clear; and I would like to see if Charlton would substantiate this. My understanding is the basis for that skewed ratio toward males, 80 percent, is because the females emigrate from the bay earlier. The only study that I'm aware of is Rugolo and Jones, which does go back a ways, but does break it out by age and does indicate at age four, once they cross the exploitable threshold, only 22.8 percent of the females remain in the bay; and that leads us to the 80/20; which has been brought up recent data.

I think what I'd like to express to the board is if we're going to reduce proportionally, where is the common sense in reducing proportionally on a population of females, if that's what we're trying to enhance, by 20 percent and on the coast we have almost a hundred percent females. I guess my question, Charlton, is did you take this into consideration and can you give the board members, the public and the people that are listening in a sense of what the technical committee discussed with respect to sex ratios?

MR. GODWIN: Well, we still don't have enough – I think the ultimate goal of the stock assessment, too, is to ultimately have – you know, the ultimate would be a sex-specific and stock-specific reference point, some of that to the model. The stock assessment subcommittee has worked really hard on that and just don't quite have the data to get it to the fine of a level yet.

I will substantiate what you said. You are correct about the emigration rates and the fishery

in the bay is a majority of males. As far as looking at the reductions from an analytical standpoint and the projections, the technical committee did not actually take in those two different sex ratios from and coast and the bay; because if they had that level, we could do it in the stock assessment.

MR. GARY: Just a follow-up comment; the ramifications are significant, obviously. Thank you.

MR. ROY MILLER: At the risk of not forming this as a question; I just wanted to chime in that many of you will recall that about seven or eight years ago that the state of Delaware also submitted documentation to the board that their fishery in the summer was prosecuted on mostly males. As a result, Delaware was able to have a slot limit during the summer months of July and August. That particular scenario of differential sex ratios and the available harvest isn't exclusive to the Chesapeake but also exists in Delaware Bay at certain times, too. Thank you, Mr. Chairman, for giving me that latitude.

CHAIRMAN GROUT: You're welcome; and I hope people will minimize those comments, because, clearly, there is going to be the opportunity to make comments like that when we're making decisions here. Rob.

MR. O'REILLY: Mr. Chairman, this is a return question regarding the statement about the 7/7/7 reduction and the effect management actions may have on that. What I would ask is isn't it the case that when the PDT worked towards the 2011 almost publicly released document; that one of the problems that was confounding the PDT at that time was the fact that there were different size limits and in different areas?

We can't say producer and coastal as we used to, but that essentially is where the problem was. Now we've had an assessment that somehow incorporated those differences; so I'm having trouble thinking that is a complication; and especially isn't it the case that with summer flounder, with the recreational fisheries, there are more changes over the course of a few years leading into last year than are almost imaginable

and yet that is a forward-projection model; just a different model, but still a forward projection.

I guess I'm asking how serious really are these management changes on the impact to be able to detect what the current mortality rate is current – my question is how much of an effect really are management actions going to have given that an assessment has already incorporated those different size limits and other management factors; and when we get to 2016, let's say, and there is an assessment update, will there really be that many complications if we have changes in regulations?

DR. DREW: I can't speak to summer flounder at all, so I'm going to ignore that part of the question. The issue you brought up between 2011 and 2013; you are correct that what has changed was the models. We broke the fleets out so that we had a Chesapeake Bay Fleet that could account for the fact that the Chesapeake Bay is harvesting on smaller fish relative to what the coast is.

That allowed us to deal with a lot of that selectivity differences; and we also have selectivity blocks to take into account when regulations went into place that changed the fish that were available to these different fisheries. It is not going to break the model to have multiple changing selectivities over time. It will just increase the uncertainty about whether or not we have reached that target and that F.

ADVISORY PANEL REPORT

CHAIRMAN GROUT: Okay, seeing no further questions, why don't we turn to Kelly and the AP Report?

MR. PLACE: The AP met on October 15. It was our first meeting face to face in a number of years; so as you can imagine, many of the AP members felt that as typically they didn't have enough time. They were grateful for the face-to-face meeting. Mike Waine probably deserves a trophy for herding cats. He had to lasso a few of us in occasionally, including yours truly, but at least he didn't have to draw on us as far as a pistol.

It was a civil meeting; and rather than elaborate on all the plethora of points we went through, I think that Mike's characterization of the public comment; that the advisory panel's meeting was more or less a microchasm of that public comment. There are just a couple of things I might briefly elaborate on that maybe Mike didn't get to. Anyway, thanks, Mike.

They're looking forward to the next face-to-face meeting; but go ahead and take the first slide, which, as people might expect, recreational and charterboat – although I might qualify it wasn't all charterboat. The charterboat industry does have different opinions within that; but by and large they preferred Option B, the adoption of the proposed reference points.

It should probably surprise no one that the commercial representatives preferred Option A; and it says here because the assessment uses flawed data. There are actually a myriad of different reasons that they felt that Option A was preferable and not because they were necessarily in love with Option A, but because of different flaws; but that is a fair characterization up there.

The next slide is that there was support for Option A regarding the Chesapeake Bay stock for status quo. That was also you could pretty much expect from the bay jurisdictions and the recreational as well the fact that the coast-wide reference points, as we all know, don't incorporate a number of things; the most obvious being the male/female ratio of the Chesapeake Bay stock. It might be pointed out, too, that among a lot of disappointed comments regarding the failure to get the Chesapeake Bay reference points.

It was pointed out that not having it and using the SCA with the coast-wide reference points is essentially a de facto reallocation of the striped bass resource from the Chesapeake Bay jurisdictions to other jurisdictions. There is obviously a lot of disappointment and we've talked about that a lot.

On the other hand – and it was predominantly a recreational especially from up north viewpoint, that they supported Option B because they felt these coast-wide reference points are in fact the

best available science. Of course, there are some comments that say, yes, but that was by choice; and then other comments, once again in rebuttal, but, yes, but you can't help that; it is still the best available science. There is a bit of an impasse on this type of thing.

It is a significant and important conversation and I'm sure it will continue. I think it is self-explanatory who was in favor of what. For the next slide, 2.5.3, the Albemarle/Roanoke River stock was one area that pretty much everyone on the advisory panel, much like the public at large, were fine with the continued management regime that North Carolina uses because of the discreteness of that stock, the lack of mixing with the other coastal stocks. I think that is one thing that most everyone agreed on; so I think everyone should be happy about that.

Number 2.6, as far as the timeline to reduce to the F target, pretty much the conversations were again a microchasm of what the board has talked about. Obviously, the majority, since the advisory panel is mostly recreational, favored reducing F to the target in one year. They cite, for example, the direct empirical observations in the recreational fishery, that they're not seeing the level of success or the level of fish in most places.

Yes, there are some counter-observations from people that claim to be having great fishing; and I'm sure that is a function of things we don't need to talk about now, but the predominant view is clearly that the availability and the success of the recreational fishery has not been as robust as it should be; and consequently they don't want to delay.

They're very clear that they would like to act now. Several people, most notably the New York recreational representative, pointed out a number of times that even with the most stringent option that we have on the table, there is only a 50 percent level or chance of success of reaching the targets. There are counter-arguments to that, but that is that we heard probably more frequently than others and would leave that at that.

As far as those in favor of Option B, reducing the F to the target within three years, I don't think it would be accurate to say that was just a commercial viewpoint. It was more of the bay jurisdiction viewpoint; and very clearly the bay jurisdictions feel that essentially they're being punished through proactive management like when they took the 14 percent reduction, recreational and commercial, in 2013 unlike any other jurisdiction; plus the fact that they have been managing the bay fishery through the harvest control model and the bay-specific reference points very successfully and has resulted in very successful emigration of not just good year classes but all year classes to the other coastal jurisdictions.

They are obviously, again, pretty upset about not having the bay-specific reference points because the harvest control model has been so successful. A lot of people, of course, are concerned about the retrospective bias and the other flaws in the statistical catch-at-age model, especially now that we're using the coastal reference points under the SCA to manage a fishery that has been so successfully managed with the harvest control model.

So, that is why they're essentially, although there are other reasons, but in favor of Option B to take a three-year reduction in the target F. I'm assuming that you guys read all the public comments and there is no need for me to reiterate them. There are plenty of other reasons why certain people think the three-year time frame is correct; but there are equally valid opinions of why it should all be done in one year. As usual, there is a bit of an impasse there.

The commercial, of course, is concerned about the economic impacts to the industry; and there is also – and it is not reflected in this report – a fair number of charterboat captains that are very concerned about this one-year reduction of F. They feel like it will adversely impact their industry. I did notice from the public comment, the letters that I think it was the Rhode Island Charterboat Association, Maryland Charterboat Association and other individuals in different states that contacted me also would prefer to see the three-year, even though it is probably fair to

say the majority of the charter for-hire would be favor of a one-year reduction.

Obviously, the three-year thing, as far as how easy it would be to adjust the trigger doing it over three years, that you still achieve the goal but don't cause the pain and suffering or whatever economic or social dislocations caused by the one year, which some see as stringent. Of course, on the other side some see as absolutely necessary. That is the general reasons why many people favor the three-year.

On to number three, the proposed management options, the PDT focused on, as you can see up there, taking the equal relative reductions from both the commercial and recreational. We've discussed and that is for the board I think to discuss the bag limit changes and the size limit changes.

I will mention like Mr. Gary and others have suggested and the technical committee to be somewhat careful of changing the various size limits, especially under the statistical catch-at-age model. Because we need to start changing these baselines, apparently it makes the model less dependable. I think that is what Katie was getting at earlier or Charlton that you want to keep the same size limits as much as possible just to compare apples to apples on an ongoing basis.

Of course, there was the same discussion but in a lower sort of level of using the adjusted Amendment 6 quota allocations to manage the commercial fishery, but I think we've already gotten well past that. On the number three, the proposed management program, as opposed to the options – as far as the conservation equivalency, I think the technical committee suggested that whatever conservation equivalent measures have been taken and used to manage whichever fisheries should be kept in place probably to keep apples-to-apples comparisons over time.

That is always a bone that people I suppose will pick ad infinitum for the rest of time. As you can see from the slide; that all states would need to resubmit their conservation equivalency programs for boards and because money is not a

big surplus among the states or in the federal government, the monetary challenges of having to resubmit things like that will probably speak towards keeping the conservation equivalency programs as they are; so we can keep the apples-to-apples comparisons.

And, of course, it has been brought out to you repeatedly that states obviously can voluntarily implement more conservative management programs; and I think that is an important point. It is a basic point, but it often gets lost that the states always have that option. Then the next slide, Option A, status quo, there wasn't much discussion of that.

I think most people are well aware that for whatever reasons the status quo is not tenable either politically or scientifically at this point. So in Option B, although there were people that thought that it should be that only because of the dearth of good data to support other options beyond the status quo; but on Option B, as far as reducing the F in one year, obviously, it is sort of repeating this in a way, but obviously most recreational representatives supported that, especially for the recreational fishery.

There was a minority opinion but a significant minority opinion to allow the charter for-hire fisheries to have some sort of two-fish regime; because unlike most the recreational fishery, there are a certain and significant number of charter representatives that feel only having one fish will significantly reduce the incentive of the people that charter trips with them and will significantly hurt them economically; because in the calculation that people make whether to hire someone to take them fishing, a one-fish thing, to put it in one person's words, that won't even feed the family.

That was a significant though still minority opinion to allow that for the charter. As you can see, many people were in support of Option B-3. There are many comments that were made to this; but I think it is fair what staff put here that multiple charterboats support the most conservative option. That does seem to be kind of a blanket statement that doesn't reflect the diversity of opinions and reasons for them; but as a generalization, I think that is accurate.

Of course, this argument kind of was used in two different directions. It can cut both ways; but they're talking about economic impact issue. Some people want to have it considered that if we don't take action and we see, as I think Tom mentioned, the demise of the fishery, the economic impacts would be severe.

On the other hand, there were those that made that counter-argument that we would see negative economic impacts if we reduced the recreational bag limit to only one fish because people wouldn't be incentivized to fish as much; although that was distinctly a minority opinion in the recreational sector. As you can see, many were in support of Option B-3. I think that speaks for itself.

On Option C, to reduce F within three years, I think we've already essentially discussed that. One important thing I think, while all of the commercial – a significant amount of the charter and the minority of recreational thought, especially in the bay jurisdictions, though, thought the various three-year plans, whether it is the 7/7/7 or the 17 percent, were much wiser.

A number of recreational representatives accurately pointed out – and I think the New York representative was most insistent – that I think it is Management Trigger 3 in Amendment 6 is very clear in pointing out that action must be taken if – in this case it was the young-of-the-year index – if that trigger is hit and we have three years below average and the trigger was hit.

Others feel that adaptive management empowers the board to change that type of horizon to a three-year time frame. That went back and forth and you've already heard the arguments. They're the same as you heard in the public comment. I will point out, since this ties into a comment Mr. Lustig made earlier, that – and this was not just commercial, though it was all the commercial representatives at the advisory panel – that there is a pretty strong, perceived problem in the bay with regard to carrying capacity.

I know over the years some of the less sophisticated comments from some commercial people that, oh, the striped bass are eating all the

crabs, that's why I don't have any crabs – that kind of thing has been scoffed at, and rightly so when it is put simplistically like that. However, there have been, as we know, a lot of scientific studies showing dietary changes in the striped bass diet that do show that not only has the diet been changing over time obviously in response to various ecosystem and predator/prey relationship considerations; but that it is a significant issue.

And as I see here I was actually the person that brought this up in these words that there could be a trophic collapse if the striped bass abundance increases. I don't think it was mentioned quite in that stark a terms. Because all of the commercial representatives, both on and off the record, were adamant that I bring up some of these carrying-capacity issues, it is not in the bay just that we've got these record young of the year that will be competing with each other for food.

I think any conservation biologist or textbook would tell you, whether it is sparrows, buffalo or striped bass, if you have a record young of the year, you're going to have record competition for the same food resources. That is just kind of natural. The big issue, though, I think in the bay is it is not just the competition within the striped bass young of the year for the same trophic level on the food change; we've got an amazing abundance in the Chesapeake Bay of channel bass, puppy drum, red fish.

They are in the same trophic level; they're eating the same things; they're eating the same thing all the way up into the freshwater and all the way down to the ocean. I've never talked to anyone regardless of how all that is seen in abundance of red fish like we're seeing now. In some places different fishermen, whatever they were targeting, say, striped bass, they had to quit because there was nothing but drum.

We're concerned that these record-high 2011 year classes, besides competing with themselves for the same food resources, will have stiff competition not just from the red fish, but even more worrisome the non-native blue catfish. The two species of non-native catfish that are in the bay and probably coming to a river near you,

especially once we get a big hurricane, a lot of freshwater on the coast; they're likely to start getting into other estuaries. I hate to say that.

During a survey mostly oriented towards sturgeon and striped bass, we caught – even in areas that the blue catfish are not supposed to inhabit at all, salty areas, we caught more blue catfish by number and by weight than all the other species combined. This is in an area that is not hospitable to blue catfish. I mention that because this carrying capacity – and I promised –

CHAIRMAN GROUT: Kelly, can you give the report, please.

MR. PLACE: Yes, I'll wind that up. Well, this is the thing that I was urged from all the representatives to make sure that without fail that I brought this up. I will leave it that, but there is a big issue – okay, well, hopefully, they'll be happy with that. On the 20 percent reduction from the 2013 harvest as opposed to 2012, it was, as you see on the board, noted to be the most risky of the options as far as achieving the targets and thresholds.

As was mentioned before, even the most conservative option only has a 50 percent chance of achieving the targets and thresholds. I think it was widely perceived by the recreational community that was already – and to some that was an unacceptable risk, only percent, so to do it over three years was unacceptable, especially on the recreational side.

As I spoke before on the other issues, the charter for-hire – it says here they all supported D-1. I think that was certainly the majority opinion. You see on the board some of the other AP members supporting D-2, D-6. I'm not sure what the vote numerically speaking was for using the 2012 harvest and 2013 for the Chesapeake Bay.

I think Mr. O'Connell or Mr. O'Reilly and Mr. Gary made their points very well, but basically 2012 – if they take it from the 2013, it would be a de facto reallocation from the bay jurisdictions and would essentially punish proactive conservation risk-averse management. That is

pretty a universal opinion of the bay jurisdictions.

On the other hand, the recreational fishermen, especially those up north, felt that everybody should be held to the same benchmark; and for various reasons, some valid and maybe some not, they thought that to make an exception of a 2012 compared to 2013, they didn't think was appropriate. The commercial quota transfers; it wasn't a big issue. It wasn't real controversial.

It very seldom comes up, but it split along commercial/recreational lines. You can read the brief bullet points up there; and I think that's an accurate way to put that. On the commercial size limits, for the same reasons you've already heard that commercial fishermen believe that those – and many recreational as well believe those size limits, since everything has been calculated around that, everything from the conservation equivalencies to other aspects of the management plan; and so it is beyond just that it would be too much trouble to say change the size limits.

But more substantively the increase in discard mortality would be significant by doing that; and it would require industry not to only retool their gear and redo their fishing techniques; but there are a number of problems that I think anyone could envision that would come about; and most of those problems would accrue to the detriment of the stock mostly in the form of discard mortality, which right now seems to be at a very low level, which is good news.

Some of the recreational fishermen did not see it that way. I think I've sort of as Chair noticed that regardless of what position different people or different stakeholders are coming from, pretty much everyone wants to make the fishery in their own image. We'll always have those variances of opinion and too often it seems maybe they don't even reflect science, but they reflect the various positions of the various regional stakeholders. I guess that is just the nature of it.

I think just to general comments, which there were quite a few of, which Mike did a good job of putting up there; the only three that we've

really singled out that I think have already been talked about enough; that the recreational sector generally thinks that 2013 should be the same benchmark that all sectors are held to. The commercial point out a number of different reasons that it shouldn't be; or the bay jurisdictions, I should say. It is not a commercial/recreational thing – let me rephrase that.

Certainly, I think the bay jurisdictions are unanimous and probably recreational, commercial and charter, that 2012 would be the only moderately fair baseline to set for the bay jurisdictions. Other people outside of the bay jurisdictions feel differently, some of them. There was a fair amount of comment on possible triggers that would revert back to similar regulations we have now, depending on what those triggers were.

That conversation, though, was not nearly as extensive as the one we had this board in the last meeting. I think Mr. Fote brought up the possibility of sunsets or triggers. That is something for the board to discuss if they think it is appropriate. It was just something that we briefly discussed, pretty much reflecting the discussion of the board. I was already stopped on the forage issue.

Besides the trophic collapse issue, I'm assuming you all know the disease issues that accompany poor nutrition of striped bass; so that doesn't need to be elaborated on because I assume everyone has already done their reading. I appreciate that. I'm sorry for elaborating on this, but I've just got to tell you because I hear this from all the recreational and commercial members of the AP; there is a strong perception, probably always has been, that the board doesn't listen to the AP and they would cite this evidence that we never have face-to-face meetings, that is why there is lack of participation and all that.

There is some truth to that, but I think that most people on the AP recognize that the management board can only do so much, especially under the budget constraints that they have right now. There were grateful for this face-to-face meeting. I think you would see a much better

participation as well as a level of expertise in the advisory panel if there were more frequent meetings.

One other last thing in closing; I think it is important that the advisory panel be given access through direct e-mail or snail mail or whatever to the same documents this board gets; because it was pointed out to me – and this was not a big issue with me; but I had gotten these documents; things like the discussions and some of the e-mails have gone back and forth regarding the retrospective bias, the underestimation of F or the spawning stock biomass because of the otolith versus scale aging issue or other issues that might contribute to the retrospective bias of the SCA model – that a number of the members of the AP were not privy to those documents or to those discussions.

It was pointed out to me make damned sure that I brought to your attention that the AP is not always privy to the same information and they would like to be. I want to thank Mike for herding all the cats together and doing that meeting, because it is the first one they've had in a number of years. Thanks.

CHAIRMAN GROUT: Thank you, Kelly, for that report. Are there any questions of Kelly from the board? Louis.

DR. LOUIS B. DANIEL, III: A question for Kate or Charlton that was precipitated by the very thorough report from the advisory panel; talking about the only 50 percent probability of achieving the F target – get that in your mind – and then the bias from the scales; so the bias from the scales is making it look like the Fs are too high.

But there is only a 50 percent probability of achieving the F; so based on the recommendations from the technical committee, you had to have taken all those things into consideration, but also looked at other biases associated with the stock assessment, and it would appear, based on those two facts, that actually the stock assessment is a little pessimistic as opposed to optimistic.

DR. DREW: Yes; I think that is the overall consensus is that I think we recognize there is uncertainty and there is the potential for bias from a number of different sources; but that bias is leaning towards a pessimistic or a conservative bias. Unlike a lot of our species where we underestimate F and overestimate SSB and think everything is great, striped bass is the opposite where we tend to overestimate F and we tend to underestimate SSB.

As we go forward, we know that this is a potential bias. It is not huge. Compared to the menhaden retrospective pattern or some of the patterns you see in other species, it is not enough to I think give the technical committee pause about the overall reliability of this assessment for management; but that is the direction of the bias that we see.

DR. DANIEL: And just a quick follow-up, Mr. Chairman, with that being the case, then that is pretty consistent with every assessment we deal with. There is some directional bias; there is some optimism or pessimism; so there is nothing really different here in this stock assessment that we don't deal with on virtually every stock assessment.

The recommendation from the technical committee, as I understand is, is that we use the coast-wide estimate of F and the coast-wide reference points with a one-year reduction of 25 percent to get us through this down-point as quickly as we can; is that the technical committee's advice in a nutshell?

MR. GODWIN: Well, we didn't necessarily pick a preferred option; but in going over the versus the one year versus three years; yes, the one year will get us quicker to where we need to be and reduce the F target quicker.

MR. O'REILLY: The issue that Dr. Daniel brought up; I want to follow up on that. We talked about it before. I don't think; and I would ask this question is it really so simple that the technical committee concerning age determination knows there is bias and knows the direction? The reason I ask is there was a paper produced by Hank Liao of Old Dominion University and maybe in companion with

someone else that did the conversion for scales and otoliths.

One question would be is that being used or was that used in the assessment; I don't know. A second question would be Old Dominion University has collected about 300 companion otolith/scale samples since 1998. Are other states doing that; because where I left off in that process was the ASMFC was interested in age ten and older fish? Have things changed for the better?

MR. GODWIN: That is was what I was kind of alluding to earlier. When I was talking about that paper, I was talking about the Hank Liao paper. We discussed that quite a bit at one of the technical committee meetings. I believe it was probably before the benchmark assessment was even completed, but we discussed it a lot.

Through that discussion, that is when we decided to send out scales and otoliths to all of the different states and have them read them. Like I said, we found out that it seems like, one, the readers in those areas, because of their experience, have a tendency to be able to age their scales a little more accurately. When you spread them out through the different readers from different areas; there is increased uncertainty. Also, there is inter-annual variation between the uncertainty.

That one study that Hank Liao and Dr. Nelson and Dr. Cynthia Jones I believe collaborated on, and Dr. Sharov as well, they did find those percentages; but when we looked at it deeper and everybody looked at different scales for multiple years, we found that it was a little more complicated than that. We couldn't just make one correction factor.

I think that is the ultimate goal; and the states have increased collecting of otolith-and-scale combinations. We're continuing to do that. I don't have the actual numbers of how many have been collected per state; but every state is encouraged to do that and put them in a reserve for future aging. I think that is the goal would be to possibly come up with a correction factor based on that and to correct that scale age bias, but we're just not quite there yet.

DISCUSSION AND ACTION OF ADDENDUM IV

MR. PATRICK C. KELIHER: Mr. Chairman, we seem to be moving beyond questions to the advisory panel; and I'm prepared to start the conversation on moving forward with a motion if you're ready.

CHAIRMAN GROUT: I'm just about ready because, yes, we are ready to move on to the decision on this document. As I mentioned before, we have a decision tree in front of us that hopefully will help us move through this. Giving just a reminder to the board of some of the Roberts' Rule Orders, I will ask for a motion on these and a second.

I will give the maker of the motion first shot at providing justification and comment on it. Once we have a motion up there, I'd like to see hands of people who would like to speak on it. I will go through everybody at least once. Before I give a second chance, I'd like to see if the board could try to make their comments on the motion the first time that they are recognized. We are at three o'clock right now. We've spent three hours with good preparatory questions here; so hopefully we can move through this in a fairly smooth manner. I will recognize Mr. Keliher for the first motion here.

MR. KELIHER: **Mr. Chairman, after listening to this good discussion and getting to understand the very thorough public comments and the other reports given and the questions asked; I would like to make a motion to move the acceptance of Option B under 2.5.1; Option B under 2.5.2; and Option B under 2.5.3.**

CHAIRMAN GROUT: Do we have a second? Dennis Abbott seconds it. Would you like to speak to it, Pat?

MR. KELIHER: I will just be brief. I think there is a clear problem here. We certainly have recognized it in the state of Maine in the north for quite some time. Our fishery has been depressed for quite a few years now; and we feel it is now time to take action. Again, as I said earlier, when Mike Waine started his

presentation, he listed a very clear statement of the problem. Based on that, I make that motion.

CHAIRMAN GROUT: Would anybody else like to speak on this motion? Rob, you are first to speak against.

MR. O'REILLY: It is really a situation that what I'm really after is to get clarification. We heard some earlier on the reference points. I think we've come to realize for the Chesapeake Bay that there certainly has been some intractable situations. However, the only reason I'm speaking against is to get some better assurance. It wasn't clear earlier. What was said earlier; it could be a stock assessment or it could be working on the reference points. We can't do both. I want to make sure that within that "or" there is still the possibility that the reference point calculations will be pursued. That's the reason for my objection.

CHAIRMAN GROUT: Well, just for a follow-up on that; that is, as you know, the primary agenda item on the next technical committee meeting is the bay reference points. Okay, I will then go to someone who is in favor. Louis.

DR. DANIEL: Yes; just believe that moving forward has overwhelming support from the public and the technical committee for Option B under 2.5.1. I understand the angst on 2.5.2 with the bay states; but I understand that was the recommendation I believe of the technical committee and certainly the efforts from the commission to develop bay-wide estimates. Under 2.5.3, I certainly support the Albemarle/Roanoke management strategy. We're updating our assessment and taking action January 1 to reduce our quota; so we're moving along in a rapid direction to reduce our mortality. I would support the three Option Bs.

MR. JOHN CLARK: I just think the current peer-reviewed benchmark assessment is an excellent model; but I think, as has been pointed out, the reference points are extremely conservative. To the point that Mark Gibson made before, I just look at the new reference points in regards to the spawning stock biomass as tracked over the past few years; and it looks

to me that we're going to have to keep the stock at almost an unsustainably high level.

These are levels that we have seen in producer areas like the Delaware Bay that have caused serious declines in other managed fish species populations. I have harped on this point before about the ecological consequences of keeping the stock at this point; so once again I just don't see the urgent need for us to adopt such a conservative set of reference points at this time.

MR. DENNIS ABBOTT: Mr. Chairman, I appreciate the motion that was brought forward by Mr. Keliher. I think at this point in time we have surely heard a lot of discussion about this addendum. I don't think that anyone's mind is going to be changed by trying to make points with other board members.

I think we should just move along and vote on whatever motions are brought before us, because again I don't think that anyone will be changing their mind based on the public input and reports of the technical committee and reports from the advisory committee. It is not going to change anybody's position.

MR. PAUL DIODATI: Well, there are two problems with that because I'm for the motion and he was for the motion and I'm also going to try to change people's minds. Would you like me to speak?

CHAIRMAN GROUT: Is there anybody else that would like to speak against it at this point that hasn't already? Martin.

MR. GARY: Mr. Chairman, I'll just keep it simple. I am in support of 2.5.3; but they're bundled together and my issue is with 2.5.1. I concur with the comments were made previously about Mark Gibson's comments. I just wonder and I question – and I hope the board thinks hard about this – whether these points are even achievable. I just go back to say I echo those sentiments. Thank you.

MR. DIODATI: Again, I'm in favor of this motion. I really appreciate the uncertainty that the stock assessments bring before us. They always do, although this particular assessment I

think is one of the best I've seen. There is tons of information in this stock assessment. There is not one piece of information; there is lots of information and a lot of analysis that has gone into it.

I put aside all the questions about bias and age and what the reference point might do and just look at the facts. Let's look at what catch statistics are telling us. In Massachusetts alone, since 2006 to 2014, our recreational catch has decreased 80 percent. That has already created the most significant economic impacts I can imagine on our recreational fishery; and it is not just the for-hire fishery. We're talking about the tackle shops, the boat manufacturers.

Everything that I'm hearing about today, if we take any rapid cut it might result in an economic impact. Well, where do you think we've been since 2006? We've taken some pretty drastic hits and not to mention the hit that the stakeholders, the public has taken in terms of lost public benefits from this resource. This is a tremendous fishery.

I've seen it at its height after the recovery. There is nothing like it along the entire Eastern Seaboard. I think it is clear that our management plan, Amendment 6, tells us exactly what to do when we're at the point we're at today. Actually, we were at this point three years ago; and that's when we should have taken an action.

I am going to urge you all to take that action at this meeting, take the needed actions. Not only that, but I come from a state that has one of the largest commercial fisheries along the coast. I think New York and Massachusetts represent about 65 percent of the commercial harvest. Having said that, I recognize this as by and far a recreational fishery. The recreational fishery outweighs everything nine to one. The recreational stakeholders by and far support us taking significant cuts today. I am very much in favor of this motion; and I think Mr. Keliher for bringing it forward.

CHAIRMAN GROUT: Would you like a roll call vote? Okay, speak against.

MR. SCHICK: One thing that we have touched on – and I realize that we've had low catch, but we've also had the worse economy since the Depression. We've had one of the worse hurricanes in history. The east coast has been battered by everything that life hits us with. We can't say because we've had lower catch that the problem is that we need a higher biomass or that we need a lower mortality rate.

We've had lower biomass and have had great reproduction processes form it. I don't see the high urgency to do such a drastic measure at this time. I understand that we need to do something; but just because this is the trophy fish of our management plan, we've got to wave the flag and say we've got to stop it this year.

We don't have to stop it in one year; we don't have to do such a drastic thing over three years. We do need to do something, but I don't think that the economic impact that this is going to catch – and recreational fishermen, they don't want to go to one fish. They don't want to have this huge catch reduction. They may talk about it now, but we'll see what happens. Right now we have marinas have been going out of business at the highest rate in history; the same thing with tackle shops. It doesn't have anything to do with the lack of catching rockfish; I can tell you that right now. That statistic is way off.

CHAIRMAN GROUT: Mark, are you for or against?

MR. GIBSON: I'm for; I support the motion. I think it is consistent with the FMP and the addendum that we have now. I guess I concur with Paul that there is a rich database; not only the coast-wide stock assessment but many individual river systems and juvenile indices and indices of spawning stock biomass. I just encourage a more thorough examination of our biomass-based reference points for the future; but I concur with this motion now.

CHAIRMAN GROUT: Okay, seeing no other; we're going to caucus and we will take a roll call vote on this.

(Whereupon, a caucus was held.)

CHAIRMAN GROUT: Okay, let's vote on this. Mike, can you take a roll call?

MR. WAINE: Maine.

MAINE: Yes.

MR. WAINE: New Hampshire.

NEW HAMPSHIRE: Yes.

MR. WAINE: Massachusetts.

MASSACHUSETTS: Yes.

MR. WAINE: Rhode Island.

RHODE ISLAND: Yes.

MR. WAINE: Connecticut.

CONNECTICUT: Yes.

MR. WAINE: New York.

NEW YORK: Yes.

MR. WAINE: New Jersey.

NEW JERSEY: Yes.

MR. WAINE: Pennsylvania.

PENNSYLVANIA: Yes.

MR. WAINE: Delaware.

DELAWARE: Yes.

MR. WAINE: Maryland.

MARYLAND: No.

MR. WAINE: District of Columbia.

DISTRICT OF COLUMBIA: No.

MR. WAINE: Potomac River Fisheries Commission.

POTOMAC RIVER FISHERIES COMMISSION: No.

MR. WAINE: Virginia.

VIRGINIA: No.

MR. WAINE: North Carolina.

NORTH CAROLINA: Yes.

MR. WAINE: National Marine Fisheries Service.

NATIONAL MARINE FISHERIES SERVICE: Yes.

MR. WAINE: U.S. Fish and Wildlife Service.

U.S. FISH AND WILDLIFE SERVICE: Yes

CHAIRMAN GROUT: **Motion carries twelve to four.** Okay, we've checked off number one on the decision tree here. We're now going down to Section 2.6, timeline to reduce F to the target. Do we have a motion? Paul Diodati.

MR. DIODATI: Point of order first. I think you said it was twelve to four. I think the vote should be eleven to four. I counted eleven.

CHAIRMAN GROUT: Paul, we've all got twelve up here; twelve to four.

MR. DIODATI: Okay. I'm still ready to move forward. I just want to make sure what type of motion – what topic was it?

CHAIRMAN GROUT: We're on Section 2.6, timeline to reduce F to the target.

MR. DIODATI: Okay, I have a motion for you. **I would move to reduce F to the target within one year with a 25 percent harvest reduction.**

CHAIRMAN GROUT: Seconded by David Borden. Would you like to speak to that motion?

MR. DIODATI: It is consistent with the addendum. I think that the alternatives of taking 17 percent or taking in the phased-in approach of 7/7/7; the comparisons are too far off. A 7 percent reduction means that you're still fishing

at an 18 percent higher rate in Year 1, about 11 percent in Year 2. By the time you catch up, I think you've done considerable impacts on both the 2011 year class, which we haven't seen in abundance yet on the coast, and other members of the spawning stock biomass. I think it is important to move forward quicker; and this is the way to do it.

CHAIRMAN GROUT: Okay, I'd like to take a show of hands of who would like to speak on this; first of all, all those who want to speak in favor. Okay, all those who would like to speak against the motion. Okay, I will go those against first. Rob O'Reilly, you're first on the list.

MR. O'REILLY: Mr. Chairman, what I'm really going to be after is an amendment; so shall I wait until there is comment on this motion?

CHAIRMAN GROUT: Is it an amendment or a substitution?

MR. O'REILLY: It is an amendment.

CHAIRMAN GROUT: You're more than welcome to take it right now and then we'll pick the discussion on the amendment.

MR. O'REILLY: I would like to amend the motion by substituting "three" for the word "one" and make it "years" instead of "year"; and add the words "with either a 17 percent reduction or a tiered reduction of 7 percent for three years". I will give some commentary on that if that is okay.

CHAIRMAN GROUT: Is there a second; John Clark. Okay, go ahead and speak to the amendment.

MR. O'REILLY: I'm amazed at what I have heard in the last 20 minutes, because it is accurate but it is very colloquial. It speaks of the recreational fishery, which is a powerhouse. The recreational fishery may not be nine out of ten; it is probably seven and a half or eight out of ten in terms of the two fisheries; so it is a powerhouse. It generates a lot of economy.

The coastal states value the recreational fishery; the bay jurisdictions value the recreational fishery, but there are differences. The principal difference for wanting to go for three years is that we do have small fish in the bay. After all, in Amendment 5 the reason that it was a 20 and 28, with the bay taking 18 inches and taking a 4 percent penalty was in recognition of the small fish.

These small fish include what Tom O'Connell mentioned that in 2015 45 percent of the 2011 year class will be under 20 inches. The small fish are not only part and parcel of commercial fisheries, but also of recreational fisheries. There are certainly areas in Virginia where all they see are small fish. The distribution is just that up in our northern neck, which is five counties.

I think that one problem I have giving everything to the recreational fishery is that in the bay we do more or less have a split 50/50 of commercial and recreational. Along the coast it is not the small size limits. It is not the small fish. There are really dramatic differences in what is available to fishermen. I think along the coast there are four states without commercial fisheries.

This is a commission and every state has the ability to make its voice heard; but there is somewhat of a difference when you're looking at a number of states who do not have both a commercial and recreational fishery. That should be something that is thought about. On the commercial fishery in the bay we have either ITQs or ITWQs, meaning a weight quota on an individual basis.

This allows the harvesting of small fish, getting the right markets. It allows for the most efficient manner possible; and in Virginia that has been 1998 on. Discards; how are we really going to protect the 2011 year class if there is such things as bycatch and gear interactions in other fisheries? Throughout the year how do we protect that 2011 year class, really?

Some of the conservations that we've had talked about things such as wading through the 2011 year class to get your larger fish and leaving a

wake of discards. Discards don't seem to resonate this time around; but in 2011 it was one of the biggest rallying cries. There was a 65 percent drop in the B-2s since 2006.

I agree with Mr. Diodati; I thought something should have happened in 2011, but that was when the 2011 year class was just hatched. Now the 2011 year class is in the fishery in the bay. Minor amounts will trickle through to the coast starting at age five. There is a big difference now. The last thing I want to mention – and it is certainly not comprehensive because we all hold our fisheries close to our heart; but the idea of the ecosystem balance, which you heard earlier both from Mr. Hinman and from Mr. Brown, it is not the same throughout the coast and the coastal states and the bay. There are differences.

Blue crab in the Chesapeake Bay is an \$85 million harvest. Do small blue crabs get preyed on by striped bass; yes, they do. What Mr. Place had indicated about the puppy drum or the small red drum that filtered through the Chesapeake Bay in 2012 – and now, thank goodness, have found somewhere to else because they reached the three-year-old stage – all that is an impact for us.

Frankly, if the flagship of the ASMFC is striped bass, what blue crab has been called is the iconic species of the Chesapeake Bay by our governors previously. It is all a matter of difference; it is all a matter of where you sit, reside, fish, everything else. I urge you to consider the differences. Otherwise when we started out in 1994 to finish up the plan for Amendment 5; we wouldn't have parceled out the allocation, the size limits and everything else the way we did. Thank you very much.

CHAIRMAN GROUT: All right, the underlying motion or the original motion I had the following people speaking in favor; and I want to see if you want to speak against. Bill Adler, do you want to speak to this motion? I am going to go through a list. I am going Bill Adler, Ritchie White, Pat Keliher, Mark Gibson, Representative Peake and Louis Daniel. Are these all people that would like to speak on this motion?

MR. WILLIAM A. ADLER: I wanted to speak in favor of the motion; not the amended one.

CHAIRMAN GROUT: Do you want to speak in favor or against this motion?

MR. FOE: It is difficult to say, but I want to explain New York and New Jersey and Delaware as producing areas, because we kind of forget this in the conversation.

CHAIRMAN GROUT: So you don't know how you're going to – I'm just trying to get a quick count here of who wants to speak. Assuming everybody that was against the underlying wanted to speak for the amended – am I correct? Now we've had someone speak in favor, so Ritchie White was the next person on my list to speak in this case against the amendment.

MR. WHITE: Mr. Chairman, I would like to speak against this motion. A clear overwhelming majority of the public would be against this motion. The technical committee would be against this motion. The Law Enforcement Committee has come out for one year, which would be against this motion. I believe that this comes down to the credibility of the commission.

When we passed Amendment 6 we said that if a trigger was exceeded, we would react to it in one year; and now we're saying, oh, gee, we don't have to do it; we can do it in three years. I was certainly here when we voted Amendment 6; and I feel I gave my word to the public at that time. I think it is important that we live up to our word. We should vote this down and vote the original motion in. Thank you.

CHAIRMAN GROUT: All right, the next person I have for this motion is Dan.

MR. DAN RYAN: I will share with all of you a little bit different perspective. As a representative of one of the bay jurisdictions, we don't have a commercial fishery in D.C.; so I'm approaching this from a recreational angle. Just to expound a little bit on what Rob was talking about, the fishery that we see in the District is vastly different than what you see on the coast.

While we do see those spring migrants, we're always more than willing to protect those spawning females that are going to most heavily impact that SSB. At the same time, the remainder of our fishery in an urban setting, where it is all shore-bound anglers, those anglers are targeting the fish that are there, which are all primarily 18 to 20 inches.

By going with the one-year reduction, we will effectively eliminate the striped bass fishery for our shoreline-bound anglers. By going to a 7/7/7 approach, we would be able to conservatively use that 2011 year class of predominantly male fish that are not going to significantly affect the SSB; and we would still be able to maintain our fishing license sales. We would still be able to maintain a populous that can enjoy this recreational species that everyone along the coast loves to enjoy; just at a larger size. That's the perspective from D.C.; and that's why I would like to support the three-year plan. Thank you.

CHAIRMAN GROUT: Okay, on the against, I have Pat Keliher next.

MR. KELIHER: I will be brief, Mr. Chairman. I just mirror some of what Ritchie White said earlier. The issue for me comes down to the lost economic benefit that this fishery once had in the state of Maine. Our overall catch and harvest is down 75 percent since 2006. It is time, again as Mr. White said, to honor our commitment to the resource and to the majority of the public who have clearly stated that it is time to take action on this matter.

MR. O'CONNELL: Yes, speaking for the motion. It has been a long year developing this plan. As I've gone around and talked to a lot of people about this – I talked to several of you – and recognizing the complication of it, I reflected on the strategic plan that we all agreed upon last fall at this annual meeting.

In that strategic plan it listed a set of values that we are to collectively use in making decisions. When I ever face a complicated decision, I try to go back and look at those values. I hope all of you had the chance to look at the Chesapeake

Bay white paper and look at those values from a personal standpoint.

I know a lot of us come into these meetings representing our state interest, but we are also a collective body that has agreed to make those decisions based upon those values. We heard our chairman last night talk about that strategic plan. You also heard John Bullard, the regional director of GARFO, talk yesterday about jobs and food and recreation.

I think as we look at this option we really have to ask ourselves whether or not a one-year plan is going to live up to the values that we agreed upon a year ago. I respect Paul's viewpoint and others from Maine; but let's look at the science. We know for certain that the bay's fisheries is predominantly males.

I think it is misleading to think that a major cutback in the Chesapeake Bay's summer or fall winter fishery is going to benefit the state of Maine. Most of those females are out the bay before our fishermen even get access to them. We know that there is a distinct sex differentiation, but it is not being accounted for in the reference points we just adopted.

Also, I looked at the stock assessment that looked at the fishing mortality by fleet. Why have we been overfishing the last six of ten years? Look at the fishing mortality for the Chesapeake Bay fleet. It has been stable. It is because of the reason that Rob O'Reilly mentioned. We have been monitoring that fishery very closely. We've been responsible keeping that fishery in line with the exploitable stock.

The coastal fishery, the coastal fishery alone has exceeded the F target in six of the last ten years; the coastal fishery alone. Yes; are reductions needed; I think they are. They're needed mostly on the coast. We're willing to take a reduction on our fisheries that interact with those females. The coastal fishery, our spring trophy fishery; that's where we can make a big difference. We're willing to take some adjustments in the Chesapeake Bay fisheries while we await the findings of the Chesapeake Bay reference points.

The interim reference points that were very close to being supported by the technical committee were going to demonstrate that the reduction in the Chesapeake Bay was going to be less than the 25 percent. Pat Augustine made an incredible speech today. We all want to represent our constituents but we all are here to make the right decision.

We had eels earlier this week. If we want to follow the technical committee's advice, we should have done it for eels; a depleted resource. We supported a motion, and I did, too, for all the right reasons to allow Maine to harvest 200 percent more than the technical committee's recommendation; 200 percent for a depleted resource. I'll ask all of you to reflect on those values. Bay fishermen have been making sacrifices over the last decade. We're asking for a fair plan.

CHAIRMAN GROUT: Next on the list against the motion; I have Mark Gibson.

MR. GIBSON: I am opposed to the amendment primarily because it allows for the three-year seven, seven and seven combination. I could be convinced to support the initial motion at 17 percent; but the three-year 7/7/7 is simply not a credible option given the amount of management uncertainty and scientific uncertainty we have in the stock assessment.

Translating promulgated regulations down to where the rubber hits the road in F reduction, management uncertainty is going to swamp out any ability for that to be a meaningful option in my view; and the scientific uncertainty in the stock assessment is not going to be able to detect changes in fishing mortality on the order of those small increments.

Allowing regulations to creep over a three-year time is going to complicate the assessment. It is now, again, a statistical catch-at-age model where we have to make assumptions about selectivity blocks. That option will compromise our scientific assessment. The possibility of that option forces me to oppose the amendment.

MR. GARY: Mr. Chairman, just two quick comments. We are in a timeline now; so at this

point it is really a matter of how soon we get there. If we look at this amendment – I'm obviously speaking for it – we have an option to get there in a little bit more time. I think the theme you've heard from the bay states is the impacts that it is going to have socio-economically to the charterboat captains, to the tackle shops, to the commercial fishermen; but we're going to get there. It is going to happen.

I remind you that the stock assessment indicated overfishing is not occurring and the stock is not overfished; but we're in a precautionary mode. Nobody is denying that we're seeing fewer fish; but this is a timeline. I do understand the recreational pressure that is being brought to bear. I do understand the polarization that is occurring.

My final comment is going to tag onto what Tom O'Connell just said; and I certainly couldn't say it as eloquently I think as he did. I will ask you to look at this more holistically and search back and see where the genesis of all of our travels have come from. I think the starting point for a lot of us – I know it certainly is for me – is the moratorium.

I was hired in 1985 at the Maryland Department of Natural Resources the year the moratorium was instituted; a great time to start a career. Since then imagine where we've come. I know at that time when I was hired I thought if the fishery even opened during the time I was employed and I was working in the field; I thought it would be a great achievement.

Five years later it opened up and then the rest of the story is pretty well known; a meteoric rise and the stock leveled off. We've had our ups and downs, especially since the mid-2000's, and this isn't the first iteration of this kind of discussion based on concerns of the health of the stock. It is not the first; but the work of this commission and all of its supporting bodies, its advisory bodies, the staff that works here, everyone that is involved; the one thing they've been able to do when they're faced with these challenges is they've been able to compromise.

That is really I think what you're hearing from the bay states now. Look, I've only been on the

board for about a year and a half. I'm pretty novice. I've been a biologist for 30 years, but it is my first opportunity to sit with you all and it is a great privilege. I will tell you this; the predecessors and a lot of you that have been on the board have worked through these types of issues and challenges through compromise. That is the reality of where we are right now.

I would plead with you, literally plead with you and challenge you, because I know – I've talked to several of you; and I know walking in I did the math. Those northern states that are being driven by the recreational constituencies have the votes. You've got them; we don't. This olive branch; this is the middle ground; this is your opportunity for those of you that want to reach out and compromise like our predecessors have done.

Remember, all the work that this board has done, its staff, since the moratorium, out of the abyss of the moratorium we've enjoyed a quarter century of good recreational, commercial and charter fishing for this species. Let's continue that good work. I would challenge you all this is the olive branch. Take it or refuse it; I'll leave it at that. Thank you.

REPRESENTATIVE SARAH K. PEAKE: Mr. Chairman, maybe because I'm a legislative commissioner on the commission, I really harken back and give great weight to some of what Ritchie White had to say relative to the importance of public comment. We voted on and put out a very complex document for public comment.

It is so complex that today thank you for preparing this cheat sheet so those of us who voted on the various aspects of this document can know exactly what is in here at a glance. I'm not sure that we would be able to follow along or be where we are even at this hour of the day if we didn't have this cheat sheet.

The point being this is a complex document with lots of options in it and yet the public took time to review it and to show up at hearings. As a colleague early said today maybe not in the numbers we would have liked to have seen, but it is a different world today. People

communicate through e-mail and through letter-writing as well.

I think if you look at the totality of those public comments, it was something very significant. We shouldn't turn our back on that. The public has expressed that they have a sense of urgency about this; not a three-year time, let's phase it in. But people who are out on the water, recreational and commercial fishermen, say we are seeing a change in what has been – and I've used this phrase with my colleagues in the Massachusetts Legislature – the poster child for good and excellent fisheries' management.

I think we have an opportunity today to live up to our generational responsibility, to do what is right and maybe make the tough decision today so that we're making that investment for future generations. It is for that reason that I oppose the amendment and stand in support of my colleague from Massachusetts in the underlying amendment. Thank you.

MR. SCHICK: I agree; we do have to make some changes. We have to modify this. I think the 17/17 is the option to go. That is my personal opinion. I think when we talk about this, quote-unquote, overwhelming public opinion, how many millions of people fish for rockfish and what percentage said something; and what percentage of those people that said something that didn't get some organization cram a letter down their throat and send a form letter back to you? You're talking a very, very miniscule part.

They hand up posters behind my back and wear hats and do everything they want to do; it is a minor, minor part of the fishery that spoke. This board has a duty to do what is right and to do what is right for the entire region; not their self-serving interests and not because of political pressure, but because of what is right.

And to try to take fish from the Chesapeake Bay region that will never make it north is wrong. It is not serving anybody. Like I said, if you think that we've had marinas and tackle shops go out of business since the 2007 recession, wait until you go out and buy tackle so you can catch one fish, so you can catch a fish that doesn't exist;

we don't get those fish in the northern neck of Virginia. We get them in the fall. We get them in the spring.

We've conceded that we're willing to work with that. We're not inflexible. We want to be able to make sure that New England gets the fish that they need. Guess what; male, 18-to-22 inch fish aren't what they need and they aren't going to get them. We can change that; they're still not going to get them.

What they need and what they can get is the fish that we cannot catch early in the year and late in the year. We're willing to do that. Like Marty eloquently put it, we're willing to offer that olive branch. We have; we've talked about that for a year, but we've gotten it snapped back in our face like a briar patch. I really think we need to do what is right and not what is popular or what is perceived to be popular because that is who is barking at your feet when you go to work in the morning. Thank you.

DR. DANIEL: I guess I really don't see it as an olive branch because this takes the entire coast to the tiered approach of the modified approach as opposed to the one year. I think that there was some discussion earlier on, maybe sidebars, about handling the bay differently; but this handles the entire coast as a single unit stock; and I can't support that.

I think that the technical committee advice is clear and peer-reviewed. I don't necessarily agree with the comment about the 200 percent increase in Maine's glass eel fishery because that was a recommendation or that was a statement that came from the technical committee at the twelfth hour of our discussion points; and I don't think that was a fair assessment, personally.

In this situation I do believe that we've made a commitment in Amendment 6 and we need to stick to that commitment. Now, if there is some option that is out there that the board can support that could provide for some options in the bay; that is up to the board. For the coast-wide stock and protecting those big older female fish, in my opinion it is critical that we get these reductions

in one year and we reduce the recreational harvest on those big fish. Thank you.

MR. CLARK: A lot of the points have been made very well by the Chesapeake representatives. I just want to say that I think it is a matter of perspective as to how you see this. I certainly understand the concern from New England about the lack of fish they're seeing up here; but I think the Delaware is similar to the Chesapeake in that we've seen huge numbers of small fish.

A lot of resident fish – our slot fishery that Roy alluded to where we are fishing on resident male fish; we've seen a 150 percent increase in the catch. This is only prosecuted during the summer; yet the number of trips has only gone up 7 percent. I mean, we have a huge number of striped bass. I think they will be coming and recruiting to the coastal – not these resident males but a lot of the other small striped bass we're seeing in the Delaware. I think we're already at the point where in a few years we will see an increase on the coast. I just think going with the three year or the 17 percent in one year would allow us to take a little more of a go-slow approach to these reductions; because just from what we see from our perspective, we think things are changing for the better as of now. Thank you.

MR. DIODATI: Obviously, I'm not in favor of this motion for similar reasons to what Lou Daniel articulated that I just don't view this as a proper alternative. I don't view it as the olive branch that you want it to be. I have a lot of respect for everyone around this table, but particularly some of my colleagues in the bay.

We've worked together now a number of years; so I recognize the difficult position you're in. I agree with some of the facts; and some of the things that I spoke to were facts. For instance, the proportion of commercial versus recreations; the harvest coastwide is actually about 26 million pounds recreational and about three on average over the past ten or fifteen years in the commercial side; so that is pretty close to a nine-to-one ratio.

That is without even accounting for the catch/release fishery, which the recreational fishery is all about. The stakeholders I've talked to – and it has got nothing to do with what is popular today. I've been doing this for a while and I know what people want; and I can see the writing on the wall. I've had four public hearings in my state. I attended them all; and there was an overwhelming opinion on what pathway we need to take.

Clearly, in this case it is relatively easy for me to go in the direction that I'm going; but I can tell you right now I very often don't go the easy political route. In this case I'm not sure that this is the easy political route for me; and I'll hear about that later. You also mentioned the risk of release mortality on the 2011 year class; and if I've learned nothing, I know that the 8 or 9 percent that might result in mortality on the release part of it is a lot safer than the hundred percent that you get when you harvest those fish; so I can live with that. Again, I can't support this motion. I wish there was something else that we could talk about; and you know that I've tried to talk about that with some members of the bay over the past months.

CHAIRMAN GROUT: All right, I have other people that raised their hand initially and I'd like to sort of get a feel for whether they're going to speak for or against so I can put them in the proper column. Tom Fote, you have sort of a neutral comment?

MR. FOTE: It is more of a clarification on something that Rob said. If you want me to, I can say it now. I listened to the conversation from the Chesapeake Bay; and I listened to the producing area status. Well, New Jersey has two producing area statuses that we basically had. I don't think any commissioners that are sitting around the table, maybe except for me, were here when we basically all of a sudden left a meeting and came back and found out that the producing area status of the Delaware Bay and Hudson River was taken away.

That is not by the members of the commission that is sitting here now, but it was other members of the commission. Rob, when you starting about having summer fish and

everything else and what goes on; I get in the Hudson River and I get the Delaware River and parts up in the Raritan Bay and parts of the Delaware Bay and have the same sort of situation. Hopefully, one day we will revisit it. Now, not that we're looking for special regulations and sometimes maybe we are; but I would like to have that producing status at least recognized since we are now producing a substantial part of what goes on in the coastal migratory stocks; and in my estimation more than we did fifteen or twenty years ago. I would just like that recognition one day.

That is not to this motion; but when I hear that conversation going on, we kind of forget that we only have summer fisheries up in the Delaware River and the Hudson River on small male fish the same as you do and we give up the same thing. We have the other disadvantage where we are not even recognized so they are not made available to us. I just wanted to put that on the table.

CHAIRMAN GROUT: Emerson, were you for or against?

MR. HASBROUCK: Neutral. Yes, I'm neutral and I'm trying to perhaps find some common ground here or some common discussion. From our discussion this morning with commission staff, it was pointed out that there is not a statistically significant difference between the three non-status-quo options in terms of getting us back up to the threshold.

Statistically they're the same because of the variance around running those models. From a statistical perspective I don't see any difference between the original motion and the substitute motion. However, relative to the motion we passed, however many minutes ago it was, on the reference points, the footnote there is that the F target and threshold values may change through updated stock assessments because they are estimated based on best available data.

Jim Gilmore raised that issue this morning; and I believe the response was that if we go with a one-year option, then when we do the updated stock assessment in 2015 we may be able to come back and reassess this in terms of where

we are and where we might go with fishing mortality limits.

The other issue is relative to what we're discussing right now, the two timelines. There is a highlight in the document that says if the board selects Option B, which is a three-year time frame, the board may choose management measures from either the one-year or the three-year time frame options in Section 3. That allows us in the next discussion – or it is not the next one; a subsequent discussion – to choose options from either one- or the two three-year options. Thank you.

CHAIRMAN GROUT: All right, I still have another list and I'm just trying to get an idea of who is going to speak for and against. Russell, I saw your hand and you're for this motion. Mitch, are you speaking for or against?

MR. MITCHELL FEIGENBAUM: I'm neutral. Rob, are you for or against?

MR. O'REILLY: I'm happy to have all this public comment, Mr. Chairman, and there has been enough comment that I will follow –

CHAIRMAN GROUT: I asked you a question; I want to give people a chance to discuss it. I understand where you may be going there. We want to give everybody at least a chance.

MR. O'REILLY: Okay, so I'll be neutral now and wait for my turn.

CHAIRMAN GROUT: Okay, so based on those things, I'm going to go to Russell, who is the next person that is for this.

MR. RUSSELL DIZE: I've been a commercial fisherman for 55 years in Maryland. I've watched the striped bass come and go. At this time, we've probably got more striped bass in the bay than I've ever seen in my life. We've got so many striped bass that it has affected our crab-catching industry. We are probably down to a low ebb last summer on crabs.

One of the predators is rockfish, striped bass. When the charterboats catch the striped bass and they clean them, you can count anywhere from

ten to forty small crabs in the belly of a rockfish. This also would hurt our charterboat industry, which in my hometown, Tilghman Island, we have a large charterboat industry.

If you restrict them from two fish to one, they're going to have a hard time drawing customers from Pennsylvania, New Jersey, Delaware, wherever, to catch one small fish. Believe me, we have beaucoups of fish. This three year old, two year old and now we have a new class that is maybe eight to ten year old coming; those aren't going to get up to New England.

We're punishing the bay for catching big fish that we didn't catch. Those fish were caught up the coast. They overfished that fishery, the large fish, for the last, as Tom said, seven out of nine years but yet the bay is going to be punished for it when we've got beaucoups of small fish. We need this to help our charterboat industry and the commercial fishing industry and the sport industry to kind of work in this at a slow pace, at the 7 percent a year. That is why I support it. Thank you.

MR. ADLER: Mr. Chairman, a lot of my comments have already been covered so I won't go over them again other than the fact that I know something must be done. Also, when I looked at the comments from not just our state but from the overall comments, they were overwhelmingly in favor of the one year. This wasn't just my state.

The technical committee had indicated that they're going to have a problem if we go with something other than this; and, of course, we need the technical committee information to work on the future. I also just want to throw out the idea that if the 25 percent did pass, I'm not sure whether the conservation equivalency wording in the document might be able to be taken by the Chesapeake Bay people to adjust something to make it a little bit better for them.

I don't know about that, but that came to my mind. One smaller thing, actually, was when the charterboat people in our hearing got up and said, look it, just get it over with because I can't change the rules, the printing and everything else every year because you're going to change a

rule this year and then again next year and then again next year.

I know this isn't a very big thing, but it was an interesting piece of information. If you're going to do something, do it, get it over with, and then we'll move on. Once again for the Chesapeake Bay, I do think that I'd like to see way to help them out; but the overall thing from everything I've read and all the 90 percent of the people I got written information from – and they were separate things – were all in favor of this one; so I'm opposed to the amendment.

MR. FEIGENBAUM: Mr. Chairman, like some of the other speakers before me, I would love to see a compromise here, something that could accommodate the bay state, but still also recognize the majority of public support, including the support of the recreational fishery. Although their numbers may have come to us because some organizations have organized them and brought them out here and got a lot of people to sign form letters and petitions, the fact is that getting people to sign petitions and form letters and show up for meetings really is an important way to demonstrate a constituency's passion about any interest.

I really do respect the fact that so many folks have come to the meeting to express their view even if it is only a selective part of the overall population that is fishing on striped bass. That being said, I'm very hopeful that we can have a compromise here; and I for one could not support this amendment because it would allow states up and down the coast to back off of the one-year implementation of the new rules.

On the other hand, I would support if the bay states offered the amendment in a different way by suggesting that the bay states would be permitted to implement only a 17 percent reduction in the first year. With that said, I invite my colleagues from the bay states to modify the motion to make it more palatable to a greater number of the commissioners who, from what I'm hearing, might also be supportive of such a compromise. Thank you.

CHAIRMAN GROUT: All right, I have two people that have not spoken that want to speak

against the amendment. I also have Rob O'Reilly, who I supposed wants to speak in favor of the amendment, but you've already spoken once. Is there any significant and new that you want to make that isn't something you previously made in favor of this amendment, Rob?

MR. O'REILLY: I'm in the presence of legislators, so I assume that the motion is owned by the board; and if that is the case and there is a vote up or down, then there will be another motion. What I'm hearing around the table is something that's at least supporting the idea that we could have some type of an approach where the bay and the coastal fisheries could have some different reduction regimes.

CHAIRMAN GROUT: I'll next go to Dave Simpson against this amendment.

MR. SIMPSON: Thanks, Mr. Chair, and that is where I'm hoping we can end up here. I can't support this motion because of the three-year 7/7/7. Mark Gibson made that comment probably 40 minutes ago; and I believe that. I think we need to recognize that the bay has been actively managing their fisheries where we've been on autopilot at 28 inches and two fish for a number of years now.

Clearly, the coastal states, as everyone said, are feeling these big reductions and I think there is a lot of support for substantial changes to management and perhaps going to one fish. I think Rob is suggesting that the more expedient thing to do would be to vote this up or down. Presuming it fails, hopefully someone from the bay states are prepared to provide an alternative motion that could get us to where we want to go, which I think I believe is where the coastal states are willing to do a little bit more. The bay states could do something in one step that is short of the 25-plus percent.

MR. GOLDSBOROUGH: Mr. Chairman, more specifically, I want to make a statement in support of phase-in in general as a tool for fisheries' management in circumstances where you don't have biological urgency. I think the history of this commission supports phasing as a tool, generally speaking, under those

circumstances as well. The one example I will invoke was about twelve years ago when we were faced with great concern about the coastal intercept fishery for American shad.

Being one of the only directed fisheries left and one that was widely recognized as being unmanageable because there was a mixture of stocks, including the remnants of many runs up and down the coast, that were being targeted together. We had pretty much unanimity that should not exist as a fishery because it is unmanageable; but what did we do?

We phased that fishery out of over five years. I think, as I said, that speaks to how we have over time recognized the validity of phasing of major decisions as good management and as lasting decisions. In this case, though, we do have some socio-economic urgency. I don't want to diminish that up the coast especially. I think we need to address it and we need to take action.

I do think we need to manage expectations there a little bit, though, because the decline that we've had over the last ten years has been a decline from an all-time high in biomass; and do we expect to be able to maintain this stock at or near that level for an ongoing basis? I don't think we do; so I don't think we're going to be able to recoup all of that socio-economic impact up the coast; but we certainly have to have a sense of urgency for addressing as much of it as we can realistically.

I guess where I'm going with this is can we take the more direct, more immediate action in a more focused way that it deals with that problem and at the same time phase-in in those parts of the fishery where maybe it is not so urgent; and whereas we learned earlier this morning, we really don't have a biological urgency.

I would suggest that if there is a way to do it – and I'll defer to others of you around the table to find this way; but if there is a way to do it, can we take action in one year on those parts of the fishery that are focused on the spawning stock and phase in what action we take on those parts that are not. Thank you.

CHAIRMAN GROUT: The last person on my list before we vote will be Adam Nowalsky.

MR. NOWALSKY: I need a clarification on this in that as the motion is written, I understand substituting three words; and then it says "either a 17 percent or a tiered 7 percent, which to me, as we move into Section 3, means selecting only from Option C or D when in the addendum Option B for the time frame, if we selected the three-year time frame, said that we could select from any of the one- or three-year options. Does this amendment effectively take out the Option Bs in Section 3 or not?

CHAIRMAN GROUT: My interpretation is yes, because it specifically says we'd use those two.

MR. NOWALSKY: **Hearing that, I move to substitute Option B, a three-year time frame, with the expectation that we will be able to select from Options B, C and D, although there doesn't seem to be much support for it, and that is where the real substantive discussion needs to be held about finding the right balance for the reductions that the bay region needs.**

CHAIRMAN GROUT: That would be a motion to amend and not substitute. This is the second amendment on this motion; this will be as deep as we'll get on this. We're going to vote on the amendment; so what it is giving is to take the reduction in three years and giving the board the option of selecting from B, C or D.

MR. NOWALSKY: Well, again, it is up three years; so we will have that discussion next.

CHAIRMAN GROUT: Is there a second to that motion; Emerson. All right, I'm going to read the motion; and one of the things that I would like to ask, since we have had extensive discussion on this one year versus three, I hope that we can limit the discussion on this unless there is something burning; but move to amend to add for (for Section 2.6) Option B, up to a three-year time frame with the expectation that the board will be able to select from Section 3,0 Options B, C or D, if necessary. The motion is by Mr. Nowalsky and seconded by Mr.

Hasbrouck. Is there anybody that has an absolute burning desire to make some comment on this particular amendment? I see your hand, Paul, burning.

MR. DIODATI: Well, actually I just want to correct the record from some comments that were made earlier when comparing the Options B, C and D. It was pointed out that statistically they're not different; that they're similar. That is only true in terms of reaching the target F. They're similar in reaching the target F.

Eventually you get to where you want to be, but they're starkly different in terms of the amount of protection afforded the SSB and potential recruitment to SSB. In other words, taking less than a 25 percent reduction or phasing in any reduction over any number of years is going to give you less protection of the fish that are out there today. I just wanted to clarify the record that they are different. They are not statistically the same in terms of protection to the spawning stock or recruitment.

CHAIRMAN GROUT: Does anybody else have a burning desire to debate this particular amendment? Okay, seeing none right now; we're going to vote on the motion to amend here. I will give the states a brief period to caucus; 30 seconds to caucus.

(Whereupon, a caucus was held.)

CHAIRMAN GROUT: Okay, Mike, can you please take the roll call?

MR. WAINE: Maine.

MAINE: No.

MR. WAINE: New Hampshire.

NEW HAMPSHIRE: No.

MR. WAINE: Massachusetts.

MASSACHUSETTS: No.

MR. WAINE: Rhode Island.

RHODE ISLAND: No.

MR. WAINE: Connecticut.

CONNECTICUT: No.

MR. WAINE: New York.

NEW YORK: No.

MR. WAINE: New Jersey.

NEW JERSEY: Yes.

MR. WAINE: Pennsylvania.

PENNSYLVANIA: No.

MR. WAINE: Delaware.

DELAWARE: Yes.

MR. WAINE: Maryland.

MARYLAND: Yes.

MR. WAINE: District of Columbia.

DISTRICT OF COLUMBIA: Yes.

MR. WAINE: Potomac River Fisheries Commission.

POTOMAC RIVER FISHERIES COMMISSION: Yes.

MR. WAINE: Virginia.

VIRGINIA: Yes.

MR. WAINE: North Carolina.

NORTH CAROLINA: No.

MR. WAINE: National Marine Fisheries Service.

NATIONAL MARINE FISHERIES SERVICE: No.

MR. WAINE: U.S. Fish and Wildlife Service.

U.S. FISH AND WILDLIFE SERVICE: No.

CHAIRMAN GROUT: **The motion fail six to ten.** We're now back on the motion to amend, 1a. Again, I will give you a chance to caucus on this. We have had extensive discussion on this.

MR. SCHICK: Point of order. The Chair had acknowledged that Virginia was going to make a motion; and then you called on New Jersey to do so and didn't come back to Virginia.

CHAIRMAN GROUT: Mr. Nowalsky was saying that he was going to speak against the motion; so I went to him. Now, Mr. O'Reilly said that we were going to dispense with this motion and then he was going to have another motion to amend. That is what I understood so we're voting on this particular motion. Rob.

MR. O'REILLY: This is exactly to that point; so I am eligible for another motion; is that what you're saying.

CHAIRMAN GROUT: Well, not at this point because you had said you were going to dispense with this amended motion first before you were going to bring up your next amendment.

MR. O'REILLY: After this is dispensed with, the possibility for another motion is fine; is that correct?

CHAIRMAN GROUT: Yes, absolutely. I need to read the motion: move to amend the motion by substituting "three" for the word "one" and make it "years" instead of "year"; and add the words "with either a 17 percent reduction or a tiered reduction of 7 percent for three years". Motion by Mr. O'Reilly and seconded by Mr. Clark. Again, I'll give you 30 seconds to caucus.

(Whereupon, a caucus was held.)

CHAIRMAN GROUT: Okay, Mike, can you take the roll call?

MR. WAINE: Maine.

MAINE: No.

MR. WAINE: New Hampshire.

NEW HAMPSHIRE: No.

MR. WAINE: Massachusetts.

MASSACHUSETTS: No.

MR. WAINE: Rhode Island.

RHODE ISLAND: No.

MR. WAINE: Connecticut.

CONNECTICUT: No.

MR. WAINE: New York.

NEW YORK: No.

MR. WAINE: New Jersey.

NEW JERSEY: No.

MR. WAINE: Pennsylvania.

PENNSYLVANIA: No.

MR. WAINE: Delaware.

DELAWARE: Yes.

MR. WAINE: Maryland.

MARYLAND: No.

MR. WAINE: District of Columbia.

DISTRICT OF COLUMBIA: No.

MR. WAINE: Potomac River Fisheries Commission.

POTOMAC RIVER FISHERIES COMMISSION: No.

MR. WAINE: Virginia.

VIRGINIA: No.

MR. WAINE: North Carolina.

NORTH CAROLINA: No.

MR. WAINE: National Marine Fisheries Service.

NATIONAL MARINE FISHERIES SERVICE: No.

MR. WAINE: U.S. Fish and Wildlife Service.

U.S. FISH AND WILDLIFE SERVICE: No.

CHAIRMAN GROUT: **The motion fails one to fifteen.** Rob, I heard you were going to make another motion to amend on the main motion.

MR. O'REILLY: There is another Irish person in the bay and I think he would like to make it.

MR. O'CONNELL: I think it is pretty clear that the board is not looking a three-year option. **I would move to amend by replacing one year with a 25 percent harvest reduction to two years.**

CHAIRMAN GROUT: Do we have a second; Martin. Tom, would you like to speak to the motion?

MR. O'CONNELL: Yes; just briefly; I could echo the points I made during the last motion that I talked about. I think this is the spirit of trying to reach some compromise. If this motion was approved, we could still choose from one year or two-year options as we go through options as we go through the next section of decision-making. A two-year option, according to Mike Waine is a 20 percent reduction. I hoping that this will be a compromise that we can leave here today and work for it in the next management section discussion.

CHAIRMAN GROUT: Okay, this is the type of motion that I indicated that I'm going to take some limited public comment on. It was not contemplated in this addendum; and so I'd like to see from the audience – I'm going to take three for or three against; so I'd like to see if anybody would like to speak in favor of this; raise your hand. Okay, the first three that came up, I would like you to speak in favor of this motion.

MR. PHIL LANGLEY: My name is Phil Langley. I am actually a charterboat captain from southern Maryland. I also sit on the Potomac River Fisheries Commission; and I also sit on the Maryland Sport Fish Advisory Commission. First of all, I'd like to thank the commission for everything that they do.

It so important the time that you guys devote to this and protect the fisheries because that is the most important thing I think to everybody in this room today. Whether you're for motions of against motions, everybody is here because they care. I'm going to speak to you for the Chesapeake Bay area from my personal perspective; and I'll make this pretty quick.

As some of the gentlemen have stated earlier, we do seem to have an abundance of juvenile fish. In the Lower Bay, where I am in Maryland's portion of it, it is not uncommon to catch a hundred striped bass, juvenile striped bass in the course of a day. I know we're looking at a 9 percent mortality that we feel is pretty accurate; but I'm not sure what happens to that mortality rate when it is 85 or 90 degrees outside and the water temperature warms, which concerns me.

As we increase to a higher size fish, people that pay to go out on a charter or whatnot, their goal is to achieve their limit if at all possible so you're catching juvenile fish, which sometimes I'm not happy about. As that size increases in the Chesapeake Bay, I think the discard rate is going to go up above the 9 percent that we're budgeting. Thank you.

CHAIRMAN GROUT: Okay, somebody against this motion. Patrick. Again, I would appreciate brevity in comments here because we getting towards 4:30; and we still have a lot of decisions to make.

MR. PATRICK PAQUETTE: Mr. Chairman, I'll make two quick points in opposition to the motion. Patrick Paquette, Government Affairs Officers, Massachusetts Striped Bass Association. Two quick points in opposition to the amendment that is on the board; the first is I'd like to point out and remind people there are a lot of commissioners that were around this

table that participated in this year's National Recreational Fishery Summit.

There is an overwhelming priority; one of the top five priorities in the nation for recreational leadership to have standardization and consistency in regulations over time with management actions. This will result in flying in the face of that priority. The people needs to be able to understand regulations so that they can be maintained; and this is going to have us changing regulations in back-to-back years. This is against a national priority of the recreational leadership in this nation.

Secondly, I do not believe that we have analyzed the management measures under the two-year option. Where there was already questions and statements given at the public hearings that the technical committee did not have time because of the additions to the document at your last meeting before it went to public comment; that all of the management measures were not fully analyzed that you're going to be considering later on.

I think that without knowing the likelihood of achieving the goal; we don't have a page that has the two years in the document that has what is the likelihood percentages of where the different management measures are going to be as far as reaching or not reaching the target. I do not know that you are armed with the ability to consider this motion.

I definitely think that the uncertainty in the management measures that are going to come in the next set of decisions should have you questioning whether this is the smart way to go. I think a lot of us in the audience were shocked that you weren't talking about a separate consideration for the bay and went in this direction with this particular motion. I think this flies in the face of a lot of things that a lot of people are looking to do. Thank you.

CHAIRMAN GROUT: Somebody in favor; does anybody want to speak in favor of this motion? Not seeing any, I will take one more against.

MR. CHARLES WITEK: I'm Charles Witek, West Babylon, New York. I've been a participant in the striped bass fishery for roughly 50 years. Like a lot of folks around the table, I've seen the good times and the bad times. I've also been out at the hearings and watching what is going on. The angling community asked for one year; not two years; not three years; not something else, one year overwhelmingly.

More than that, we said you should have done this two or three years ago. We're already behind the times; we don't want any delay; not two years; not anything longer. Also, I agree we don't know what the options would be for two years. Maybe if we'd take an action in March or in May and finalized this in August, there would have been time to look at things.

But right now we're up against the gun with regulations in the states having to be in three months; there is not time. Beyond that, there was a commitment. I was very involved in the debate when Amendment 6 was being decided. We were told, hey, if the stock drops, don't worry about it, there are triggers. If we have too much fishing, Trigger 3 told us one year. That is the commitment you made. The public has the right to depend on that commitment. Quite honestly, we feel that anything more than one year is a violation of the public trust. Thank you.

CHAIRMAN GROUT: Okay, at this point I've had for and against. I'd already asked for "for"; and I'm not going to take anymore comment because there isn't any other "for" comment. At that point we're going to go – I'd like to ask Mike or Charlton if there was any analysis ever done that would indicate what kind of a reduction would have to be taken for two years.

MR. GODWIN: When we did the analysis for the three-year, we did include an analysis for two years; but since the board didn't specifically ask us to include it, it just wasn't included in the document, but it is about a 20.5 percent reduction for a two year.

CHAIRMAN GROUT: Okay, now to the board; do you have a question? Okay, Dave, do you

have a question? We'll take questions on this. Dave.

MR. SIMPSON: I need to ask the maker of the motion to clarify, because I do think there is some confusion where on the one hand we're talking about what year do we take the cut and then the number of years is the work that the technical people did to calculate how many years it might take to have a 50 percent probability of reaching the target F. I think that is what you're saying here, but the way I read this states could do nothing in Year One and then take a 25 percent reduction in Year Two. We need some clarity.

I think the winner here will be a motion that says the bay does this, the coast does that, and gives it a little bit more latitude in terms of time; to the bay states a 17 percent reduction in the bay states beginning in 2015; and something equivalent to the 28 and one I think on the coast would be a winner. That's a 31 percent reduction. I think if you took the weighted average of that, you would have the preferred alternative and an aggressive time scale to reach our target F. So in answer to a question and then sort of a plea for a modification to this.

CHAIRMAN GROUT: Tom, do you want to respond to that?

MR. O'CONNELL: Yes; your thinking is exactly the way I'm thinking, Dave. I kept it to just a year because the next section is the options. My intent is that this two-year option that we hear is a 20.5 percent reduction needed; that 20.5 percent reduction would be taken by the Chesapeake Bay states next year and held in place for two years or until the next action by the board; and that this option would also provide the flexibility for the coastal states to take a one-year reduction at the 25 percent. Whether or not you want me to add some language to this motion or we address it in the next section, I would be happy to add that language if it adds some clarity.

MR. SIMPSON: Yes; my preference is that we combine those things in one motion so that it is clear to the public that we're taking an action that will get us where we want to be at an

aggressive timetable. If the technical assessment is that 20.5 percent in the bay taken immediately and a larger reduction on the coast gets us there just as quickly; I think that will be a winner for us.

CHAIRMAN GROUT: Okay, that would take a motion to amend again. Mark, you were next up; do you want to ask your question or do you want –

MR. GIBSON: Well, Dave has asked the same question, but I'm not sure I understand. I think the motion doesn't have enough specificity for me to understand it at this point; but maybe that is coming.

MR. WHITE: If the maker of the motion and the seconder want to change this, they can ask to withdraw if there is no objection. Maybe that is the fastest way to get a different motion up that might work.

CHAIRMAN GROUT: Since there is a motion and it is seconded, it would have to be an approval by the board to do that.

MR. WHITE: If there is no objection. If you ask the board and there is no objection – he wants to withdraw and there is no objection, then the board is approving.

MR. O'CONNELL: I would request the board's consideration to withdraw this motion and I would offer another one with that clarity.

CHAIRMAN GROUT: Is there any objection from the board to this? Seeing none; the motion is withdrawn. Tom.

MR. O'CONNELL: I will give it a shot here; move to amend by adding after "reduction" "in the coastal fishery and a 20.5 percent reduction in the Chesapeake Bay beginning in 2015".

CHAIRMAN GROUT: Is there a second to that motion; Martin Gary. Do you want to speak to it or have you already spoken to it? Okay, anybody else who would like to speak to this motion? Anybody want to speak in favor of this

motion? None? Anybody want to speak in opposition?

MR. FOTE: I can't support a difference for the coast and for the bay. As I stated before, we have producing areas that have the same type of situation there; and what is good for all – as I'm looking at it right now; everything is good for all.

CHAIRMAN GROUT: Anybody else want to speak in favor? Okay, we are going to caucus for 30 seconds on this. **I'm going to read the motion: move to amend by adding after "reduction" "in the coastal fishery and a 20.5 percent reduction in the Chesapeake Bay beginning in 2015"**. Motion by Mr. O'Connell and seconded by Mr. Gary.

(Whereupon, a caucus was held.)

CHAIRMAN GROUT: Okay, are the states ready to vote? Mike has a clarifying remark.

MR. WAINE: Tom, I'm going to try to interpret the meaning of this motion and explain what I believe it to mean as PDT Chair. Does this mean that the coastal fishery would act within one year with a 25 percent reduction and the bay fishery would take a 20.5 percent reduction in the first year and then over two years ultimately you would be reducing F to the target? Is that your understanding?

MR. O'CONNELL: That is correct.

CHAIRMAN GROUT: So it is not phased it; is that the clarification that we needed? You're all set? Dave Simpson.

MR. SIMPSON: It is sort of my point of the weighted average; that the coast harvest is much bigger than the bay harvest; and so a 25 percent reduction there with a 20.5 percent reduction in the bay, we will be a smidgie off of the 25 percent coastwide. We will attain the target F within a fraction over one year, I think, is what I would expect. Nobody is phasing anything in; we're all going to take an action in 2015. I think that is the major point; everyone is taking the full action in 2015.

MR. NOWALSKY: There was some discussion here is that all the action is in 2015. There is no further action in 2016 pending other board action requesting it; but one year, 2015 regulations are changed in the bay, on the coast and we move forward with that until the board has further action.

CHAIRMAN GROUT: Correct. Okay, are you ready to vote? Okay, Mike, take the roll call. Paul, you're killing me.

MR. DIODATI: Well, what Mike said, though, that they reach their target F in Year Two; is that not right?

MR. WAINE: Back to what Dave was explaining, the coast is on a one-year time frame and the bay is on a two; so we're going to be somewhere in between of reaching the target F. Okay, I think the problem here is we've got two different timelines. One is when are we going to reach the target F; and that is the one that is going happen within two years; but all of the reduction is happening in 2015. It just is going to take longer than one year to reduce to F. We don't know exactly how long, because the reduction isn't 25 percent across the board.

CHAIRMAN GROUT: Are you clear? Adam.

MR. NOWALSKY: I would strongly suggest clarification here, then, because what this amendment does; it doesn't alter the move to reduce F to the target within one year. The addition that we're adding here; we are not reducing F to target in one year. We are reducing F to the target combined for the coast and the bay in some time frame greater than one year.

CHAIRMAN GROUT: I think we need to vote. I think it is going to be between one and two years and so – all right, take the roll call vote, Mike.

MR. WHITE: Point of order. To Adam's point, if you put this amendment in, we're not doing what the first part of the motion says. It needs further refinement.

CHAIRMAN GROUT: Tom, do you want to try and refine this so that everybody is clear on this?

MR. O'CONNELL: I think the intent is clear by our discussion, but I can appreciate the questions that have been raised. I think the language that is being requested is that for accuracy it should say we need to change the "one" to "two". I may be wrong, but it seems like it is going to be somewhere between one and two years. It sounds like there is some question with that.

CHAIRMAN GROUT: Louis; so there is discussion on this motion.

DR. DANIEL: Well, since it is just a smidge; I don't want to go to two years. I think that is misleading. I think within approximately one year satisfies your problem.

CHAIRMAN GROUT: Tom, are you okay with this? Mr. Gary, are you okay with putting that? All right, this is a motion of the board. Is there any opposition to putting "approximately"? There is opposition to this. Since there is opposition to this, we need to dispense with this motion unless there is a motion to amend. Adam, have you got a motion to amend?

MR. NOWALSKY: No; I just want to say that procedurally, Mr. Chairman, I think that this can be voted up or down. We will then see a revised amendment that when everybody sees a revised motion; and perhaps at that point, once we have all the terminology in one paragraph, we can then decide how to fix it. I would be in favor of dispensing with the motion.

CHAIRMAN GROUT: It might be clearer – if the intent of this board is to take up something similar to this, it might be better to withdraw the motion and then put in a second amendment. If you vote this down, then you may be taking off the board the ability to have this option of having a 25 percent on the coast and a 20.5 percent on the bay; because the body would have already voted against it. My suggestion is that you withdraw this motion and try to recraft it again.

MR. O'CONNELL: I would be happy to make that request again for the board's consideration to withdraw and have that clarification.

CHAIRMAN GROUT: Okay, is there any objection to withdrawing the motion? Okay, we're going to have to vote on this because there is an objection. Now are we ready to vote on this motion up or down?

MR. WHITE: Caucus time, please.

(Whereupon, a caucus was held.)

CHAIRMAN GROUT: Move to amend by adding after "reduction" "in the coastal fishery – I already read this – okay, "approximately" wasn't in there. There was an objection to adding "approximately" by the state of New Jersey. David Simpson.

MR. SIMPSON: So that I can read this clearly; could I ask Marin to just type out exactly what those modifications would look like all in one? Is that what the maker intended? I think that's clear for everyone to understand what we're voting on.

REPRESENTATIVE PEAKE: I have a question of what "approximately" means. Is it six weeks, two months, six months, something less than 24 months? I worry that is really not a term of science when we're dealing with science here and how we're going to define that.

CHAIRMAN GROUT: I just want to make it clear that the word "approximately" needs to be removed from there; because even though there was an agreement by the maker of the motion to put that in there, New Jersey objected to that word "approximately". Because of that and because this is a motion that is owned by the board, if anybody objects to it, we cannot make that change.

That word "approximately" should be out of there. Okay, we're going to be voting – this is the motion to amend as it. We tried to withdraw it and again New Jersey objected to withdrawing it, so this is a motion that is a motion of the board; and so by Roberts' Rules of Order we

have to vote it up or down. Are you ready?
Okay, we're going to take the roll call vote now.
MR. WAINE: Maine.

MAINE: No.

MR. WAINE: New Hampshire.

NEW HAMPSHIRE: No.

MR. WAINE: Massachusetts.

MASSACHUSETTS: Yes.

MR. WAINE: Rhode Island.

RHODE ISLAND: Yes.

MR. WAINE: Connecticut.

CONNECTICUT: Yes.

MR. WAINE: New York.

NEW YORK: Yes.

MR. WAINE: New Jersey.

NEW JERSEY: No.

MR. WAINE: Pennsylvania.

PENNSYLVANIA: No.

MR. WAINE: Delaware.

DELAWARE: No,

MR. WAINE: Maryland.

MARYLAND: Yes.

MR. WAINE: District of Columbia.

DISTRICT OF COLUMBIA: Yes.

MR. WAINE: Potomac River Fisheries
Commission.

POTOMAC RIVER FISHERIES
COMMISSION: Yes.

MR. WAINE: Virginia.

VIRGINIA: Yes.

MR. WAINE: North Carolina.

NORTH CAROLINA: Yes.

MR. WAINE: National Marine Fisheries
Service.

NATIONAL MARINE FISHERIES SERVICE:
Yes.

MR. WAINE: U.S. Fish and Wildlife Service.

U.S. FISH AND WILDLIFE SERVICE: No.

CHAIRMAN GROUT: The motion carries ten to six. Okay, we're going to take a very brief five-minute break. I'm going to restart things here at five of five; and we have a lot to go through here, folks. I'm sorry, we have an original motion. Hold on a minute; we've got to finalize this. This is now the underlying motion. **This is the original motion. Do you need further time to caucus on this; it is essentially what we just voted. Move to reduce F to the target within one year with a 25 percent harvest reduction in the coastal fishery and 20.5 percent reduction in the Chesapeake Bay beginning in 2015.** Russ.

MR. ALLEN: Mr. Chairman, I just want to get clarification from the technical committee on whether or not they think that we can reduce F on the coastal fishery by 25 percent and in the Chesapeake Bay by 20.5 percent and get that reduction in F to the target within one year. It would be very misleading to the public if they thought we could do that; so I just want to get that clarification. Thank you.

MR. GODWIN: Technically we didn't do any specific calculations for one year in the bay or one year on the coast and three years – like splitting it out. This is a combination of one year everywhere at 25 percent – a 25 percent reduction would get us to the F in one year. The 20.5 percent reduction was a calculation that got us there in two years. That was just part of the calculation we did for the 17 percent in three

years. We didn't do the math; but I guess a weighted average, it would be some time less than two years, technically, within a year and a half. It would be less than two years, for sure.

CHAIRMAN GROUT: Given that statement, would anybody like to make a motion to amend to change it to less than two years? Mitch.

MR. FEIGENBAUM: **I would like to move that after the word "within", we strike the word "within" by saying "to target" – after "within", I'm sorry – "within less than two years"; so take out "one year" and replace it with "less than two years".**

CHAIRMAN GROUT: Is there second to that? Representative Kumiega has seconded it. Do you want to speak to it?

MR. FEIGENBAUM: I think it is fairly clear.

CHAIRMAN GROUT: Any discussion on this? Walter.

REPRESENTATIVE WALTER KUMIEGA, III: I just wanted to make a point that the technical committee had said that there was a 50 percent chance that the other calculations were going to get us to F, I believe a 50 percent chance that it would get us to F within a specified time frame. We're not dealing with certainty and we just threw in a little bit more uncertainty; but it is still possible with the 20.5 percent reduction that it would get us to F within a year.

MR. O'REILLY: I've been thinking the same way and what Walter brings us is more substantial perhaps than Russ' concern in that the public needs to hear that it is 50 percent probability as well.

MR. SIMPSON: I was just trying to put perspective or define and provide a metric for "smidgie". Just quickly, if the coast is 80 percent of the harvest and the bay is 20, that is a 24 percent reduction weighted average if it is in that neighborhood. You're talking about a 0.01 difference of a reduction, which is way beyond what we can actually technically do.

We're well within the margin of error for this work. Perhaps it is a 48 percent probability of achieving the target F in one year instead of 50 percent; but it is very, very close. I think we need to get over semantics and everything else and realize we have a pretty decent compromise here that people can go home and live with.

I believe that we're treating the Chesapeake Bay states very decently. They have been actively managing their fishery while we have not on the coast. We have set a standard quota for commercial and 28 and two; and whatever happens, happens. They haven't been doing that; so a little bit of a break here I think is in order. This puts us so close what we all intended to do when we came here as a coastal state and yet doesn't disenfranchise important partners down the coast. I think we just need to move ahead with what we just passed.

MR. FOTE: If we did this for two years, that means the bay is not going to do the same size reduction and everything else. How big is the 2011 – because that is the year we're trying to protect – how big will they be harvested in the bay while we're waiting to get them out because we're only taking 20 percent reduction. That is what I'm trying to figure out here; in the next two years will they be harvested?

CHAIRMAN GROUT: Our technical committee and our stock assessment experts will try to give you that piece of information.

MR. WAINE: Tom, is the question what options is the Chesapeake Bay going to use to achieve the 20.5 percent reduction?

MR. FOTE: Part of the analysis was to protect part of that 2011 year class, because that is what we basically were looking for. I'm not getting into whether I believe that it is necessary or not; but if we're going to do this, we shouldn't be telling the public that we're going to protect the 2011 year class since they're going to be smaller and they're going to be harvested in the bay. That's the question I'm asking. They will be big enough to be harvested at a higher rate than we originally proposed to harvest that 2011 year class in the second year.

CHAIRMAN GROUT: Can we answer it? I'm sorry, Tom, we can't give you that information on the fly; so you will have to vote without that information. Paul.

MR. DIODATI: I know that we're probably trying to save time by just putting shorthand up there for these motions; but I think it would benefit us all if they're written out. For instance, with this particular motion, with the changes to it, it seems to me that it is not very clear or specific if the cuts in landings and harvest would actually take place in one year or two.

It seems like there is an opportunity and I think you need to specify where and when the cuts take place. It was my understanding that the cuts take place in Year One; and that should be specified as to the time period in Year One so that we're not taking Year One's fishery at the older rates. Some of us are going to take it at the beginning of the year; some of us at the end of the year; is that how that would work? It is not specific enough.

CHAIRMAN GROUT: It was my understanding, based on some previous conversations, when this question was asked with the underlying motion before this was amended, that the cuts would take place – and this is on the record – the cuts were going to take place at the beginning of the 2015 fishing year for whoever it is.

That was made clear at the time that question was asked; and that what we're talking about here is just trying to refine the language for clarification to the public that we're not going to make within one year, but we're going to make it some time less than two years. That was the issue and this was essentially a rewording to make it clear to the public these initial 2015 year reductions in harvest that the states will be taking will take place.

Unfortunately, if we continue to try and amend this to get it perfect, despite what has been clearly stated on the record, we're going to be voting these motions up and down. We're going to have to withdraw the motion again. New Jersey or some other state may object. I'm not sure given what the discussion on the record is

whether we're going to be gaining anything here. Now, if you want to object to my ruling here, you're more than welcome to make another motion to amend. Leroy.

MR. LEROY YOUNG: So are you saying you have to vote this down before you can another motion to amend?

CHAIRMAN GROUT: We could try and withdraw it – we've tried that before – and then try and make another motion to amend. I'm saying right now we're one deep and I'll will allow one more motion to amend. Go ahead.

MR. YOUNG: I can make that motion now?

CHAIRMAN GROUT: Yes.

MR. YOUNG: I don't know where to put the quotations; but this is the way I think it should read: **Move to “reduce F to target within one year in the coastal fishery with a 25 percent harvest reduction in 2015 and within two years in the Chesapeake Bay with a 20.5 percent reduction beginning in 2015”.**

CHAIRMAN GROUT: Is there a second to that motion; Louis. Okay, we're going to take a break. We getting wrapped around the axle here; and from the Chair's perspective, I don't think we're gaining anything by getting wrapped around the axle here. I think it has been clear to the record as to what the underlying motion meant; but we are going to take a five-minute break here.

(Whereupon, a recess was taken.)

CHAIRMAN GROUT: Okay, can the board reconvene, please. Because we're two amendments deep and there appears to be some desire to again refine the language of this to make it clear, we're going to have a motion from Mr. Abbott to give us a way to deal with this and then a follow-up motion will occur.

MR. ABBOTT: Mr. Chairman, it is late in the day and I don't think that good decisions are made on empty stomachs and we're heading for more than empty stomachs this evening. It would be my desire at this time to introduce a

motion so that Tom O'Connell can introduce a further motion. **My motion is to table Motion 2, 2a and 2b at this time.**

CHAIRMAN GROUT: Seconded by Pat Keliher. This is a non-debatable motion, so we will be voting on this. Do you want a roll call on this or can we just raise our hands? I don't see any request for a roll call. Do you need time to caucus?

(Whereupon, a caucus was held.)

CHAIRMAN GROUT: Okay, are the states ready to vote on the motion to table? All those in favor. **The motion is unanimous.** Now I will recognize Tom O'Connell.

MR. O'CONNELL: All right, I'm going to give it a shot; there has been a lot of conversation. **Move that prior to the start of the 2015 fishing season, all jurisdictions implement rules to achieve the new fishing mortality target by implementing a 25 percent harvest reduction in the coastal fisheries and a 20.5 harvest reduction in the Chesapeake Bay fisheries.**

CHAIRMAN GROUT: Seconded by Mr. Abbott. Do you want to speak to it, Tom?

MR. O'CONNELL: Yes; just in regards to the lack of a time frame being included in the motion is because I think there is some uncertainty as to whether or not it can be achieved in one year. I think it is still possible, but it will definitely be achieved within two years. I think David Simpson provided a good characterization of how these two reductions technically may fall just short; but also if the coastal recreational fishery does go forward with a one fish at 28, that is going to achieve a higher than 25 percent reduction. Given the large size in that fishery, it may actually get us to 25 percent the first year.

CHAIRMAN GROUT: Is there any desire to debate this? Are you in favor of this motion or against it? Adam, are you against?

MR. NOWALSKY: I have to ask a question.

CHAIRMAN GROUT: All right, I will let you ask the question and then we'll do the against.

MR. NOWALSKY: Based on the comments that we heard from the technical committee before by not specifying a change to the timeline that we are beholden in Amendment 6; how do we move forward with this motion and say it meets our needs? Again, I apologize for throwing wood on the fire here, but that was the purpose of 2.6 in the document was because we needed to change the timeline that we had. Whether or not I'm in favor of this motion or not is irrespective of we have that before us. That was what we debated significantly for many hours; and I think we have to address that to ourselves and to our constituents.

CHAIRMAN GROUT: You're right it isn't in there; and if it needs to be in there, it needs to be an amendment. Further discussion on this motion? Roy Miller.

MR. MILLER: Mr. Chairman, I'd like to amend this motion if you would entertain that.

CHAIRMAN GROUT: Sure. The only reason I'm hesitating is that Tom Fote was going to speak against this first; and I should have gone to him first if you're going to amend it. I'm going to go to Tom and let him speak; and then if you wish to amend it.

MR. FOTE: Since I'm an agreeable person from New Jersey, I'll let Roy go first.

MR. MILLER: Mr. Chairman, I'd like to amend this motion by adding the following words after "Chesapeake Bay" – and the specific words I would like to add read "Chesapeake Bay and Delaware River and Bay and Hudson River". The effect of this amendment would be to lump in the Delaware River and Bay and Hudson River in the zone that has to effect a 20.5 percent reduction.

CHAIRMAN GROUT: Is there a second to that motion? Okay, Russ Allen seconded it. Discussion on this motion? Are you in favor, Mr. Abbott?

MR. ABBOTT: I have a point of order. I'd like a ruling on whether this is a legitimate amendment, being that this was not part of the original document.

CHAIRMAN GROUT: It hasn't gone out to public hearing from my understanding. I think I'm getting some advice from the executive director; **and I agree that because this was not contemplated in the amendment; that I'm going to rule this out of order. Roy.**

MR. MILLER: Quickly, if I may, Mr. Chairman; the reason it wasn't in the document obviously is that there was no differential percentage proposed in the document that went out to public hearing for Chesapeake Bay and coastal states. Now that we've introduced the notion of a differential reduction for Chesapeake Bay and coastal states; I think it is only fair that we resurrect the original concept in the 1981 plan of having Delaware River and Bay and Hudson River acknowledged as producing areas and contributing juveniles to the coastal brood stock. Thank you.

CHAIRMAN GROUT: I appreciate your comments on that; my ruling is still going to stand. I think that needs to be in another management action. Is there further discussion on this motion? We're on the original motion because I've ruled the first one out of order so now we're on the original motion. You're speaking against? Okay.

MR. NOWALSKY: I will speak against and amend as per my earlier comments.

CHAIRMAN GROUT: Okay, is there anybody that wants to speak in favor of this motion?

MR. DIODATI: I would support this motion. Specifically to Adam's concern, I think that the technical support folks that we have here today, I don't they can provide a yes or a no to whether or not we achieve the F targets within a specific time. It is quite possible that we might; it's possible that we wouldn't.

It is clear to me that we would achieve them in less than two years; and it is possible that they could be achieved or nearly achieved in even

one year; depending on the outcome of these fisheries. For those reasons, I'm satisfied that this is a reasonable alternative to everything else that we've talked about this afternoon.

CHAIRMAN GROUT: Tom, are you speaking against?

MR. FOTE: No, I'm speaking as this motion is out of order because you just ruled the last motion out of order. Nowhere in my public hearings did I basically hear or see in this document that we were going to have a different reduction in the bay and in the coast. It was not presented at any of the public hearings that I went to.

If you ruled the last one out of order; then you have to rule this one out of order. Otherwise, we're playing with the rules of the game or whatever you want to call it; but we're not being fair and equitable and not handling the same. You've got to be consistent. If you're going to do that, then go back to the document and rule this motion out of order. Otherwise, allow the other motion because that was not out of order just as much as that one is in order.

MR. ABBOTT: I do appreciate your comments, Tom. I would offer that my interpretation would be that the 20.5 percent was between the figures of 25 and 17; so I think – again, I would ask for a ruling from the executive director or the chair as to whether this motion is proper or not.

CHAIRMAN GROUT: Well, my ruling is that this is in order because there were different concepts and that we had different management measures for the bay and the coast that was contemplated in this addendum. There was not a different management measure contemplated that included the Delaware River in with the bay. That is my ruling and we will move forward on this. Is there any further discussion on this? Okay, Adam.

MR. NOWALSKY: I wish to amend to add "within two years" after "fishing mortality target". As we currently have Amendment 6, it says "must be within one year"; and if we don't specify within two years, then we're not following what we're beholden to do.

CHAIRMAN GROUT: Is there a second to that motion? Seeing none; the motion fails for lack of a second. Tom, do you still want to speak to the underlying motion?

MR. FOTE: Yes; I really have a problem with this. We play by different sets of rules. It is interesting that the chair has that flexibility to basically go what motion is in order and what motion is out of order on how he feels about it. I mean, the ruling on this, if you go out to public hearings – and I heard you say in the beginning that we were going to go to the public with anything that was different than what went out to public hearings. We didn't go out to public hearings and not in any hearing I attended – and I attended three of them in New Jersey.

The discussion was whether we were going to have a 25 percent reduction, 17 percent reduction or the stagger; and there was discussion that they might have different ways of accomplishing that in bay, but it didn't say we were going to have a split of any reduction. For that reason, I cannot support this.

Also, again, because the Delaware River and Hudson River are producing areas, just as North Carolina is a producing area and actually stays out of this whole thing because they get a special management zone for their fisheries that are producing areas, but they're basically now objecting to New Jersey and New York and Pennsylvania and Delaware to manage their producing areas in a specific way. Truthfully, New Jersey is not going to change their regulations.

It is not going to be different bay or along the coast. We're going to have the same regulations because that is too confusing. The opportunity to do that should be up to us and not because we get ruled out of order on a thing that I think is ridiculous if you're going to allow the other motion to go on the table. It really upsets me.

I've been sitting around this table since 1990 and I watched games go back and forth and sometimes I get a little jaded. We lost the producing area status because Bruce Freeman and I left on an airplane; and I've always had

that stinging in my mind. This is another one of those games so I'm really upset about it.

DR. DANIEL: I'm sorry you're upset; but I guess I am a little bit, too, that this is requiring so much effort on something that shouldn't be. I absolutely believe that the motion on the floor is in order for the same reasons the chairman indicated. I do not believe breaking out another producer area brand new out of the box tonight is in order; so I concur with your ruling on the motion and really think we need to move on.

MR. ADLER: Mr. Chairman, usually when you put out things like this, you're not supposed to get more restrictive. Like if you said, well, we're going to decide on a 30 percent reduction, then that wouldn't be in place. I think what you've got up here is between; and I've seen many times when you've done fisheries' policy or fisheries' actions and you sort of moderate some number, as long as it is within the range you can be more lenient than what you took out to public hearing. I think that is what this is and I'm in favor of this.

CHAIRMAN GROUT: Is there anybody opposed to this? Okay, I don't see any opposition at this point. Other than the people that have spoken; is there a burning desire on the part of Pat and Mitch to make comments at this particular point? Okay, Mitch.

MR. FEIGENBAUM: I just want to say that I'm very sympathetic to Delaware's position and would be generally supportive of what they're trying to accomplish; but I, too, think that the ruling is in order because the situations are very different in terms of – the options in the addendum clearly contemplated a separate quota for the Chesapeake Bay and not one for the Delaware River. I, too, support the chairman.

CHAIRMAN GROUT: Dennis, are you going to speak against?

MR. ABBOTT: I wanted to make a final comment about the Delaware River/Hudson Bay issue; very brief. I surely don't want to displease my good friend Mr. Miller. During the break, Mr. Miller explained to me how years ago Pete Jensen was the one that foisted this upon

them. I would suggest to Mr. Miller that he suggest that an addendum be drafted to consider that point at a later date.

CHAIRMAN GROUT: Okay, seeing no further hands; let's caucus on this.

(Whereupon, a caucus was held.)

CHAIRMAN GROUT: Is everybody ready to vote? Okay, Mike, can you take a roll call on this?

MR. WAINE: Maine.

MAINE: Yes..

MR. WAINE: New Hampshire.

NEW HAMPSHIRE: Yes.

MR. WAINE: Massachusetts.

MASSACHUSETTS: Yes.

MR. WAINE: Rhode Island.

RHODE ISLAND: Yes.

MR. WAINE: Connecticut.

CONNECTICUT: Yes.

MR. WAINE: New York.

NEW YORK: Yes.

MR. WAINE: New Jersey.

NEW JERSEY: No.

MR. WAINE: Pennsylvania.

PENNSYLVANIA: Yes.

MR. WAINE: Delaware.

DELAWARE: No,

MR. WAINE: Maryland.

MARYLAND: Yes.

MR. WAINE: District of Columbia.

DISTRICT OF COLUMBIA: Yes.

MR. WAINE: Potomac River Fisheries Commission.

POTOMAC RIVER FISHERIES COMMISSION: Yes.

MR. WAINE: Virginia.

VIRGINIA: Yes.

MR. WAINE: North Carolina.

NORTH CAROLINA: Yes.

MR. WAINE: National Marine Fisheries Service.

NATIONAL MARINE FISHERIES SERVICE: Yes.

MR. WAINE: U.S. Fish and Wildlife Service.

U.S. FISH AND WILDLIFE SERVICE: Yes.

CHAIRMAN GROUT: **The motion carries fourteen to two.** Now we're on to Page 2. Mark, do you have a motion?

MR. GIBSON: Not a motion; I'm very mindful of Mr. Abbott's comments; and I'm wondering what the intention of the Chair is and the executive director relative to the meeting schedule tonight and tomorrow. Is it your intention just to suffer through this until it is done or is there going to be some time certain of adjournment of this session?

CHAIRMAN GROUT: Let's try and work through a few things here before we start looking at time certain. I appreciate your concern about this. At any rate, we're now on Section 3.1, commercial quota transfers, whether to allow it or not. Is there a motion from the board on this particular issue? Paul Diodati.

MR. DIODATI: Just to get the discussion going, I will make a motion not to allow commercial quota transfers.

CHAIRMAN GROUT: Is there a second; Tom Fote. Would you like to speak to this before we go to the rest of the board? All right, is there anybody who would like to speak to this? Emerson first and then Paul; and now you want to speak to it.

MR. DIODATI: Well, it is my motion and I would like to speak in favor of it. \

CHAIRMAN GROUT: Well, I did ask you before. Well, as the person who made the motion, you have the first right to speak to this.

MR. DIODATI: I'm making this motion against my better judgment in a sense because it is really convenient for state managers to be able to transfer that odd number of fish poundage at the end of a year when we're monitoring quotas, particularly when you're trying to land 1,100,000 pounds; and it comes in 1,130,000 pounds; so you're in a constant game of either leaving fish on the table or cutting your fishery in the next year or harvest rate in the next year.

It gets a little bit confusing and difficult to deal with; so the bookkeeping opportunity allowed by transfer of quotas is pretty good in some of the other fisheries. However, it was pretty clear at public hearings that this was not supported in our neck of the woods, not at all, and I think that it sends a message that we're possibly going to harvest more under this arrangement than we have in the past years. For those reasons, given that this is a conservation plan, it just does not seem to fit within the tone of this addendum; so for those reasons I'm putting this forward as a motion.

CHAIRMAN GROUT: Is there anybody that wants to speak against this motion? Who would to speak in favor of this motion? I'll start with Emerson because you had your hand up earlier.

MR. HASBROUCK: Mr. Chairman, we allow states to transfer quota for several other of our quota-managed species and that has worked out quite well. It allows states some flexibility. It allows states to cover small overages as Paul mentioned that he wants to give up the ability to cover those small overages. It allows that flexibility

In terms of keeping track of fish caught and numbers of fish; I think we manage the striped bass commercial fishery tighter than we do anything else. We know exactly how many tags are being issued, how many tags have been utilized; so I think there is a full accounting for all of that. I think the accounting that we have for striped bass actually makes it easier to transfer fish between states.

MR. FOTE: I was at the three public hearings in my state. It was interesting the comments. Nobody could agree on what they wanted, the sizes, limits. There was one part of the state, one public hearing, 80 percent were for status quo. The only thing they could all agree on was the same thing; there was no transfer of quota.

I think Emerson has a little standard than what I think is happening. I fish Raritan Bay and I see poaching going on all the time and fish being brought into certain ports along the Raritan Bay and the Jamaica Bay that are basically poaching fish and doesn't seem to be caught. My idea is I worry about that; but I can see this – and I have looked through the public hearing documents and overwhelmingly, more so I think than even what we did on anything else, is an outstanding no. I cannot support allowing for the transfer of fish.

MR. STEPHEN R. TRAIN: I could echo much of what Emerson said. It would be inconsistent not to allow the transfer of commercial quota with the other species we're managing. I believe if we're going to manage this as a coast-wide stock, we should treat it like a coast-wide stock and allow the transfer of quota coastwide if it is needed.

CHAIRMAN GROUT: Anybody else wish to speak in favor of it? All right, I have Jim and Louis if you can be brief in your comments against.

MR. GILMORE: Mr. Chairman, I will be brief. Just to add to what Emerson said and in just this past year – first off, it is a standard thing we have in management. Striped bass is very well managed in our state because of the tag system. In this past year we had quota transfers recently from New Hampshire for black sea bass, Florida

for bluefish, Massachusetts for menhaden; and those are very good management tools to have and able to manage these fisheries more effectively. I would have been shutting fisheries down. I think that is an important thing to remember; we should have a consistent set of rules for all our fisheries. Thank you.

DR. DANIEL: I agreed with Paul until he said “but”; and that is my concern. We’ve got strict control on the commercial fishery with a quota. It is a hard quota with payback of overage. We have no such constraint on the absolute harvest in the recreational fishery. Speaking from North Carolina’s, we’ve left 480,000 pounds of fish on the table for the last three years. If we happen to go a little bit over one year because the fish happen to cross the imaginary line; instead of having to pay back after having been paying back for the last several years, we could get a little transfer to prevent that overage. I support the commercial transfer.

CHAIRMAN GROUT: Mitch, you have a last-minute hand raised; are you speaking for or against it?

MR. FEIGENBAUM: I’m actually neutral; but I do have what I think is an important question, if I might. Very quickly, we just passed a motion to have a different rate of cuts in two different regions. Maybe the question is for the technical committee. If we did allow quota transfers, if you had a quota transfer from a Chesapeake Bay jurisdiction to a coastal jurisdiction, would that not run the risk of putting – you know, undermining the mortality rates that we think we’re achieving by the motion we passed earlier?

MR. GODWIN: I believe when we were discussing this at the technical committee, we didn’t really include the Chesapeake Bay jurisdiction. We were thinking of the coastal commercial quota. Katie or Mike can correct me if I’m wrong or add to that.

MR. WAINE: Striped bass doesn’t have a commercial transfer right now; so it is up to the board. Does the board want to allow the bay states to transfer to the coast and vice versa or

do they want to keep it separate or would it apply to everybody?

CHAIRMAN GROUT: So that is the answer to your question; right now it is silent on that. Emerson.

MR. HASBROUCK: I would like to offer an amendment that we insert “from the Chesapeake Bay to the coastal fishery” after “allow”.

CHAIRMAN GROUT: Okay, is there a second to this? Are you seconding it? All right, Loren is seconding it. The effect of this amendment, as I interpret it, would mean to not allow quota transfers between the bay and the coast. If this were passed, it is sort of like a double negative. We already do not allow commercial transfers. This motion would effectively mimic, if we pass this, just a small fraction of what is not allowed right now. I don’t think this is really a motion that we should be handling here. Bob.

EXECUTIVE DIRECTOR BEAL: It seems like the intent of the motion to amend would be to allow quota transfers between coastal commercial fisheries; so only allow transfers in the coastal quotas that are established in the amendment. I think you’re right; the double negative, this would not allow any transfers at all.

CHAIRMAN GROUT: Do you want to modify your motion? I don’t know what your intent here is.

MR. HASBROUCK: Yes; Bob has my intent; **so in terms of wordsmithing it, I guess would say move to allow commercial quota transfers amongst the coastal quota but not between the Chesapeake quota and the coastal quota. I guess that is a substitute motion rather than an amendment.**

CHAIRMAN GROUT: Okay, Loren, are you going to second that version of the motion?

MR. LUSTIG: Yes, indeed I am; and I appreciate that clarification.

CHAIRMAN GROUT: Okay, is everybody clear on what the motion is. I’m going to give

Emerson the first shot and then I'm going to take in favor and against. Emerson, would you like to speak to this motion, hopefully briefly.

MR. HASBROUCK: Yes, I'll be brief. Just to reiterate what I said before, we allow the transfer of commercial quota among states for our other managed species. It has not presented any problems. We keep really close track on accounting of our striped bass harvest; so that shouldn't be an issue. However, I do realize that it is probably not appropriate to allow a transfer between the Chesapeake Bay commercial quota and the coastal quota because we're working under two different F reductions.

CHAIRMAN GROUT: Okay, who would like to speak against this motion? You have a question; okay.

REPRESENTATIVE KUMIEGA: Mr. Chairman, I question the wording. Before we go too far down the trail here if the mover and the seconder shouldn't take a second look it and make sure that it – its wording is very peculiar the way it is written right now.

CHAIRMAN GROUT: Can you be specific as to what is confusing to you because I see it as a fairly clear one.

REPRESENTATIVE KUMIEGA: Well, shouldn't it refer to coastal states – between states; I mean, transfer amongst coastal states or commercial – I don't know; it is not my motion, but it just doesn't seem to –

MR. HASBROUCK: Then move to amend to allow the commercial quota transfers among the coastal states, commercial quota, but not between the Chesapeake Bay states quota in the commercial – and the coastal states quota?

CHAIRMAN GROUT: Did you get that change in his wording? Is everybody clear on the intent here that we are going to allow – under this motion, if was passed, you would allow transfer of quotas between the coastal states' commercial quotas. Do you have a suggested wording? Bill.

MR. ADLER: You could simplify it; to allow the commercial quota transfers only amongst the states with a coastal commercial quota, period.

MR. SIMPSON: I think what Bill just did helps a lot to clarify what we're doing. I wanted to speak this motion. I'm already very concerned that we're not going to get parity between recreational and commercial fisheries in terms of quota cuts because the alternatives presented currently – and we will address this in a couple of minutes – for commercial quotas, cut 25 percent from the Amendment 6 allocation; and if you will notice in the table or remember from that table, our 2013 harvest on the coast was 2.5 million pounds.

If we implement the Option B-16, 25 percent reduction from Amendment 6, we could end up with a 300,000 pound increase in commercial quota. To allow transfers among states is going to exacerbate that problem. Picture North Carolina would have under Option B-16 a 360,000 pound quota but didn't catch anything last year transferring that whole load to a state that perfectly well could, like Massachusetts; and there you go, we have no reduction at all and much more likely a significant increase in commercial harvest while the recreational fishery is taking cuts. We should not do this.

CHAIRMAN GROUT: Emerson, are you okay with the wording that Bill Adler refined?

MR. HASBROUCK: Yes; it means the same thing as what I had up there before.

CHAIRMAN GROUT: Loren, are you okay with that? Okay, now we've had one against; is there somebody in favor? Anybody else want to speak against? David.

MR. BORDEN: My concern with this is exactly the same concern that David Simpson just raised. Keep in mind that I think all of those people around the people that have spoken about the need for flexibility for the states to manage their commercial quotas and adjust; I totally align myself with that thinking.

That is kind of having a position on both sides of the issue; and maybe what we should do is limit

the amount of quota that could be limited. We might put in here that you could only transfer not more than 25 percent of your quota; and that would provide a little bit of flexibility to the states to actually transfer and do the things that have been discussed and yet we wouldn't end up with a hundred percent of the quota being caught, because that is just going to increase fishing mortality.

CHAIRMAN GROUT: Rob, are you speaking for or against it?

MR. O'REILLY: I'm speaking against it; is that okay? To pile on those last couple of comments, I think what we figured out was somewhere about 950,000 pounds is what is not being reduced in the coastal commercial quotas this time. We as a group did not get to any kind of conclusion on this at the August board meeting. The table that David references is really problematic; and so allowing transfers on top of that really doesn't make sense.

MR. FOTE: When we had this discussion in August, I didn't think we should penalize the states that hadn't harvested because they were being more conservative and we don't basically penalize conservative; but I was not supporting the transfer just because of the reasons that Dave has said. There was a lot of excess fish that could have been caught and wasn't caught. With the transfers, it can make it crazy because we spot fish in one area and then all of a sudden all the focus becomes in that area. I can't support this motion.

CHAIRMAN GROUT: Dennis; are you for or against?

MR. ABBOTT: Against.

CHAIRMAN GROUT: Is it important. It seems like we have nobody for. I'm not getting anybody that wants to speak in favor of it.

MR. ABBOTT: Let's vote.

CHAIRMAN GROUT: Okay, do you need to caucus? All right, I'll give you 20 seconds to caucus.

(Whereupon, a caucus was held.)

CHAIRMAN GROUT: **This is a motion to amend to allow commercial quota transfers only amongst the states with a coastal commercial quota. This was a motion by Mr. Hasbrouck and seconded by Mr. Lustig.**

MR. HASBROUCK: Could we have a roll call, please?

CHAIRMAN GROUT: Okay, a roll call vote.

MR. WAINE: Maine.

MAINE: No.

MR. WAINE: New Hampshire.

NEW HAMPSHIRE: No.

MR. WAINE: Massachusetts.

MASSACHUSETTS: No.

MR. WAINE: Rhode Island.

RHODE ISLAND: No.

MR. WAINE: Connecticut.

CONNECTICUT: No.

MR. WAINE: New York.

NEW YORK: Yes.

MR. WAINE: New Jersey.

NEW JERSEY: No.

MR. WAINE: Pennsylvania.

PENNSYLVANIA: No.

MR. WAINE: Delaware.

DELAWARE: No,

MR. WAINE: Maryland.

MARYLAND: No.

MR. WAINE: District of Columbia.

DISTRICT OF COLUMBIA: No.

MR. WAINE: Potomac River Fisheries Commission.

POTOMAC RIVER FISHERIES COMMISSION: No.

MR. WAINE: Virginia.

VIRGINIA: No.

MR. WAINE: North Carolina.

NORTH CAROLINA: No.

MR. WAINE: National Marine Fisheries Service.

NATIONAL MARINE FISHERIES SERVICE: No.

MR. WAINE: U.S. Fish and Wildlife Service.

U.S. FISH AND WILDLIFE SERVICE: No.

CHAIRMAN GROUT: **The motion fails one to fifteen.** Now we have the underlying motion. Are you ready to vote on this? Okay, we've got a roll call vote again on this.

MR. WAINE: Maine.

MAINE: Yes.

MR. WAINE: New Hampshire.

NEW HAMPSHIRE: Yes.

MR. WAINE: Massachusetts.

MASSACHUSETTS: Yes.

MR. WAINE: Rhode Island.

RHODE ISLAND: Yes.

MR. WAINE: Connecticut.

CONNECTICUT: Yes.

MR. WAINE: New York.

NEW YORK: No.

MR. WAINE: New Jersey.

NEW JERSEY: Yes.

MR. WAINE: Pennsylvania.

PENNSYLVANIA: Yes.

MR. WAINE: Delaware.

DELAWARE: Yes.

MR. WAINE: Maryland.

MARYLAND: Yes.

MR. WAINE: District of Columbia.

DISTRICT OF COLUMBIA: Yes.

MR. WAINE: Potomac River Fisheries Commission.

POTOMAC RIVER FISHERIES COMMISSION: Yes.

MR. WAINE: Virginia.

VIRGINIA: Yes.

MR. WAINE: North Carolina.

NORTH CAROLINA: Yes.

MR. WAINE: National Marine Fisheries Service.

NATIONAL MARINE FISHERIES SERVICE: Yes.

MR. WAINE: U.S. Fish and Wildlife Service.

U.S. FISH AND WILDLIFE SERVICE: No.

CHAIRMAN GROUT: **The motion carries fifteen to one.** Now we're going to move on to

Section 3.2, which is commercial size limits. Do we have a motion from the board? Paul Diodati.

MR. DIODATI: Move to maintain all commercial size limits that were in use in 2013 fisheries.

CHAIRMAN GROUT: Seconded by Mr. White. Would you like to speak to it, Paul?

MR. DIODATI: No; I just want to move on.

CHAIRMAN GROUT: Okay, is there any discussion on the motion? Adam.

MR. NOWALSKY: How does this motion apply, Mr. Chairman, should there be changes to the recreational fishery since the document says that the existing limits apply only if the board selects to change the size limits.

MR. WAINE: Let me try and clarify. If the recreational size limit were to change, this motion would override the fact that the commercial size limit is also supposed to change to match that.

CHAIRMAN GROUT: Any further discussion? Seeing none; I'll give you 20 seconds to caucus on this.

(Whereupon, a caucus was held.)

CHAIRMAN GROUT: Okay, Mike, can you take a roll call vote.

MR. WAINE: Maine.

MAINE: Yes.

MR. WAINE: New Hampshire.

NEW HAMPSHIRE: Yes.

MR. WAINE: Massachusetts.

MASSACHUSETTS: Yes.

MR. WAINE: Rhode Island.

RHODE ISLAND: Yes.

MR. WAINE: Connecticut.

CONNECTICUT: Yes.

MR. WAINE: New York.

NEW YORK: Yes.

MR. WAINE: New Jersey.

NEW JERSEY: Yes.

MR. WAINE: Pennsylvania.

PENNSYLVANIA: Yes.

MR. WAINE: Delaware.

DELAWARE: Yes.

MR. WAINE: Maryland.

MARYLAND: Yes.

MR. WAINE: District of Columbia.

DISTRICT OF COLUMBIA: Yes.

MR. WAINE: Potomac River Fisheries Commission.

POTOMAC RIVER FISHERIES COMMISSION: Yes.

MR. WAINE: Virginia.

VIRGINIA: Yes.

MR. WAINE: North Carolina.

NORTH CAROLINA: Yes.

MR. WAINE: National Marine Fisheries Service.

NATIONAL MARINE FISHERIES SERVICE: Yes.

MR. WAINE: U.S. Fish and Wildlife Service.

U.S. FISH AND WILDLIFE SERVICE: Yes.

CHAIRMAN GROUT: **The vote carries unanimously.** Now we are on to Page 3, folks.

We're on a roll here. All right, this is Page 3. The first decision is on the coastal commercial; that is on Page 15 of the document. David, do you have a motion? Dave.

MR. SIMPSON: Consistent with the technical committee's advice this morning, I think we need to base the reductions in the commercial fishery on the 2013 harvest as we are doing on the recreational. My motion is just that; reduce the commercial quota by – adjust the commercial quota to be 75 percent of the 2013 harvest; and to accomplish that adjust – I'm not sure how to word this; but the intent would be to apply the Amendment 6 – convert the Amendment 6 quotas into percentages and to multiply those percentages times the coast-wide 2013 – 75 percent of the 2013 landings. I hope that's clear.

In other words, with most fisheries each state gets a percentage allocation; so what I'm asking what we do is we turn the Amendment 6 quota table into percentages; so, for example, Connecticut that gets 23,750 pounds, you would divide that by the coast-wide total of 3,806,275 pounds; derive a percentage; and then multiply that by your target to achieve the 25 percent reduction.

CHAIRMAN GROUT: I am wondering and I'm going to ask the PDT Chair is this not a measure that we already took out of the document; and are these quota levels in between what was contemplated in B-16 and status quo? If it is not, then I'm going to rule it out of order because it is not between the status quo and the items that were contemplated in the addendum. I'll ask the plan coordinator and I'd love to hear from the executive director on whether he feels this is the case.

MR. WAINE: Dave, in the previous version that the board reviewed before they sent the document out for public comment; there were commercial quota options that took the reductions from the harvest instead of the quota. The board made motions on that draft to remove those options before sending the document out for public comment, leaving only the option that is currently in the document, which is a reduction from the quota and not the harvest.

Additionally, the option that you've made a motion about would be more restrictive than what we took out for comment because it was removed prior to taking that draft out.

MR. SIMPSON: So back when we were working on this in May or August, I forget which, we were very concerned that, for example, North Carolina would end up with no quota if we cut everyone based on 2013 landings; so it would completely upend the Amendment 6 allocations. I just don't think we gave it enough thought how do we fix that and take it out to public hearing.

What we've ended up with is an alternative that increases the commercial – what you're telling me is the range of alternatives includes only options that increase the commercial quota relative to 2013 instead of reducing it. I don't believe that was the intent of this entire addendum. I believe the intent and the expectation of the public is what is good for us is good for them; and they're fully expecting the commercial fishery to take a 25 percent cut on the coast just like the recreational fishery is. If someone has a better way of doing this that is fair among the states, I would like to hear it. I do not believe that it is out of order or inconsistent with the entire intent of this addendum.

CHAIRMAN GROUT: I agree with you that the intent of this addendum was to take a reduction of 25 percent off the harvest; but the board on several occasions in its previous meetings removed options that would have done that. In fact, at the last meeting there was a motion that was made to include another option that would have done that; and the motion failed. I am going to rule this out of order because it does not fall between the status quo and what went out for public hearing. That being said, is there another motion? Paul Diodati.

MR. DIODATI: I'll move to take a 25 percent reduction in harvest from the commercial coastal Amendment 6 quota allocations.

CHAIRMAN GROUT: Seconded by David Borden.

MR. DIODATI: I really wasn't involved in the discussion for some reason about removing the option of reducing the 2013 harvest. I want to clear that up; I wasn't involved in that discussion. But looking at the landings' data, it is pretty obvious that the states that are not landing their quota is zeroed out for a reason.

Unless Louis has a cure for global warming – and I don't think that is going to happen – it is unlikely that his fishery is going to turn around anytime soon. I'm sorry, Louis, you never know; so I think that the actual cuts that are achieved are going to be pretty consistent with what you see. It is going to be very close to the actual 2013 – as if you were reducing the 2013 harvest rates. At least that is my feeling.

I know that in Massachusetts we have no problem harvesting our entire quota; and so taking a 25 percent cut off our allocation is a real 25 percent cut. Taking it off the 2013 harvest, we would have to subsidize every other state that didn't harvest and we'd be taking closer to a 50 percent cut. That is why I support this motion. I think it does what it is supposed to do; and if it doesn't, I'd be willing to revisit this in the future; but I think it will do what it is supposed to do.

CHAIRMAN GROUT: Further discussion on the motion? In favor or against?

MR. CLARK: Actually I have an amendment.

CHAIRMAN GROUT: Okay, Rob, why don't you speak against it and then we'll take the motion to amend.

MR. O'REILLY: I think if we had done this correctly – and I know the background in all this because I did participate in the process – but we're looking to end up somewhere around 1.9 million pounds. What Paul Diodati is suggesting is what I said earlier; it is probably a little more than 900,000 pounds; and that's more than just a little waver from where it should be.

To end up with a positive 13 percent increase, there has to be something available. I just don't know that it is going to fit in between what went out for public hearing and what we have here.

For example, Dave Simpson could have taken more than a 75 percent or less than a 75 percent, I should say, from the Amendment 6 quotas.

The only problem we still have is – I will say it nicely – North Carolina and certainly I can't speak on how to fix that exactly, but 2013 and 2012 weren't the only years that North Carolina had a harvest. I don't think I heard anyone through the process ask, well, since you can't take 25 percent of zero and end up with anything, now we have to reshuffle, which is what happened, which is why that table was moved out, and reallocate.

There certainly should have been some possibilities that North Carolina maybe could have supported that would break this stalemate that we have. I do hate to think that there has been such earnest attempts all the way around to arrive at the reduction as close as possible, you know, maybe one year and seven weeks – I don't what it will end up being with the bay's 20.5 percent reduction, but here we have case that it is just sticking out like a sore thumb.

What can you do about that and does it have to be done right now? Is it something that – you know, earlier on I think one of the ambitions of the bay jurisdictions was that with the possibility of more than one year it would get time to remedy this and allow the commercial states on the coast to go forward with their harvest and then make a modification for Year Two, 2016. I know it is a tough situation, Mr. Chairman, but it is really kind of tough to see us not have spent enough time here, perhaps, on this particular issue.

MR. CLARK: Mr. Chairman, given the discussion, this will not be popular, but I have a fairness issues. **I would just like to amend the main motion by putting in the wording “by excluding from the reduction in commercial quota those states that did not receive a quota increase under Amendment 6”.** If I can get a second; I can explain this pretty quickly.

CHAIRMAN GROUT: Tom.

MR. O'CONNELL: Yes, for discussion.

CHAIRMAN GROUT: Tom O'Connell seconded the motion.

MR. CLARK: Yes; I brought this up before. Delaware was the only state with a commercial striped bass fishery that did not receive an increase under Amendment 6. The median increase for the other states was about 44 percent. The total increase in the quota was over 50 percent. I can get into the history of all this, but I know it is late.

I just wanted to say that for a fairness standpoint, the other states will be taking 25 percent off a quota that in most cases they got at least 40 percent increases in their quota back under Amendment 6. Delaware has a small quota; it is only 5 percent of the coastal quota despite the fact that recent evidence shows that Delaware is now producing 14 to 20 percent of the coastal migratory stock; Delaware Bay and River, that is. I just think it is a fairness issue that since we did not receive the increase; that we should not have to take the same cut that the other states are. We will still be below where they would be had we gotten the 40 percent increase under Amendment 6. I will just leave it at that. Thank you.

CHAIRMAN GROUT: Further discussion on this motion to amend? Jim.

MR. GILMORE: Mr. Chairman, I think it is a little difficult. I understand where you're coming from, John, but I don't know what this means now; because we'd have to go back to Amendment 6 and look at who didn't get a quota increase and who did. But in any event, I don't know what this means in terms of the bottom-line numbers. Well, I'll go back if we vote this down. I had comment on the earlier motion.

CHAIRMAN GROUT: Further discussion? Okay, let's caucus for ten seconds.

(Whereupon, a caucus was held.)

CHAIRMAN GROUT: Okay, Mike, can you take the roll call on this?

MR. WAINE: Maine.

MAINE: No.

MR. WAINE: New Hampshire.

NEW HAMPSHIRE: No.

MR. WAINE: Massachusetts.

MASSACHUSETTS: Yes.

MR. WAINE: Rhode Island.

RHODE ISLAND: No.

MR. WAINE: Connecticut.

CONNECTICUT: No.

MR. WAINE: New York.

NEW YORK: No.

MR. WAINE: New Jersey.

NEW JERSEY: No.

MR. WAINE: Pennsylvania.

PENNSYLVANIA: Yes.

MR. WAINE: Delaware.

DELAWARE: Yes.

MR. WAINE: Maryland.

MARYLAND: No.

MR. WAINE: District of Columbia.

DISTRICT OF COLUMBIA: No.

MR. WAINE: Potomac River Fisheries Commission.

POTOMAC RIVER FISHERIES COMMISSION: No.

MR. WAINE: Virginia.

VIRGINIA: No.

MR. WAINE: North Carolina.

NORTH CAROLINA: No.

MR. WAINE: National Marine Fisheries Service.

NATIONAL MARINE FISHERIES SERVICE: Abstain.

MR. WAINE: U.S. Fish and Wildlife Service.

U.S. FISH AND WILDLIFE SERVICE: Abstain.

CHAIRMAN GROUT: **The motion fails three to eleven to two.** Now we have the underlying motion here. Any further discussion? Seeing none; let's vote on this. Again, I'll give you ten seconds.

(Whereupon, a caucus was held.)

CHAIRMAN GROUT: What is the question?

MR. SIMPSON: Paul's motion is basically B-16, right?

CHAIRMAN GROUT: Correct.

MR. SIMPSON: Okay, just help me understand what the range of alternatives are that we have; what is the lowest we can go on the commercial quota? I was confused that you've found my motion out of order. This is the lowest we can go?

CHAIRMAN GROUT: Yes.

MR. SIMPSON: This is basically the only thing we can do, then, because we've already decided 25 percent and there is nothing else that can be considered; is that – unless we wanted to reallocate among the states or something.

CHAIRMAN GROUT: It is the most conservative option that this board elected to put in this addendum for the coastal commercial. Okay, I'm going to try to see if there is any objection to this motion; and if there is, we'll take a roll call? Yes, there is; okay, roll call vote.

MR. WAINE: Maine.

MAINE: Yes.

MR. WAINE: New Hampshire.

NEW HAMPSHIRE: Yes.

MR. WAINE: Massachusetts.

MASSACHUSETTS: Yes.

MR. WAINE: Rhode Island.

RHODE ISLAND: Yes.

MR. WAINE: Connecticut.

CONNECTICUT: No.

MR. WAINE: New York.

NEW YORK: Yes.

MR. WAINE: New Jersey.

NEW JERSEY: Yes.

MR. WAINE: Pennsylvania.

PENNSYLVANIA: Yes.

MR. WAINE: Delaware.

DELAWARE: No.

MR. WAINE: Maryland.

MARYLAND: Yes.

MR. WAINE: District of Columbia.

DISTRICT OF COLUMBIA: No.

MR. WAINE: Potomac River Fisheries Commission.

POTOMAC RIVER FISHERIES COMMISSION: No.

MR. WAINE: Virginia.

VIRGINIA: No.

MR. WAINE: North Carolina.

NORTH CAROLINA: No.

MR. WAINE: National Marine Fisheries Service.

NATIONAL MARINE FISHERIES SERVICE: Abstain.

MR. WAINE: U.S. Fish and Wildlife Service.

U.S. FISH AND WILDLIFE SERVICE: Abstain.

CHAIRMAN GROUT: **The motion carries eight to six to two.** Adam.

MR. NOWALSKY: I was ready to move on and had a motion when you're ready.

CHAIRMAN GROUT: Okay, go ahead; this is for coastal recreational, Page 14. You have a choice between B-1 and B-9. Adam.

MR. NOWALSKY: Well, Mr. Chairman, I move that the states submit for technical review and board approval conservation equivalency proposals for 2015 that achieve the 25 percent and 20.5 percent reductions for the coastal and Chesapeake Bay recreational fisheries, respectively.

CHAIRMAN GROUT: Adam, could I ask one thing because we're working right now just on the coastal recreational according to this decision –

MR. NOWALSKY: If you like me to limit this motion just to that, Mr. Chairman, please remove the 20.5 percent and the Chesapeake Bay elements of the motion I read.

CHAIRMAN GROUT: I would appreciate that; thank you. Okay, is there a second to this motion; Tom O'Connell. Okay, discussion on this motion? I'm going to give Adam the first crack and then I'll find out who is opposed and who is against.

MR. NOWALSKY: Just to perfect that "for conservation equivalency proposals for 2015" so that is in there. It should come after – there you go; thank you very much. Just briefly, I bring this motion forward for a couple of reasons; one per the earlier discussion we had about conservation equivalency.

States are expected to come forward with proposals, anyway. By selecting one of the proposals here tonight, I believe we're doing ourselves an injustice in two areas. One, we're setting an expectation with the public that all states are going to come back with that regulation exactly. If we go ahead and come forward with a proposal for a one-fish limit, let's say, and most states come back with two-fish conservation proposals, then you're going to have an outcry from the public about why we're allowing that.

Secondly, I believe the column that is in the table on the right-hand side that describes a specific percentage associated with each of the specific options would also serve to be misleading when our conservation proposals are going to come back at the 25 percent target and not the numbers that are higher up to 31 percent in that column. Thank you.

CHAIRMAN GROUT: Okay, I'd like to get an idea of who would like to speak in opposition to it right now. Is there anybody who wants to speak in favor of it? Okay, I'll take a question from Paul first and then we'll go –

MR. DIODATI: Actually, I'll pass because I suspect I'm going to hear the answer as you start to have the pros and cons. If not, I'll ask my question at the end.

CHAIRMAN GROUT: Ritchie, you were the first on the list for opposition.

MR. WHITE: Mr. Chair, move to amend to Option B-3 for the coastal recreational fishery.

CHAIRMAN GROUT: Seconded by Pat Keliher.

MR. WHITE: And if I could speak to it, Mr. Chair, this clearly is the overwhelming majority of the public wanted this option. This option does not restrict, Adam, for doing any kind of a conservation equivalency; so any state can come in with a two-fish or one fish in conservation equivalency. It doesn't restrict his ability to do that.

CHAIRMAN GROUT: Okay, who is opposed to this? Steve, you had a question about it?

MR. TRAIN: If B-3 is chosen and the percent of reduction from harvest in 2013 is greater than 31 percent – we've been talking about 25 percent. Would the conservation equivalency for that, when it is brought back, have to be greater than 31 percent if we choose B-3?

CHAIRMAN GROUT: I think that is a decision that we're going to have to make here once we make this decision here. I know there is a motion that somebody wants to make to clarify that at some point; so at least we'll giving the technical committee that clarification. Since we haven't taken formal opposition and favor, I will let the maker of the motion modify it if he wants to if the second will agree to it.

MR. WHITE: I will do a friendly amendment, if there is no opposition, to add that conservation equivalency would be based on a 25 percent reduction.

CHAIRMAN GROUT: Is the seconder okay?

MR. KELIHER: Yes; I'm feeling friendly, Mr. Chairman.

CHAIRMAN GROUT: All right, now we have the motion finalized here. Tom.

MR. FOTE: I'm trying to figure out what is the difference between the two motions. All you're doing is sticking 32 inches in there that is a 31 percent reduction, but you're saying we can do 25 percent. It doesn't make any sense and it would be confusing to the public. If you say it is going to be 25 percent reduction, they understand that and it is less complicated and you can do whatever you want.

Every state, as we know, can be more restrictive, as New York has been for many years by being at one fish; or do we have to change the slot limits in Maine. That is why I'm saying we're probably going to do – the states that have – like Maine has logbooks, so you can state-specific data and they can do their 25 percent reduction on that.

So does New Jersey have logbooks and information that we put together that probably is better than MRFSS; so I won't go there. We'll say that is what it is supposed to be; so I think it is the same motion and that's why I can't really see the difference in the two motions. Maybe you could explain that to me, Ritchie.

CHAIRMAN GROUT: Would you like to take a crack at explaining the difference?

MR. WHITE: If there is no difference, Tom, then I hope you'll support and vote for it.

CHAIRMAN GROUT: Okay, those who are in opposition to this motion. I will go with David first in opposition.

MR. SIMPSON: We were fine with the motion before the perfection, I will say; but adding the conservation equivalency at 25 percent, I'm concerned it is going to undermine one of the most desirable features of striped bass management; and that has been consistency among states. I know when states go back home, if they're faced with one at 32, which is probably I'm going to guess a 40 percent reduction – it couldn't be calculated but it is more than 31.

I mean, you're adding four more inches to 28 and that's 31 percent; or, almost half of that by conservation equivalency; we're all going to go home and be under a great deal of pressure to do something different. Even if we don't, our neighbors will. Through the miracle of navigation, I just figured out that where we're sitting is 3.8 miles from New York and 3.4 miles from Rhode Island; and we're going to end up three different sets of rules within a 3.5 mile radius of here. I would be okay with B-3, certainly, but not with its conservation equivalency.

CHAIREMAN GROUT: Okay, somebody in favor of this. Seeing none; I've got Jim and Tom who wanted to speak against this, I believe. Well, if you're in favor of this, then I guess you get to speak next.

MR. FOTE: Yes; as I said, one motion is not different from the other so I can vote for either one because it allows the states with a 25 percent reduction. I know maybe Dave Simpson talks about – but our regulations have been different from New York since we put in the striped bass regulations from Day One.

Our regulations are different from Delaware because they have a different season in the bay that we don't take advantage of. Our regulations are different from Pennsylvania. We've always had different regulations because it is what the state needs for its fishermen to participate; and that is what conservation equivalency is. As long as we stay with the 25 percent reduction is allowed and we can accomplish that with anything we can do, then that is what we're supposed to be doing because we are here – and if I missed the last motion, we voted for a 25 percent reduction and that is what we're supposed to be doing. I am in support of the motion as long as it allows for a 25 percent reduction.

MR. GILMORE: Mr. Chairman, just quickly; in looking at this, this is the oddest conversation I think I've had in the seven years I've been here because usually we're arguing about reducing quotas. I completely applaud the folks at one at 32; I think it is a great thing. That option should be an option in doing this.

We have to take a 25 percent reduction; and one fish at 28 is a 31 percent reduction, which is getting us more than what we need. I would be opposed to this because – and I think we're going well beyond where we need to go; but this does not preclude, if we went to the one at 28, an option of any state going to the one at 32 to be more conservative. Thank you.

DR. DANIEL: I've got several problems here with all of this. First, I need the regulations in place by December 1 in order for me to account for my recreational fishery. If we really do have

the fish show up in January and February like we have in the past, which may not be likely but it could happen, we're not going to have these rules in place in time. We can catch a lot of striped bass recreationally when they show up.

I'm still amazed that we haven't thought more about protecting the large brood stock fish. There are a few options in here for the slot limit; but just the sight of people coming in now with if it is a one-fish limit with eight 40-pound fish on a charter that usually runs three a day when the fish are available, that just seems crazy to me.

We're really not talking about anything that does anything to protect the big female fish. I do have serious concerns about the 32-inch reduction; and I'm just wondering if everybody else – I mean, is everybody else thinking what I'm thinking, which is we're not really reducing the commercial fishery but we're reducing the recreational fishery by 31-plus percent.

That is a huge discrepancy in what we're doing. By going with the Amendment 6 – and I know that was the most conservative thing we had on the books; but that is an increase in their 2013 harvest in the commercial fishery; and we're going to hit the recreational with 31 percent. I think we're going to get creamed.

CHAIRMAN GROUT: Anybody in favor? Okay, let's caucus on this.

(Whereupon, a caucus was held.)

CHAIRMAN GROUT: **Move to amend to Option B-3 for the coastal recreational fishery. Conservation equivalency is based on a 25 percent reduction.** Motion by Mr. White and seconded by Mr. Keliher. Okay, let's put it this way; is there any opposition to this motion? Yes; okay, roll call vote.

MR. WAINE: Maine.

MAINE: No.

MR. WAINE: New Hampshire.

NEW HAMPSHIRE: No.

MR. WAINE: Massachusetts.

MASSACHUSETTS: Yes.

MR. WAINE: Rhode Island.

RHODE ISLAND: Yes.

MR. WAINE: Connecticut.

CONNECTICUT: No.

MR. WAINE: New York.

NEW YORK: No.

MR. WAINE: New Jersey.

NEW JERSEY: No.

MR. WAINE: Pennsylvania.

PENNSYLVANIA: Yes.

MR. WAINE: Delaware.

DELAWARE: No.

MR. WAINE: Maryland.

MARYLAND: No.

MR. WAINE: District of Columbia.

DISTRICT OF COLUMBIA: No.

MR. WAINE: Potomac River Fisheries Commission.

POTOMAC RIVER FISHERIES COMMISSION: No.

MR. WAINE: Virginia.

VIRGINIA: No.

MR. WAINE: North Carolina.

NORTH CAROLINA: No.

MR. WAINE: National Marine Fisheries Service.

NATIONAL MARINE FISHERIES SERVICE: No.

MR. WAINE: U.S. Fish and Wildlife Service.

U.S. FISH AND WILDLIFE SERVICE: No.

CHAIRMAN GROUT: The motion fails three to twelve. We now have the underlying – Paul.

MR. DIODATI: I'm sorry; I forgot there was an underlying motion.

CHAIRMAN GROUT: Hold on a minute; I misspoke. **The motion fails three to thirteen.** Paul, did you want to speak?

MR. DIODATI: Well, the main motion now, I guess that means we're going forward without any base – there is no standard for the coast with this motion?

CHAIRMAN GROUT: Under the current motion; yes, you are correct.

MR. DIODATI: So we just come in with whatever size limit and bag limit we choose and demonstrate that it results in a 25 percent reduction; so it just seems to me that could haphazard for a number of reasons and difficult to analyze the impacts of that sort of things moving forward.

MR. ABBOTT: If we approve this, what would be a time frame for submittal of the proposals, technical review and approval by the board when we're not meeting again until February?

CHAIRMAN GROUT: There is a motion that has been prepared to state when that is; but we're essentially trying to get it in either by 2015, if that motion passes, the beginning of the year or before the fishery starts. Bob.

EXECUTIVE DIRECTOR BEAL: Just a question; since Options B-1 through B-9 achieve at least a 25 percent reduction; could a state go ahead and implement those regulations without technical committee review since they have already been developed and reviewed by the plan development team and technical committee

or would they still need to be part of a conservation equivalency proposal?

CHAIRMAN GROUT: The motion doesn't speak to that because, clearly, we have those options in there. This only speaks to conservation equivalency options; but, clearly, the states would have to have an implementation plan at a minimum.

EXECUTIVE DIRECTOR BEAL: I was just hoping to speed up the process; because if you submit conservation equivalency proposal, then it has to go to the technical committee and there are multiple steps. If you're just picking one off of the list, the B-1 through B-9, and the Plan Development Team Chair or whoever who can verify that state's proposal is consistent with these options; they can go ahead and implement that.

It is a much faster process than going through the technical committee review; so I'm just trying to see if – but I would also envision if a state wants to deviate from B-1 through B-9, then we would have to have conservation equivalency proposals approved by the technical committee and by the board.

CHAIRMAN GROUT: Do you think we need that specifically in the motion since this specifically says board approval of conservation equivalency proposals?

EXECUTIVE DIRECTOR BEAL: I think if the board is comfortable with that process, then that's fine; but I'm just suggesting another course that might work.

MR. NOWALSKY: **I would offer two things. One, I would submit that since these were proposals that were reviewed by the technical committee and the board voted to include in the document under the 25 percent reduction; that they have met both of those. I would also go on record with saying that the acceptance of B-1 through B-9 by a state meets the intent of the motion by the maker.**

CHAIRMAN GROUT: Without a conservation equivalency proposal?

MR. NOWALSKY: Correct.

CHAIRMAN GROUT: Okay; are we comfortable with it being part of the record? Dave.

MR. SIMPSON: Yes; I'm uncomfortable as I sense Paul may be with the lack of guidance that would help us achieve some consistency on the coast. I can imagine the mishmash and how much fun it is going to be to figure out the PR vector on this one a couple years from now and everyone has radically different rules.

More importantly and of greater relevance to anglers is that desire to work toward consistency; and for that reason **I'm going to move to substitute Option B-1, one fish at 28 inches, and stipulate that any conservation equivalency proposals meet the 31 percent calculated reduction associated with one fish at 28. I lost my train of thought after that.**

CHAIRMAN GROUT: Is there a second to that motion; Jim Gilmore.

MR. SIMPSON: Yes; so if I could, this goes back to the struggle we had for a considerable amount of time on where do we really end up if the coast goes to 25 precisely and the bay goes to 20.5 precisely; do we get our one year. This gets one year; and no doubt about it achieves the calculated 50 percent probability of achieving our target within one year. That is why I think it is important to let's get specific and let's try to stay on the same page with striped bass in terms of regulations to the extent we have currently. Thanks.

MR. FOTE: We are being disingenuous. We just voted on the 25 percent reduction; and now because you're picking out one fish at 28 inches, you're basically saying we have to have a 31 percent reduction, which is 6 percent greater than we voted on and we went through the plan. This makes no sense whatsoever.

I understand Dave saying that he wants to be consistent; but we just sat here and saying Maine is not consistent, New Jersey is not consistent, Delaware is not consistent, Pennsylvania is not consistent. I don't know what other states are

doing, but I can at least name five states right there. This is disingenuous to the public and it also does not leave the flexibility for the states that have to handle different types of responsibility in their state to look out for what happens in their state.

It might be perfectly acceptable for his fishermen to have one fish at 28; and that is great, let them go one fish at 28; but we have to accommodate the fishermen in our state, the charterboat, the partyboat and the recreational guys and the guys that fish from the beach. We need that flexibility as long as we make the 25 percent reduction. I didn't for a 31 percent reduction; I don't think anybody around this table voted for a 31 percent reduction. I think these motions are out of order.

CHAIRMAN GROUT: Who would like to speak in favor of this? Anybody else want to speak against it? Okay, we will now caucus for ten seconds.

(Whereupon, a caucus was held.)

CHAIRMAN GROUT: Okay, are we ready to vote here? Not seeing anybody waving their hand; I'm going to take a roll call vote on this because I don't think it will be unanimous.

MR. WAINE: Maine.

MAINE: Yes.

MR. WAINE: New Hampshire.

NEW HAMPSHIRE: Yes.

MR. WAINE: Massachusetts.

MASSACHUSETTS: No.

MR. WAINE: Rhode Island.

RHODE ISLAND: No.

MR. WAINE: Connecticut.

CONNECTICUT: Yes.

MR. WAINE: New York.

NEW YORK: No.

MR. WAINE: New Jersey.

NEW JERSEY: No.

MR. WAINE: Pennsylvania.

PENNSYLVANIA: Yes.

MR. WAINE: Delaware.

DELAWARE: No.

MR. WAINE: Maryland.

MARYLAND: No.

MR. WAINE: District of Columbia.

DISTRICT OF COLUMBIA: No.

MR. WAINE: Potomac River Fisheries Commission.

POTOMAC RIVER FISHERIES COMMISSION: No.

MR. WAINE: Virginia.

VIRGINIA: No.

MR. WAINE: North Carolina.

NORTH CAROLINA: No.

MR. WAINE: National Marine Fisheries Service.

NATIONAL MARINE FISHERIES SERVICE: No.

MR. WAINE: U.S. Fish and Wildlife Service.

U.S. FISH AND WILDLIFE SERVICE: No.

CHAIRMAN GROUT: **The motion fails four to twelve; so we have the underlying motion now.**

MR. DIODATI: I would like to make another substitute motion. I would like to move to approve Option B-1, one fish at 28 inches.

CHAIRMAN GROUT: Bob, is this close enough that we'd have to rule it out of order or is it significantly different because it doesn't include the 31 percent standard? I don't have a second yet; I was trying to get whether I'm going to rule it out of –

EXECUTIVE DIRECTOR BEAL: Do you want me to answer your question or do you want to get a second? I think the motion needs to specify what the intent is with relationship to conservation equivalency. The previous motion said 31 percent. If this one means that the intent of this motion is 31 percent, also, then it is an identical motion. If it is something different at 25 percent, then I think it is substantially different and it would be in order.

CHAIRMAN GROUT: Paul, do you want to –

21a MR. DIODATI: Then I would perfect it to say move to substitute to approve Option B-1, one fish at 28 inches, with all conservation equivalent measures equaling a 25 percent reduction in harvest.

CHAIRMAN GROUT: Seconded by Pat Keliher. Would you like to speak to it?

MR. DIODATI: I think this is much more consistent with what we've been dealing with today and what actually went out to public hearing in the addendum. These are questions that came up with some individuals at our public hearings that I had. I just assume that if it was going to be a 25 percent reduction; then that is what we would be targeting for conservation equivalency.

If it wasn't, then maybe we would have instructed the technical committee to just come up with those measures that equal the 25 percent reduction. We didn't do that. We gave them the flexibility; and they came up with measures that were close but not quite 25 percent. If we don't have this option, I actually agree with some of what Tom Fote said earlier that it would eliminate perhaps many important options for

certain segments of our fisheries, particularly the for-hire fishery. That is why I'm making this motion.

CHAIRMAN GROUT: Would anybody else speak to this motion? Adam, are you for or against?

MR. NOWALSKY: I'll speak against, Mr. Chairman. Very briefly, earlier we heard the comment that people want to make this fishery in their own image. It seems at this point we're just going through the list of the options when we're going to have the conservation equivalent options, anyway. If that is the direction we're going to go, then I would encourage this board to look at doing away with conservation equivalency in this plan some time in the future, anyway.

CHAIRMAN GROUT: Anybody want to speak in favor of it? Jim.

MR. GILMORE: This I think does exactly what we need to do. I think we need to walk out of the room with some standard. This is the standard number for all the states to deal with. We can deal with conservation equivalency over the next few months. This essentially accomplishes everything we need to do under the addendum; so I support the motion.

CHAIRMAN GROUT: Anybody else against? Okay, seeing none, we're going to move the question here. Do you need time to caucus? Move to substitute to approve Option B-1, one fish at 28 inches, with all conservation equivalent measures equal to a 25 percent reduction in harvest. Motion by Mr. Diodati and seconded by Mr. Keliher.

REPRESENTATIVE KUMIEGA: Equal to 25 percent or more or 25 percent, period?

MR. DIODATI: The intent was 25 percent or more. Thank you. I'm willing to perfect that if the seconder is willing.

CHAIRMAN GROUT: Just for clarification. It is also in the meeting minutes. **Okay, move to substitute to approve Option B-1, one fish at 28 inches, with all conservation equivalent**

measures equal to a 25 percent or greater reduction in harvest. Okay, take the roll call, please.

MR. WAINE: Maine.

MAINE: Yes.

MR. WAINE: New Hampshire.

NEW HAMPSHIRE: Yes.

MR. WAINE: Massachusetts.

MASSACHUSETTS: Yes.

MR. WAINE: Rhode Island.

RHODE ISLAND: Yes.

MR. WAINE: Connecticut.

CONNECTICUT: Yes.

MR. WAINE: New York.

NEW YORK: Yes.

MR. WAINE: New Jersey.

NEW JERSEY: No.

MR. WAINE: Pennsylvania.

PENNSYLVANIA: Yes.

MR. WAINE: Delaware.

DELAWARE: No.

MR. WAINE: Maryland.

MARYLAND: Yes.

MR. WAINE: District of Columbia.

DISTRICT OF COLUMBIA: Yes.

MR. WAINE: Potomac River Fisheries Commission.

POTOMAC RIVER FISHERIES COMMISSION: Yes.

MR. WAINE: Virginia.

VIRGINIA: Yes.

MR. WAINE: North Carolina.

NORTH CAROLINA: Yes.

MR. WAINE: National Marine Fisheries Service.

NATIONAL MARINE FISHERIES SERVICE: Yes.

MR. WAINE: U.S. Fish and Wildlife Service.

U.S. FISH AND WILDLIFE SERVICE: Yes.

CHAIRMAN GROUT: **Motion passes fourteen to two. Now we have it as the main motion. Is there any objection to the main motion? Seeing none, it is a unanimous vote in favor.** Okay, it almost 7:30; do we want to keep plugging? We have two more sections to do; the bay recreational and the bay commercial. Rob.

MR. O'REILLY: If there is a will to continue, I have a motion for the Chesapeake Bay jurisdictional recreational fisheries.

CHAIRMAN GROUT: I'm willing to keep going. Go ahead, Rob.

MR. O'REILLY: The motion would be similar to what Adam Nowalsky made; and I will read it: **move that the Chesapeake Bay jurisdictions submit for technical committee review and board approval conservation equivalency proposals for 2015 that achieve a 20.5 percent reduction in the Chesapeake Bay jurisdictional recreational fisheries.**

If I can, I think at this time we don't have something that fits that just as the coastal had several options; and the reason is that although there is a two-year situation, what is in the addendum is really for one year and three years; so that we will need to not only have the conservation equivalency, we'll also need to

have those results run so that we know exactly what we can end up with.

If you look in the document, for example, you can see that for the 17 percent reduction; that certainly C-4 describes a 20-inch minimum at 22 percent. Well, probably that is not going to quite be the same thing for 20.5 percent reduction; but we don't know yet as far as we stand right now; but certainly C-4 was a favored option both at the advisor level and also from the bay jurisdictions. That is where we stand; and thank you.

CHAIRMAN GROUT: Is there a second to this; Tom O'Connell. I'll take it that was your discussion in favor of the motion, Rob?

MR. O'REILLY: That was.

CHAIRMAN GROUT: Okay; speaking against it? Question?

MR. WHITE: A question for the maker of the motion; since we already approved a motion that requires Chesapeake Bay to have their regulations in effect for the 2015 fishing season, I would ask Chesapeake Bay how they would do that and to come back to this board in February and then implement regulations prior to the fishing season?

MR. O'REILLY: I will respond. It depends when the fishing seasons start; and in April it is about mid-April; PRFC, the same way. D.C. is May; Virginia is May, and that is only a trophy fishery starting May 1. I think we will have time to go through the process. What we like about the conservation equivalency approach is that it brings a chance to those who are on advisory panels and in the public to look at the suite of approaches. I hope that addresses your question.

CHAIRMAN GROUT: Do you have a follow-up to that?

MR. WHITE: A follow-up, Mr. Chair, if I may; so when you say "May", you're indicating that if the technical committee approves it and the board approves it in February, you will have the regulations in place prior to the fishing beginning; is that –

MR. O'REILLY: That is what you said and I agree with it. We have a regulatory process at the Virginia Marine Resources Commission; we usually take two months; a discussion month and then a final month to pass a regulation. We certainly can do that in one month as well; so, yes, we can satisfy that request.

MR. WHITE: Will the bay be providing the technical committee with more than one option in the case that option does not pass muster with the technical committee?

MR. O'REILLY: The bay certainly can although it is our hope, since we've been meeting quite frequently, that we can have some unified approach; and that is really the goal.

CHAIRMAN GROUT: There is a question about the motion from the PDT Chair.

MR. WAINE: Rob, I just wanted to be clear because there is a distinction for the bay options between 2012 and 2013; so is this reduction from 2012 or '13?

MR. O'REILLY: The reductions are supposed to be either from the 2012 harvest or the 2013 quota. We haven't crossed that situation yet; so the 20.5 will be from either is the way that is presented; is that your question? What is established by the board; that will be the 20.5 percent reduction.

MR. WAINE: So do you plan to do that in a separate motion?

MR. O'REILLY: We've been going through this decision tree; and I haven't heard any finalization as to which of those two bases that we're going to take our reduction from. We have promoted the 2012 harvest at the previous boards.

CHAIRMAN GROUT: You have a specific Option C-8 that takes the reduction from the 2012 harvest or D. All the other ones are reductions from the 2013 harvest.

MR. O'REILLY: Yes, if I may, C-4 through C-6 could lend themselves to the 2012 harvest. C-7 through C-8 could lend itself to the quota

obviously; it states that. None of those at this time are certain to achieve the 20.5 percent reduction because in the C area, that is based on 17 percent applied in the first year and then coming to fruition by the third year. That is why the conservation equivalency is important; but I'm intrigued by the question from the PDT Chair on where these reductions are supposed to start from.

MR. WAINE: Rob, when the technical committee reviews the conservation equivalencies to see if they're equivalent, I'm asking what are they equivalent to, a 25 percent reduction from 2012 or 2013 – excuse me, 20.5 percent reduction; sorry.

MR. O'REILLY: Thank you for clarifying that; it would be a 20.5 percent reduction from the 2012 harvest.

CHAIRMAN GROUT: So we have a motion and a second; is there further discussion? Tom.

MR. FOTE: I would just like clarification. This is for the striped bass under harvest control model; this is not for the coastal migratory stock that you harvest; because that has to have a 25 percent reduction.

MR. O'REILLY: That is correct; it does not include the coastal migrants. However, as mentioned in August, the harvest control model is sleeping right now; and we're resting on what happened a few years ago as we go forward and we hope to wake up the harvest control model at some point in the future.

CHAIRMAN GROUT: Further discussion on this motion? Seeing none; we will give you ten seconds to caucus on this.

(Whereupon, a caucus was held.)

CHAIRMAN GROUT: Do people need more time; is everybody all set? I'm going to try this. Is there any objection to the motion or abstentions to the motion? **Seeing none; the motion passes unanimously.** We're getting close here, folks; I appreciate your diligence in this. All right, now we're down to the Chesapeake Bay commercial. Rob.

MR. O'REILLY: **I would like to make a motion that there would be a 20.5 percent reduction from the 2012 commercial harvest. That reduction would be applied and set before the 2015 seasons.** In Virginia we do start early; we start January 15; so this in fact will be decided in December by our commission. For the other jurisdictions; I can't speak to their timing but at least that is the Virginia jurisdiction.

MR. O'CONNELL: I will second the motion and I can comment. Maryland has the authority to put this in place by January and by the time our fishing season begins as well.

CHAIRMAN GROUT: Okay, that was seconded; and just so that we're consistent, can PRFC tell us about their implementation ability on this?

MR. GARY: Yes, Mr. Chairman, we can initiate by order; so we can do that in a timely manner as well.

MR. DIODATI: Can I just get some clarification again about why 2012 and give us an idea of what the landing values were in that year versus 2013.

MR. O'REILLY: It is in the white paper which I can pull out; but the clarification is that for the 2013 season we enacted a 14 percent reduction based on our interpretation of the exploitable stock biomass, that the year class strengths that form that exploitable stock biomass had been average to below average, and the bay jurisdictions took a 14 percent reduction.

For that reason we asked back in June, I think it was, not to use the 2013 harvest year; and then in August we asked to use the 2012 harvest that was added to the addendum. The difference is probably, what I recall, 300,000 pounds total for the bay. I would be happy to start digging and can share that in a few moments; but the basis is that even with the 2013 quota, to use that, that represents a 14 percent decrease as well.

I was just asked by Mr. O'Connell as well; but overall there is probably a tossup on the recreational side. On the commercial side there

is probably a 300,000 pound difference between 2012 and what the 2013 quota reduction would be. I hope that everything that we have plied into our informative white paper for two board meetings give a pretty good explanation of the proposal for 2012.

CHAIRMAN GROUT: Further discussion on this motion? Okay, seeing none, I am going to give you ten seconds to caucus.

(Whereupon, a caucus was held.)

CHAIRMAN GROUT: Okay, the harvest, just in case people want to know specific numbers, in 2012 was 3.9 million; and you apply a 20.5 percent reduction, it would be about 3.1 million.

MR. WHITE: A question for the technical committee; does this meet the spirit of the motion that we first passed that said the bay had to reduce mortality by 20.5 percent?

MR. WAINE: Yes; the motion was a 20.5 percent harvest reduction; so this is a achieving a 20.5 percent harvest reduction from 2012.

MR. SIMPSON: Well, our smidge is turning into a smudge, to borrow Craig's term. We did this for the recreational, but I thought what we had agreed was that we would all reduce from 2013 harvest; did we not, 20.5 percent from 2013? No, okay, so just bear in mind that the coastal recreational states will probably be going to something like a 31 percent reduction; and the bay states will be doing about a 6 percent reduction; and that will put us even further from our goal of achieving at least a 25 percent reduction in Year One. Let's not kid ourselves that we're getting closer to that one year that we spent about an hour and half obsessing over the approximate or almost. We're getting further and further from that; just so everybody is clear.

CHAIRMAN GROUT: Boy, for something that we said we had no more questions on and no more debate on, we were caucusing here, and we're continuing to debate. I'm going to start taking for and against again. Who is in favor of this? Rob.

MR. O'REILLY: I'm certainly in favor, but I want to respond to some of the information I heard, because it has been a long time since June. In June the request was made by Dr. Daniel to remove the 2013 harvest as a basis for reduction for the coastal commercial fisheries; and at that same meeting I made the motion to remove the 2013 harvest basis.

That is why that is not part of this right now. The other concern I have is a comparison with a coastal commercial situation, which is now going to be 13 percent increase by virtue of our actions, to compare that with what the Chesapeake Bay jurisdictions are doing – I'm not finding fault, by the way; I'm just trying to explain, so I hope you understand that.

The bay jurisdictions are using 2012 again because going into 2013 the quota itself was reduced by 14 percent; and the harvest certainly responded even more than that as far as that goes. In 2012 not all the quota was realized, of course, because we've got these ITQs and ITWQs. I don't think the Virginia quota has been realized commercially in the bay probably since around 2005; so not everyone is using their tags for whatever reason.

The only reason I'm saying this I think that in the bay we owe it to explain that we do keep with the spirit of the addendum; and in June there was a conscious decision by the board to make an allowance and then again in August to allow the 2012 harvest. I just wanted to assure everyone that it is still going to be pretty close. It is not going to be that much different. When you 20.5 percent from commercial fishermen, you take their tags right away on an individual basis, it carries some weight, no pun intended.

MR. NOWALSKY: I will go one step further, Mr. Chairman, and I move to amend to replace "2012 harvest" with "2013 quota".

CHAIRMAN GROUT: Is there a second to this; Ritchie White. Discussion on the amended motion? Tom O'Connell.

MR. O'CONNELL: Rob made a lot points, so we're looking at a coastal commercial fishery that interacts with primarily large female fish.

The decision has made to allow that fishery to operate at higher levels in 2013. Even if the performance is like previous years and North Carolina doesn't catch their fish; that reduction is still far under 25 percent.

The bay states have been managing this fishery proactively and took and took a 14 percent reduction in 2013. We feel like 2012 is a good reference point. As Rob said, it is not a big difference; but given the fact that our commercial fishermen are going to be hit with a 20.5 percent reduction on primarily a male-based fishery, we think that this is a reasonable request for 2012. I ask to vote down this amended motion.

MR. ABBOTT: Actually, I'm not in favor, but I just need some clarification, if I may.

CHAIRMAN GROUT: From the PDT or from the maker of the motion?

MR. ABBOTT: Probably from Rob, I guess. This morning when I was looking at Table 2 on Page 23 of the document, I was looking at the overall Chesapeake Bay quota; and I did see the reductions that were imposed upon you. Then I looked at what you actually caught; and from my quick math figures, I saw that every year for the past six years you did not catch the quota and you averaged being under by about 22 percent. My question is when all is said and done, could you explain to me how we will actually achieve a reduction, if that is clear enough, Rob?

MR. O'REILLY: The reduction will be from 2012, we hope. If it is from the 2013 quota, we don't hope for that, but in any case it is still a reduction especially for the commercial fishery. I think what we haven't talked about is when we had the transferability of quota, for good or for bad the Chesapeake Bay jurisdictions have never transferred quota.

We start each season with our own allocation and we have stayed well within the guidelines, which are the bay-wide quota. Mr. Abbott, as you go through that, what you don't have, of course, is 1997 forward in that table; so from that time until now we have been

underachievers. I think I mentioned before with the recreational fishery, they certainly were overachievers for four years in Virginia until it started to get a little bit puzzling.

As a matter of response, the response to our regulation changes didn't really track until about 2007. There is a bit of the economic influence here that we don't talk about a lot; but certainly on the recreational end of the quota we certainly heard in Virginia at our public hearings that things had fallen off quite a bit.

That has rebounded a little bit somewhat, 20 percent, but it is not like it was back from 1997 to 2006. I think that is probably a lot of information, but the clearest information is the reduction will occur. It occurs statistically with the recreational fishery. We don't have the option yet because it is a two-year process instead of a one or three.

The commercial fishery, no matter what we do, whether it is 2012, which we hope as the basis, or 2013; that is a forfeiture of tags right away. Again, what I'm worried about is this eleventh hour and the fact that our promotion of this type of approach to our management started with the board in June and now we're in our third meeting and there are some questions that we really thought we had addressed earlier.

CHAIRMAN GROUT: David, are you speaking for or against this?

MR. SIMPSON: I actually just needed my memory refreshed. If they could possibly bring up the motion that we passed where we adopted the 25 percent cut for the coast and 20.5 percent for the bay, if I could just see that, it would help me a lot. It didn't have a year in there after all the time we spent on it?

MR. WAINE: It didn't specify a year of which the reduction would occur; but for the coastal options, the only option was to take it from the 2013 harvest. But because of the harvest control model in the Chesapeake Bay and the fact that they were adjusting for the decrease in exploitable biomass, the board included an option to take it from the 2012 harvest as opposed to the 2013 quota, because they had

already taken a 14 percent reduction from 2013 quota.

MR. SIMPSON: I appreciate your bringing that up; so move that prior to the 2015 season jurisdictions implement rules to achieve the new mortality target by implementing a 25 percent in harvest in coastal fisheries and a 20.5 percent reduction in Chesapeake Bay fisheries; and everyone around this table understood that we were talking about different years? I sure didn't. I won't be sarcastic; it is late. I did not think we were talking about different baselines. That is maybe an opportunity I missed and maybe everybody else understood we were working off a different baseline.

DR. DANIEL: My understanding was that the coastal commercial harvest would be reduced based on Amendment 6 quota; and that results in about a 13 percent increase over the 2013 landings. I don't know what that does to the 2012 landings. For the bay, I don't guess you have an Amendment 6 quota; so there is no way to use that for the bay reduction.

The fact that they have been proactive and included a reduction in year '13 – using 2013 is a double whammy for the bay. So heaped on the 14 percent that they voluntarily took, they're going to take another 20.5 percent; so you're going to have the bay states taking a 35 percent reduction and the coastal commercial is going to have about a potential for an increase in the quotas from 2013.

REPRESENTATIVE KUMIEGA: I think Mike just mentioned this; but what went out to public hearing; what was in the document that went out for public hearing?

MR. WAINE: Both options of taking the reduction from the 2013 quota in the bay or 2012 harvest went out for public comment.

MR. O'REILLY: I hope David Simpson doesn't mind me saying this; but when we promoted the 2012 harvest, it was David that supported it and made a comment that because of the ITQ fisheries, that that really made sense. I know we all deal with a lot of information, but I think it

has been well schooled through the board; and Louis' comments are right on target.

CHAIRMAN GROUT: Further comments from the board? Okay, I am not going to take anymore questions or comments on this even if you come up with one afterwards. Please caucus.

(Whereupon, a caucus was held.)

CHAIRMAN GROUT: Okay, I have a feeling we're going to need to take a roll call vote on this.

MR. WAINE: Maine.

MAINE: No.

MR. WAINE: New Hampshire.

NEW HAMPSHIRE: No.

MR. WAINE: Massachusetts.

MASSACHUSETTS: No.

MR. WAINE: Rhode Island.

RHODE ISLAND: No.

MR. WAINE: Connecticut.

CONNECTICUT: No.

MR. WAINE: New York.

NEW YORK: No.

MR. WAINE: New Jersey.

NEW JERSEY: Yes.

MR. WAINE: Pennsylvania.

PENNSYLVANIA: Yes.

MR. WAINE: Delaware.

DELAWARE: No.

MR. WAINE: Maryland.

MARYLAND: No.

MR. WAINE: District of Columbia.

DISTRICT OF COLUMBIA: No.

MR. WAINE: Potomac River Fisheries Commission.

POTOMAC RIVER FISHERIES COMMISSION: No.

MR. WAINE: Virginia.

VIRGINIA: No.

MR. WAINE: North Carolina.

NORTH CAROLINA: No.

MR. WAINE: National Marine Fisheries Service.

NATIONAL MARINE FISHERIES SERVICE: No.

MR. WAINE: U.S. Fish and Wildlife Service.

U.S. FISH AND WILDLIFE SERVICE: No.

CHAIRMAN GROUT: **The motion fails two to fourteen.** Now we have the underlying motion. Do you need time to caucus on this? Are you ready, Mike?

MR. WAINE: Maine.

MAINE: Yes.

MR. WAINE: New Hampshire.

NEW HAMPSHIRE: Yes.

MR. WAINE: Massachusetts.

MASSACHUSETTS: Yes.

MR. WAINE: Rhode Island.

RHODE ISLAND: Yes.

MR. WAINE: Connecticut.

CONNECTICUT: Yes.

MR. WAINE: New York.

NEW YORK: Yes.

MR. WAINE: New Jersey.

NEW JERSEY: Yes.

MR. WAINE: Pennsylvania.

PENNSYLVANIA: Yes.

MR. WAINE: Delaware.

DELAWARE: Yes.

MR. WAINE: Maryland.

MARYLAND: Yes.

MR. WAINE: District of Columbia.

DISTRICT OF COLUMBIA: Yes.

MR. WAINE: Potomac River Fisheries Commission.

POTOMAC RIVER FISHERIES COMMISSION: Yes.

MR. WAINE: Virginia.

VIRGINIA: Yes.

MR. WAINE: North Carolina.

NORTH CAROLINA: Yes.

MR. WAINE: National Marine Fisheries Service.

NATIONAL MARINE FISHERIES SERVICE: Yes.

MR. WAINE: U.S. Fish and Wildlife Service.

U.S. FISH AND WILDLIFE SERVICE: Yes.

CHAIRMAN GROUT: **The motion carries unanimously.** We've got one more motion and that is the implementation motion. Actually two more; we still have to approve the whole addendum.

MR. SIMPSON: In my now brain-dead state, I'm going to make a motion; and if makes no sense somebody tell me. I move for an implementation date of January 1, 2015; **and I move to submit conservation equivalency proposals by December 1, 2014, for technical committee review the first week of January 2015 and board review and action at the February meeting in 2015.**

CHAIRMAN GROUT: Is there a second to this motion; Jim Gilmore. Discussion on the motion? I am going to give you one last chance; because once we go to vote – okay, Russ.

MR. ALLEN: I'd just like to offer up a friendly to change that to January 1 for technical committee review. I just don't us getting anything done in a month. We're talking next week is to start putting something together; so that would be very, very tough to do.

MR. WAINE: The reason for December 1st submission was to give our technical committee time to review these proposals in time to make a judgment so that it could be included in the board materials for the February meeting for the board. If you want to push it back, that is at the board's will but just know that your technical committee is going to get less time to review the proposals.

CHAIRMAN GROUT: And I would see, clearly, if you're going to be coming up with a conservation equivalency proposal that is something based on something outside of what was in the document for recreational fishing; then that might take a little bit longer, but it is a month that you'd have to do to put it together. John.

MR. CLARK: Just a question on the conservation equivalency; this would include, for example, our slot size limit fishery in the river and bay we'd have to come up with the

equivalents for that also by December 1st, as well as just the regular coastal recreational?

CHAIRMAN GROUT: Yes. Ritchie.

MR. WHITE: Didn't we already vote in a motion that January 1, 2015, implementation; didn't we already have that in a motion? It was the second motion, I thought, prior to the fishing beginning in 2015. Okay, so this is consistent with that? We don't need to add that in; that is already a part of this; so a state couldn't start their fishing season – if they wanted to do conservation equivalency and their fishing season started prior to February, they are at one fish 28 inches?

EXECUTIVE DIRECTOR BEAL: What we have sort of traditionally done is set an implementation date, which is the effective date of the addendum; but the language in the original motion which says you have to have everything in place prior to your fishery is allowed. If you don't have a fishery that begins until April 1st, the regulations don't have to be in place January 1; but the reference points and other provisions, such as no coastal commercial transfers and the other issues that you've gone through today, those are in effect on January 1, 2015. The regulations that control the fishery don't have to be in place until your fishery begins.

CHAIRMAN GROUT: Are there any further questions or comments, discussion? Okay, I'm going to try this. Is there any objection to the motion? Okay, we will vote on it. Do you want a roll call on this? Okay, all those in favor raise your hand; opposed. **The motion carries fifteen to one.** Bill.

MR. ADLER: Is it time for a motion to accept addendum as modified today?

CHAIRMAN GROUT: Yes.

MR. ADLER: Then I so make that motion.

CHAIRMAN GROUT: Seconded by everybody; all right, Loren, I saw you first, okay. Is there any objection to this motion?

Thank you very much; even though this is a final action, but we have a unanimous vote.

ADJOURNMENT

CHAIRMAN GROUT: Thank you all very much for a very long, arduous meeting. I just want to thank, number one, the PDT. I want to thank all the board members. This was a tough battle. I think we came up with a solution that most people can live with. Thank you.

(Whereupon, the meeting was adjourned at 8:05 o'clock p.m., October 29, 2014.)