

ATLANTIC STATES MARINE FISHERIES COMMISSION
1400 SIXTEENTH ST., NW #310
WASHINGTON, DC 20036

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DRAFT
MINUTES OF THE ISFMP POLICY BOARD
SEPTEMBER 23, 1992
ATLANTIC BEACH, NORTH CAROLINA

ATTENDANCE:

Members:

Bill Brennan, ME
E.W. Spurr, NH,
proxy for Don Normandeau
Eric Smith, CT
Phil Coates, MA
Richard Sisson, RI
proxy for David Borden
Gordon Colvin, NY

Bruce Freeman, NJ,
proxy for Bob McDowell
Ed Miller, PA
Bill Wagner, DE
Pete Jensen, MD
Bill Pruitt, VA
Bill Hogarth, NC

Paul Sandifer, SC
Duane Harris, GA
Jack Pons, FL, proxy M. Newberger
John Brown, FWS-SE
Dick Schaefer, NMFS-MD
A.C. Carpenter, PRFC
Ira Palmer, DC

Commissioners:

Louis Zglobicki, ME
Tom Fote, NJ
Larry Cantwell, NY
Timothy Targett, DE

Tony Verga, MA
Fred Meers, MD
G.L. Gunther, CT
Bonnie Brown, VA

Jennifer DiLorenzo, NY
proxy for Owen H. Johnson
Kenny Daniels, NC

Guests:

Mike Street, NC
Bruce Halgren, NJ
Wilson Laney, FWS
Bill Goldsborough, CBF
Bob Dorazio, FWS
Victor Crecco, CT
Paul Rago, FWS
John Bryson, MAFMC
Dennis Spitsbergen, NC
Sara Winslow, NC
Katy West, NC
John C. Barnes III
Bud Cross, NMFS
Jerry Schill, NCCFA
Vaughn Douglass, FWS, NE
proxy for Steve Rideout

David Stevenson, ME
Chet Zawacki, NY
Rick Bennett, FWS
Douglas Grout, NH
Paul Phalen, NC
David Simpson, CT
Linda Mercer, NC
Al Peterson, NMFS
Bob Mahood, SAFMC
Susan Shipman, GA
John Merriner, NMFS
John Bullard, NBSC
Herb Austin, VA
Douglas G. Marshall
Dan Furlong, NMFS-SE

Rick Marks, NFI/NFMOA
James W. Peck, MD
Dave Deuel, NMFS
Rita Sweet, VA Beach Util.Dept.
Lewis Flagg, ME
Fred Harris, NC
Rick Monaghan, NC
Bill Holmes, Daily News
Harrel Johnson, NC
David Cupka, SC
Dick Seamans, NMFS
Roy Miller, DE
Bill Cole, FWS
Dick Roe, NMFS, NE
Harold Mears, NMFS, NE

Staff:

John H. Dunnigan
Linda M. Schwab
Dianne Stephan

Laura C. Leach
Connie Young-Dubovsky

Paul Perra
Richard Christian

Call to Order/Roll Call:

Chairman Coates called the meeting to order at 8:30 a.m. The roll was called by the Executive Director who advised the Chair that a quorum was present.

Minutes:

There were no changes or corrections made to the minutes from the spring Policy Board meeting.

Mr. Colvin moved and Dr. Hogarth seconded that the minutes from the Spring Meeting, May 12-13, 1992 be accepted as written.

The motion carried.

Ad Hoc Committee on Commission Affairs Report:

Draft minutes of the September 8, 1992 Ad Hoc Committee on Commission Affairs conference call were discussed. These minutes summarize the status of the ISFMP Charter development, as well as the formation of the new Advisory Committee. Policy Board members accepted the intention of the Committee to finalize these projects and report back to them in the spring of 1993. Major work remaining to be done on the charter involves introductory sections dealing with policies and procedures perhaps including standards.

Dr. Hogarth expressed concern about the L/GAs. Mr. Carpenter questioned the item on the role of the PRFC and DC on the Policy Board. Mr. Dunnigan stated that the statement should have read that PRFC and DC are "voting" members of the ASMFC ISFMP Policy Board. Mr. Colvin urged that an opportunity for lengthy discussion and comment on drafting standards be provided Policy Board members prior to the spring meeting. He added that adoption of standards that might govern the ISFMP prior to completion of the Charter might well be the most significant part of the ISFMP Charter.

In response to a question by Mr. Freeman on #6 of the September 8th document, Mr. Dunnigan replied that perhaps the Policy Board should be able to direct a management board to take action and not miss a step in the implementation of an FMP and this resulted in the suggestion in #6 that the Policy Board be able to direct a management board to take some action. Two concerns of the Ad Hoc Committee when they considered this were: 1) that this authority made sense when the management boards were small (the old five-member boards); and 2) that authority might not be carefully enough circumscribed. The committee felt that with larger management boards that it should be up to the management boards to initiate the direction for action.

Regarding the question on wording on voting in Part 4 of Item 4, Mr. Carpenter offered the following language change "That PRFC and DC be made voting members of any management board in which they have an interest and nonvoting members of the Policy Board for all other issues, except for fisheries in which there is an overriding federal legislation that requires them to be in compliance." No one objected to the change in the wording.

Management Board Reports:

Summer Flounder, Scup, Black Sea Bass — Mr. Colvin focused his report on the status of implementation of the jointly developed amendment to the Summer Flounder FMP and provided recommendations for Policy Board action. Mr. Colvin expressed his hope that final federal regulations would be published soon. Commercial quota requirements become effective January 1, 1993. The Mid-

Atlantic Fishery Management Council implemented the quota-setting provisions of the plan by convening the FMP monitoring team to develop a quota recommendation for 1993. The council adopted that quota recommendations and forwarded it to the Regional Director. The Summer Flounder Board voted to approve and recommend approval by the Policy Board of that same quota recommendations.

Mr. Colvin moved and Mr. Sisson seconded that the Policy Board adopt the quota recommendations for a 1993 summer flounder quota as follows: 12.35 million pounds for the coastwide commercial quota and 4.36 million pounds for the recreational quota (implemented for a 14 inch minimum length, 6 fish creel limit and an open season of May 15 to September 30).

Dr. Hogarth expressed concern over financial ability to conduct monitoring this year with budget constraints being what they are. He added that there may be problems that may need to be examined in 1994 that were created by lack of preparation for implementation of a quota system this year.

The motion carried.

Mr. Colvin added that, with respect to the issue of raising the bycatch above 100 pounds, the Mid-Atlantic Council staff provided some quick turnaround analysis that neither the Board or Committee were ready to make a recommendation one way or the other. Consequently, the Board and Committee will continue to deliberate and review the impact of such an increase in bycatch allowance, but had no recommendation at the time. Another issue that has generated much concern and interest is the prospect for a plan amendment to adjust percentages of coastwide allocations allocated to each state. A subcommittee, to be chaired by Mr. Freeman was created to examine issues with respect to changes in the state allocation formula and will make a recommendation either to change it or not.

The Mid-Atlantic Council recently decided to recommend an amendment to the FMP to be implemented initially through emergency action by the Secretary to revise the boundary of the exempted fishery area (which now departs from Rhode Island, traverses the northern, eastern and southern boundaries of the yellow-tail regulatory area off southern New England and proceed south on a line of 72 degrees 20 minutes west longitude) to have a straight line to follow 72 degrees 30 minutes west longitude from the Connecticut shoreline through Long Island south.

Mr. Colvin moved and Mr. Sisson seconded that the Policy Board recommend adoption of this amendment to the FMP that will move the boundary of the area for exemptions to the minimum mesh size restrictions to 72 degrees 30 minutes west longitude, and that this change be made by the Regional Director on an emergency basis enabling better enforcement of the exemption and enabling implementation before this winter's fisheries; furthermore, continued and increased sea sampling of small mesh fisheries should occur to enable the Regional Director to make a decision on whether the exemption is justified (that is, are vessels fishing under the exemption discarding more than ten percent by weight of their entire catch of summer flounder per trip).

Mr. Schaefer asked Mr. Colvin what the possible impact might be if this action were not taken by emergency. Mr. Colvin replied that fishermen first asked for the boundary change because they

foresaw problems with the boundary as it was, such as in New York where many fishermen might end up fishing in exempted areas of the fisheries program. At this point they might find they needed to move to the west side and couldn't because of the boundary. Without emergency action, fishermen would have to wait until the plan amendment went through, but given certain history, this might take until the end of the exempted fisheries program. If that were to happen, what needed to be learned about the program would not be learned. Everyone seemed to want to get an exempted fishery program in place for the entire fishing season this year, to focus some sea-sampling effort on it, and see if the low discard rate can be confidently understood enough to continue the program. It was felt that a good sea-sampling effort could be attained this winter.

The motion carried with one abstention, NMFS.

Mr. Colvin reported that many industry and some Board members would like to address mesh selectivity issues. Mid-Atlantic Council staff will consult with NMFS, industry and states to develop a model similar to the one used by the New England Council to get more selectivity studies done. Progress on this will be reported periodically. Mr. Colvin expressed some uneasiness as states are required to track information coming to the states on landings as a result of the new regulatory program. Many states have already done much work on this to make the program succeed. Because of the many summer flounder implementation questions, development of the scup and black sea bass amendment had not progressed as quickly as hoped. The Mid-Atlantic Council's preliminary recommendations on management measures for scup and black sea bass may be taken up by the Board and Committee before 1993.

Dr. Hogarth added that North Carolina would implement TED use in the summer flounder fishery this year. Any boats landing or fishing off that coast will have to use TEDs in order to fish. NMFS would back this up, and plan for TEDs to be required in the EEZ off North Carolina. Mr. Jensen requested that he be notified as to the specifications for use of the TEDs.

The following motion resulted from discussions on the prospect of adjusting the bycatch allowances in the Summer Flounder FMP.

Mr. Colvin moved and Mr. Smith seconded that the Policy Board authorize the Summer Flounder, Scup and Black Sea Bass Management Board to approve on its behalf an amendment to summer flounder, Amendment Number 2, that would adjust the bycatch allowance in the regulated mesh fisheries above 100 pounds, should there be such an agreement on the part of the Board and Mid-Atlantic Council to do so.

Mr. Fote expressed concern about moving to change the bycatch and having time for public hearings, feedback, etc. Mr. Schaefer asked for clarification of the motion and whether it asked for the Council and Commission to concur in increasing the bycatch allowance to some raised amount, whatever that might be, through the normal process of amending Amendment #2. Mr. Colvin replied that it is asking that should there emerge a position by the Management Board, by the Mid-Atlantic Council committee and by the Mid-Atlantic Council itself to adopt of an adjustment to Amendment #2 in this regard, that action of the Management Board be sufficient and essentially be the decision of the Policy Board in support of such an amendment. He added that this would not be a framework but would require a plan amendment. Mr. Schaefer added that if it required a plan amendment then it would have to go through the full amendment process, full public debate, etc. and what concerned Mr. Fote would not occur. Mr. Smith expressed continued concern over the need for the Management Board to have some sort of proxy group authorization to make that decision on behalf of the Commission, otherwise it would mean waiting until May to even begin action. Mr. Colvin stated that it was the emergency authorization

that may require some form of action by the Commission. Mr. Freeman suggested perhaps a conference call could convene the Policy Board as an alternative to allowing the Management Board to have the proxy of the Policy Board. Clarification was made as to the specificity of increasing the bycatch in the motion.

The motion carried with one abstention, New Jersey.

Mr. Colvin added that the Management Board had appointed a subcommittee to revisit the question of allocation of the coastwide quota to the states. It will examine two issues: 1) the prospect for revising the percentage formula among the states, and 2) determining whether there are cases where historic records of summer flounder landings upon which a state's quota is based were in error. At the previous day's meeting, the Board decided that changes that amount to correcting factual errors would not require a plan amendment. These changes would be acknowledged and the council and Commission would be notified. No one had any objections to this finding by the Board.

Weakfish — Dr. Crecco presented a brief overview of the weakfish stock assessment in which he stated that landings are in a dramatic decline both commercially and recreationally (seen in Table 1 as presented). North Carolina had the largest state share of commercial landings by weight. Because North Carolina traditionally harvest small fish between 7 and 12 inches, its share in actual numbers of fish harvested is about 90 percent. Virginia, Maryland, Delaware follow in large harvests. New Jersey, however, is second with 11.4 percent of the landings. Commercial landings are driven largely by North Carolina. Gill nets and trawls are the gear types most used in the commercial fishery, followed by trawl nets and seines. The private rental component of the recreational fishery takes about 75 to 80 percent of the total weakfish recreational landings. Shore fishing accounts for about 6 percent; and charter party boats account for about 13.5 percent. New mortality rates have been reassessed. It had been thought that the current F was probably .9 or higher. However, it has been concluded that fishing mortality rates for 1990 have risen above .9 and may be as high as 1.2 to 1.5. The year 1990 is the terminal year is that in which the estimate is the least precise in terms of fishing mortality and SSB. The concern was that the estimates for 1988 and 1989 were also very high and suggested that even when the 1991 data is available, the Fishing Index had seemed to be maintained somewhere between 1.2 and 1.5. Given that the conservation measures adopted are at an F between .9 and 1, then an F as high as 1.5 or 1.6 is not good at all. There also was a significant decline in SSB from what it was thought to be at 10 or 8 percent but is actually at 4 or 5 percent. Because the levels are much below the biological reference point, the rebuilding of the stock will require much work to get to fishable levels. The probability of reaching the goal of F20 may not exist. Because of this, the Stock Assessment Committee believed that a complete re-evaluation would be needed.

Mr. Wagner reported that the Weakfish Board requested that the Technical Committee revisit the strategies concerning how to attain stock recovery; and to finalize and circulate the stock assessment. The Technical Committee and Board will review draft alternative strategies during the winter of 1992-93. If a new strategy is undertaken and the old one maintained, the opportunity for public review would still be for the Spring of 1993. It would depend on the urgency of what needs to be done that determines whether recommendations would be presented to the Policy Board in the Spring or the Fall of 1993.

State weakfish plans in effect in 1992 were reviewed at the last two Board meetings. All states from North Carolina to Massachusetts had implemented, or were soon to implement, a number of important restrictive management measures. These efforts should be acknowledged and not overlooked. The Board found 1993 plans for Massachusetts, Rhode Island, Connecticut and New York close to achieving the short-term goal of Amendment #1 to reduce exploitation of weakfish by 25 percent. New Jersey, Maryland, Potomac River Fisheries Commission, Virginia and North Carolina all fell short of this goal in varying degrees. It was believed that several of North Carolina's proposed conservation measures would have a major impact but the ability to evaluate these wasn't possible before the actual

project took place. On October 1, North Carolina was to have been the first South Atlantic state to use finfish bycatch reduction devices in its shrimp fishery. The Board considered this a major step in the strategy to reduce mortality in young weakfish and other species. It is hoped other South Atlantic states will follow this example and implement these devices by 1994.

Mr. Wagner reiterated that Amendment #1 had a Management Recommendation #7 that recommended that the Mid-Atlantic Fishery Management Council take supportive federal action as soon as possible. The Council's Coastal Finfish Committee reviewed the proposed actions by the states from North Carolina to Massachusetts, looked at the difficulty in developing a strategy where size limits would vary from 10 to 16 inches along the coast, and found some practical problems implementing a backup strategy. The Council also asked NOAA's Office of General Counsel a legal question regarding whether or not states could adopt landing laws that go beyond just a minimum size limit, so that landing laws would address gear that would be used in prosecution of the fishery. The response was that states could, indeed, adopt such landing laws that could control gear used by boats attempting to land weakfish in their waters. Based on this, the Weakfish Board was asked to examine whether or not some state strategies that would supplement or be used in place of a backup strategy in the EEZ could be adopted. After review of this issue, the Weakfish Board is recommending an amendment to Amendment #1 to the Weakfish Plan which would add a new Management Action #9.

Mr. Wagner moved and Mr. Miller seconded that the Policy Board accept and forward to the Commission an Amendment to Amendment #1 of ASMFC's FMP for Weakfish by adding a Management Recommendation Number 9 to read as follows: "9. That states adopt possession and landing restrictions: (a) Where it shall be unlawful for any person to land or possess fish smaller than that state's minimum size limit; and (b) While in possession of a hundred pounds or more of weakfish on board a vessel, it shall be unlawful for any person to have on board said vessel a trawl net having a mesh size smaller than the appropriate size required to achieve a 75 percent escape rate equivalent to or greater than the recommended ASMFC minimum size limit for weakfish of 11 inches in 1993 and 12 inches in 1994. This mesh restriction pertains to the cod end of the net for at least 75 continuous meshes forward of the terminus of the net or terminal one-third of the net. In addition, any vessel with a hundred pounds or more of weakfish on board may not have a gill net with a smaller mesh than appropriate to achieve a 75 percent escapement rate equivalent to or greater than the recommended ASMFC minimum size limit for weakfish of 11 inches as of January 1, 1993 and 12 inches as of January 1, 1994."

Mr. Freeman asked Mr. Wagner about the appropriate size of otter trawls listed in Part B. He said studies have shown that the gill net mesh size selectivity seems very accurate. The diamond otter trawl mesh size, however, has difficulties. He questioned whether it was the size of the mesh as indicated in Amendment #1 or whether the appropriate size that will be determined in mesh studies. Mr. Wagner replied that the language used means that if a state can demonstrate that it's using a mesh size that selects for 11-inch fish in 1993, then that would satisfy the requirements of this language.

Mr. Carpenter added that language should be added that deals with a specific size and that it not be left to the discretion of each state to come up with what it thinks is 75 percent. Mr. Perra replied that

because these fish have different configurations at different times of the year, depending on the season, there could be actually a different size limit that could get through a different mesh in different areas. Since some states are working on this and have some data that the Technical Committee will review, it was decided not to put in a specific mesh size limit.

Mr. Colvin asked if the intent of this new amendment was to apply Paragraph (b) within, consistent with the other provision already adopted in the plan. Mr. Wagner stated that this was not the intent. He added that this would be a landing law requirement that would apply in all states of the range.

Dr. Hogarth expressed concern over the statement as to which gear the mesh would be applied to.

Mr. Harris asked if the amendment was intended to be aimed at a directed trawl fishery for weakfish, or if it was intended to be bycatch for weakfish. Mr. Wagner replied that it was intended to be directed at trawl fisheries for weakfish. The hundred pounds is the trigger. Mr. Harris asked if language such as "directed fishery" could be added. Mr. Perra suggested adding that language to #9 after "landing regulations." Then, directed fisheries would be defined as fisheries which land more than one hundred pounds.

Mr. Wagner acknowledged that the Board had discussed the concern of Mr. Colvin regarding mesh regulation authorization and the possibility of inconsistency with two management actions that might impede the ability to adopt regulations consistent with the FMP. It was decided that trying to limit this requirement only to those states that are core areas for weakfish would defeat the amendment as a landing provision. It is aimed at boats having directed fisheries on weakfish, attempting to land those fish in a state that has a minimum size limit that is different from the plan requirement and does not have a weakfish fishery.

Discussion continued on Management Recommendations #8 and #9 and whether they overlapped and what the intent of each one was. Mr. Wagner, in response to numerous concerns, suggested that the whole matter be reconsidered by the Weakfish Board and the details worked out.

The motion was withdrawn.

Mr. Freeman inquired about a way to have a cooperative survey or a study of the mesh size for weakfish. Mr. Wagner said the Technical Committee could address the New Jersey, North Carolina and/or any other mesh selectivity studies with regard to weakfish gill, trawl nets or anything else that anyone would like to see discussed.

Mr. Jensen inquired how state or NMFS would cooperate with the mesh selectivity studies. Mr. Schaefer stated that NMFS wished to be considered; would cooperate on this; and looked forward to working with the states. As for commitment of time and money, Mr. Schaefer said he would need to discuss this with other people at NMFS.

Menhaden — Dr. Hogarth reported that the Menhaden Board had voted unanimously to recommend that the Policy Board approve Amendment #1 and recommend its approval by the full Commission. Landings are lower than anticipated, mostly due to environmental conditions. There is little bycatch. A fall fishery will continue in North Carolina, and application has been made for a second year of funding for the bycatch studies. Mr. Street proceeded with a presentation of Amendment #1 and offered the following three changes for people to make on their copies: 1) on Page 2, under 3.2.1, Stock Condition, down in the middle of the paragraph, the sentence is, "Because most of the harvest is of young, immature fish," just insert "is of young, sexually immature." — a one word change; 2) On Page 15, the small paragraph beginning just below the top of the page, "Whatever state considers implementation of rules for the menhaden fishery which do not result from the AMAC AMB review

process, those rules," substitute "should" for "will."; and 3) Appendix 1. Throughout Appendix 1, the major headings will be retained; that is, 1, 2,3, 4, 5, like that, but the pros, cons and discussions will all be deleted. Mr. Street then presented some slides to illustrate how the plan would work. He added that all work was done by the Atlantic Menhaden Advisory Committee since there was no plan writer. He also thanked Doug Vaughan and Joe Smith of NMFS-Beaufort for assistance with the slides.

Dr. Hogarth moved and Mr. Brennan seconded that Amendment #1 to the Atlantic Menhaden FMP be approved.

Mr. Freeman stated that he thought the amendment needed further discussion, but there was one area of particular concern on Page 15 dealing with rules for the fishery not resulting from the review process of the Commission. He added that some states have laws requiring a state to go to the legislature and indicate that before any rule change could be considered that there would need to be a conference with the Commission. Even though a word change of "will" to "should" was made, he believed that problems would still arise.

Dr. Hogarth suggested the following change: "That these rules should be submitted to the ASMFC for review and comment." and strike "prior to formal action by the state." Mr. Freeman wanted further wording changes. Mr. Brennan suggested a sentence to follow the one after "comment." This would read something like "Such review will foster greater interstate cooperation and effective management of the resource." The wording change was accepted by consensus.

Mr. Colvin's question about whether the intent of the Board was that those variable season closure provisions are no longer necessary and perhaps should be evaluated was clarified by Mr. Street. He said that nothing further was being recommended to change what is.

Mr. Dunnigan expressed his assumption that this was an entirely new plan, and it substituted completely for what was in existence. Mr. Street replied that it is an amendment but that is largely a substitute. This statement raised more questions about variable season closures. Dr. Hogarth stated that the amendment did not suggest that the variable season closures put in place by many states be eliminated. Mr. Street said that if it doesn't say "remove it," then it would remain, and the fishery is being prosecuted under those rules.

The motion carried and Amendment #1 to the Atlantic Menhaden FMP was adopted unanimously.

Herring — Mr. Brennan presented copies of a draft Herring Management Plan, and thanked the Technical Committee and PDT for their assistance. He stated that the Herring Board at its September meeting had passed unanimously the following motion: "That we, the ASMFC Herring Board, submit the draft Herring FMP to the Atlantic States Marine Fisheries Commission as a progress report for review at the fall meeting, that at that time we seek endorsement of the allocation scheme to utilize for the 1992-93 IWP allocations, and we advise the Commission of our intention to submit the final draft to the Commission for adoption as an ASMFC plan this spring." The Board further agreed that reasons for the decision and further development of the draft FMP would be described in the introduction to the draft plan. He proceeded to read from the introduction to the draft FMP to clarify that the process being utilized to jointly develop the plan was bifurcated because of the current heavy workload of New England Fishery Management Council. Completion and implementation of the joint plan is expected to take about two years. The Figure 5.1 flow chart indicated the way in which the Optimum Yield would be determined. He added that the upper limb of the chart will be used to make IWP allocations. The lower limb will be developed and utilized when the full plan is implemented. Conceptual endorsement of this process is sought for the upcoming IWP season. The chart of the management areas recognizes biological and geopolitical boundaries. The interim plan for IWP

allocations will be concerned with Areas 1 and 2. Area 3 will be brought into consideration when developing the plan.

Mr. Brennan added that he intended to make a motion from the floor to modify Resolution #1 of 1989 to delete the word "geopolitical." This would put the IWP allocation decision-making back to the Herring Section, and enable ASMFC to directly determine what would be the appropriate body to make IWP allocation decisions.

Mr. Spurr moved and Mr. Verga seconded acceptance of the report and the recommendations therein.

The motion carried unanimously.

Lobster — Mr. Brennan presented Mr. Stolgitis' report that the Lobster Board had met jointly with the New England Council's Lobster Committee in September where a report from the Technical Committee on the status of the resource and work on refinement of stock assessment techniques was presented. The Board approved a motion to send a letter to NMFS to request guidance on all administrative means available, short of a plan amendment, to delay the next gauge increase, which was scheduled to occur on December 26, 1993. The motion was approved recently by the council. The Board requested that the Technical Committee review and make recommendations on how to improve collection of state-generated resource data needed for spawning biomass assessment techniques. The Board also requested that the Technical Committee work with industry representatives to develop a log book for implementation by individual states. In addition, the Board requested that the Technical Committee review the lobster industry working group's comprehensive amendment and report its findings to the Board by January 15, 1993.

South Atlantic State Federal Fisheries Management Board - Dr. Hogarth reported that SEAMAP had received increased funding for the current fiscal year, which will allow initiation of the bottom-mapping project and continuation of the South Atlantic shallow water trials from Cape Hatteras to Cape Canaveral.

There have been problems with the cooperative statistics program. Directors from North Carolina, South Carolina and Georgia have written to NMFS outlining the problems with funding, cooperation, coordination. The level of funding has been level in the program since 1985. States carry an increasing share of the costs of the program. Funds are needed to get this program operating as it should. It remains underfunded, while RecFIN gets more money. It was explained that RecFIN money was a direct line item appropriation and could not be used for anything else.

The Board passed a motion that a letter be sent to the Assistant Administrator for Fisheries which will outline the problems, stating the needs and describing the consequences if these improvements are not made, and in the letter \$275,000 will be requested over the next year.

Dr. Hogarth moved and Mr. Pons seconded that the letter go out under the Chairman of the Commission's signature.

The motion passed unanimously with one abstention; NMFS.

The Board recommended that travel funding be increased for the South Atlantic Statistics Committee from \$2,000 to \$4,000 so that problems with the commercial statistics program could be worked out. Mr. Perra stated that in the Action Plan, two meetings were being funded but four are needed. There would be a problem funding four meetings, particularly if the meetings were just to cover commercial statistics. If extra interjurisdictional money were left over, funding for further statistics meetings would be given

priority.

Dr. Hogarth said that it is necessary to get the committee up and functioning again. Mr. Perra added that some resources might be available through Wallop-Breaux if work is also done on recreational statistics.

Dr. Hogarth stated that a RecFIN strategic plan was being prepared and that a memorandum of understanding (MOU) was prepared to provide for a three-year pilot program, the first year of which is devoted to planning. There was general agreement that funding for this program should not compete with other programs. The board recommended that ASMFC approve and sign the formal MOU for the RecFIN program.

Dr. Hogarth moved and Dr. Sandifer seconded that ASMFC approve and sign the MOU.

Mr. Smith asked what type of commitment this would place on other states if ASMFC endorsed the MOU. Dr. Hogarth it only involved setting up the strategic plan and that no expenditure of funds or personnel would be needed.

The motion carried unanimously.

Dr. Hogarth concluded his report on behalf of the Board by asking ASMFC to brief the Board on the results of the recent meeting of the International Association of Fish and Wildlife Agencies (IAFWA) and ASMFC's proposal for 1993-95 presented and approved by IAFWA, including funding for a recreational fisheries assistance program for the entire Atlantic coast.

Striped Bass -- Before Mr. Wagner reported, Dr. Crecco presented three sets of data in his overview of the 1991-92 stock assessments. He reported that there had been an increase in the grand mean using all methods from 1988 to 1991. When the natural mortality rate was subtracted from the averages, the grand average fishing mortality rate on striped bass was well below .25. Due to the fact that the Fs are quite low, the numbers fluctuate a lot and that makes it difficult to estimate fishing mortality precisely. The Maryland-Chesapeake stock appears to be rebuilding. The sampling comes from three different systems with some variability in trends among the systems. There has been persistent rebuilding in the Choptank System. There had been a good increase in the Upper Bay, which comprises 40 to 60 percent of the potential spawning area, until 1991 when it went down. In spite of this, the general population is increasing. In Virginia, the Pamunkey River had an increase in egg production in 1990. The buildup has continued since the mid-'80s consistent with the stringent conservation measures imposed along the the coast and in the Chesapeake Bay. The Hudson System also shows significant rebuilding, with an expansion of the age structure. Some people regard the Hudson stock as fully restored. Since this stock mixes with the coastal migratory population, if there were a problem on the coast it could be seen manifested in the Hudson stock. The Maryland '92 index appears to be between 6 and 10. Juvenile production in the Delaware River is up. The Delaware System may begin contributing significantly to the coastal migratory population over the next three or four years. Delaware, New Jersey and Pennsylvania will undertake spawning stock surveys to examine the rebuilding of that spawning population as well. General production in the Albemarle-Roanoke was quite low in '90 and '91. In '92 indications are that the index might fall to between 2 and 4. The MRFSS has provided information on general trends in stock size. The CPUE has shown a dramatic increase since 1988. Although actual catch is very high, actual harvest has dropped because of imposition of high length limits along the coast. The catch and release level is also very high. Overall, the population seems to be rising, but there is the mixed signal of juvenile production to consider.

Mr. Wagner asked for an update from Maryland on its juvenile index. Mr. Jensen reported that the index

for 1992 is 9.1, with the long-term average at 8.6. Mr. Freeman asked if the Board had looked at the data and will it be presented in the new format of the geometric mean. Mr. Wagner responded that the substance of the Maryland report triggers Management Action #6. He stated that the running average for the last three years is 5.1, and has fallen below the three year running average of 8. Management Action #6 states that "Should the running three-year average of the index drop below 8.0, the Striped Bass Technical Committee will evaluate how to reduce exploitation rates to an acceptable level with the amount of reduction required being based on the degree of decline below 8.0 and the status of other stock indices to be discussed below." The Board discussed this and planned to refer this to the Technical Committee for recommendations. Everything but the Maryland YOY looked good, so it wasn't perceived that the trigger would require the Commission to do anything on an emergency basis.

Mr. Colvin raised concern over deferring of action or deliberation without discussion since this might raise questions in the public's minds as to whether the Commission was not acting responsibly. He asked whether given the stock assessment summary, and given what the plan calls for, is there a concern about the prospect of the need to take some immediate action prior to a more measured deliberation of the issue by the Technical Committee and the Striped Bass Board? Dr. Crecco replied that the idea that the fishery was triggered in 1989 perhaps erroneously only hearkens back to the problem of using the three-year running average in the way it has been used. This led to erroneous perception of the fishery. Since the Fs have been brought down to so low the main problem was with using the three-year running average as a trigger for the plan, and not with the fishery. Mr. Colvin expressed appreciation for having this in the record of the meeting. The spawning stock in the Upper Bay is rebuilding, and egg depositions have increased but there seems to be an environmental factor effecting the YOY index.

Mr. Wagner brought up Addendum #3, developed by the Technical Committee, which addresses the way the juvenile indices are calculated. Addendum #3 goes from a scale based on arithmetic mean to one of geometric mean to calculate tracking of the YOY index in Maryland and elsewhere.

Mr. Wagner moved and Mr. Colvin seconded that the ISFMP Policy Board adopt Addendum #3 on the calculation of juvenile indices.

Mr. Jensen stated that the arithmetic mean will continue to be reported for comparison purposes. Mr. Crecco added that the geometric mean is more suitable because it is less affected by inordinately high catches that can occur. He noted that in 1989 there was an enormous catch, 1,000 fish in one haul of the seine, which was one-third of the total '89 sample; and the index, the arithmetic mean was pulled way out because of that value. This is less likely to happen when the geometric mean is used. In response to a question on the usefulness of the juvenile trigger, Dr. Crecco responded that in the absence of anything else it is not very useful, but in conjunction with SSB data in F it can be useful. It is believed by the Technical Committee that it should not be used as a trigger for management action in the absence of other information.

Mr. Cantwell inquired if the geometric mean would be appropriate only for the Maryland index and not other indexes like the Hudson. Dr. Crecco stated that the Technical Committee approved use of the geometric mean in all the indices, not necessarily the weighted, but the geometric mean was thought to be a much better estimate than arithmetic in these surveys.

The motion carried unanimously.

Mr. Wagner reported that when the Board last met that the Technical Committee was not able to recommend a substitute to Table 8.2. He said that after much discussion, the Board adopted a temporary motion which would continue the current fishing restrictions on commercial fisheries and

provide a recreational size limit of 36 inches in the coastal fisheries and would continue the approved management plans in the Chesapeake Bay waters of Virginia, Maryland and the Potomac River Fisheries Commission, including the application of the harvest control model. The Board added to the recommendation that changed to the harvest control strategy not come into effect until six months after approval by the Policy Board. Dr. Crecco stated that this time period should allow for revision of Table 8.2, and that size limits for the bay and coast should be completed by January. This way, if the Technical Committee was unable to meet their deadline for replacing 8.2, a substitute size limit and freeze for Maryland, Virginia and the Potomac River Fisheries Commission could be imposed.

Mr. Wagner moved and Mr. Colvin seconded that the staff of ASMFC: 1) prepare Addendum #4 to the Striped Bass Plan for adoption by the Striped Bass Board and Policy board which "would continue the current restrictions on commercial fisheries and provide for a recreational size limit of 36 inches in coastal waters and would continue the approved management programs in the Chesapeake Bay waters of Maryland, Virginia and the Potomac River Fisheries Commission, including the application of the harvest control model;" 2) be directed to circulate the proposed Addendum #4 to all commissioners on or before the 14th of November 1992; 3) be directed to set up a meeting of the Striped Bass Board prior to March 23, 1993 and for the Policy Board to adopt Addendum #4 which will replace Table 8.2 and replace the relevant sections of Amendment #4 to the Striped Bass Plan; will arrange for a mail ballot of the ISFMP Policy Board to adopt Addendum #4 by March 23, 1993 and provided that the addendum will be effective upon adoption.

Mr. Jensen noted that in spite of the fact that Table 8.2 would have allowed overfishing that states acted responsibly and in fact are underfishing at maybe F.20. He felt there was a problem with the motion as it was presented. He recalled from the Board meeting that this would be effective only if the Board did not adopt a new Table 8.2. He added that as he read the motion, it moved to adopt it irrespective of whether or not a new Table 8.2 is adopted. Mr. Wagner responded that the motion directs staff to prepare an Addendum #4 that would incorporate this information, circulate it by mid-November, and that the Board would meet prior to March 23, at which time the Board would be able to adopt the addendum if it didn't have information from the Technical Committee that would allow amendment of Table 8.2. If nothing was forthcoming from the Technical Committee, the Board could then adopt this as Addendum #4 and staff would set up a mail ballot for the Policy Board to approve Addendum #4 effective on the 23rd. Mr. Jensen contended that it should be explicit that this would occur only if the Technical Committee and the Board do not adopt a modified Table 8.1 between now and March 23rd.

Mr. Jensen moved and Mr. Travelstead seconded to amend the motion where, after the word "model," "to be effective only if the Striped Bass Board does not adopted a new Table 8.2." The amendment would only be effective in the event that Table 8.2 were not forthcoming by March 23, 1993.

*The motion to amend the motion carried with one abstention;
New Jersey.*

Mr. Travelstead questioned the time frame states have to implement their regulations to be in compliance and what that date would be. Mr. Wagner stated that by adopting this action today, that

a signal would be sent that it should be clear to everyone that the intent is to go to a 36-inch size limit, a notice of six months is given, and it is expected that in the interim that time the Technical Committee would provide a table that corresponds seasonally with size limit, so those states that would want to use a smaller than 36-inch size limit would then only have to deal with season lengths. Mr. Fote expressed concern that fishing would occur only on 36-inch size limit, since this was different from what he thought was presented at the Board meeting. Mr. Wagner said this would only occur if no information was forthcoming from the Technical Committee to build the equivalency table for the coastal stock. Mr. Wagner was comfortable that the information would be forthcoming.

Mr. Fote reiterated his concern that if the addendum were adopted by the Policy Board that on March 23 states would have to go to the equivalency size table, then what time period would be involved. Mr. Colvin said that the Board took into consideration the concerns about time needed for the prospect for legislative or regulatory action for implementation. Some final action would get close to the end of 1994 before it was enforceable taking into consideration the evaluation process, etc. Mr. Travelstead expressed continued concern about how a state could have enough time to respond in a formal regulation or legislation, whatever it would take, until they know what Table 8.2 is. He viewed the motion as freezing Virginia's regulations where they are. Mr. Wagner stated that the motion would freeze only the management regimes in the Chesapeake Bay waters and not in the coastal waters. Mr. Freeman believed that the 36" size limit was arrived at arbitrarily without technical data to support it. Mr. Wagner responded that this was why ASMFC would be circulating it to commissioners on or before November 15, 1992 so that there would be the opportunity to get in several months of input before Board members take final action on Addendum #4.

Dr. Hogarth stated that it would seem that this would fit with the Board's decision to proceed with development of Amendment #5 to the Striped Bass FMP. He asked whether it would be rational to take the addendum into the normal sequence of doing Amendment #5. Mr. Wagner said it was believed that the addendum was an integral part that had to be dealt with prior to authorizing Amendment #5 to go forward because there was some thought that a revised Table 8.2 would be delayed if incorporated into the amendment process.

Mr. Wagner added that the motion made was a process type of motion. Since this was the case, Mr. Schaefer suggested that because of the amount of debate on this single issue that it might be appropriate if it be decided by mail ballot in the spring. This led to the question of who would be eligible to vote. Mr. Dunnigan said that under the Commission's current procedures, eligibility to vote is limited to the stated with a declared interest, NMFS, USFWS, Potomac River Fisheries Commission and the District of Columbia.

*The amended motion carried with two negative votes;
New Jersey and Maryland.*

Mr. Freeman added his strenuous objection to the 36-inch size limit provision but said New Jersey would support the rest of the motion.

Mr. Wagner pointed out that the Chairman of the Commission had said that \$75,000 was available to develop Amendment #5 to the Striped Bass Plan.

Mr. Wagner moved and Dr. Hogarth seconded that the Striped Bass Management Board be authorized to proceed with a formal amendment, Amendment #5 to the Striped Bass Management Plan.

Mr. Colvin offered a friendly amendment to the motion "that the Board fully continue with the implementation of the adopted management

process under Amendment #4 and institute those addenda and amendments to the plan that were necessary to assure effective management of the resource under that amendment.”

Mr. Wagner accepted the amendment to the motion.

The amended motion carried unanimously.

Mr. Wagner asked the Policy Board for advice on when his appointed ad hoc committee, comprised of Massachusetts, North Carolina, New York, Maryland and New Jersey, to develop an outline of the contents of Amendment #5 should present its findings back to the Striped Bass Board for Commission action. The consensus of the Policy Board was that the amendment ought to be attempted to be completed by spring of '94.

Mr. Wagner stated that the Management Board also had approved changes to the Potomac River Fisheries Commission regulations, as well as to the State of Delaware's regulations. It also requested staff to put on the Law Enforcement agenda discussion of the missing parameters in the mortality model and the level of poaching going on on sublegal fish or sublegal mortality to see if more precise information could be provided to the Board or Technical Committee.

Striped Bass EEZ Moratorium: Ms. Stephan stated that Mr. Babula would report on questions raised about the moratorium in EEZ waters. She added that she would work with the Law Enforcement (LEC) and Striped Bass Technical Committees on illegal harvest mortality to aid in arrangement of the LEC's enforcement reports so that the reports could be more helpful in determination of how much illegal harvest is occurring.

Mr. Wagner added that the Board had also examined the federal EEZ moratorium. The Board passed a motion to ask if it could reexamine whether there still was a need for the moratorium, and if not, to take appropriate action.

Mr. Babula, Secretary of the Law Enforcement Committee, acted on behalf of the Chairman Robert Markland and presented a report on the EEZ moratorium. He stated that Ms. Stephan had presented the LEC with four questions regarding the moratorium.

The first had to do with the increased cost and time required by the U.S. Coast Guard (USCG) to enforce prohibited striped bass fishing in the EEZ. Cdr. Chappel (USCG) stated that the USCG did not dedicate specific time or effort to striped bass enforcement. It was thought, since this did not interfere with anything else the USCG was doing at the time, that it did not present a problem.

The second had to do with the inability to enforce other federal fisheries laws because of the effort necessary to enforce the striped bass law. Mr. Chappel replied that since the USCG had no dedicated effort involved that it would not be impacted by enforcement of the law. One small exception would involve the time it would take to write up a case. The USCG has not made any cases to date under the existing law.

The third dealt with the ability of inability of a state to enforce its own laws because of the federal striped bass law. It was apparent that there was no effect.

The fourth had to do with the enforcement difficulty each state might face when enforcing its own laws in the absence of the federal striped bass law. LEC members present expressed concern that the states not present might not have a possession law in their state. Without such a law, relaxation of the federal moratorium or lack of size limit might allow for illegal harvest to circumvent some states'

authority. Those states present did not anticipate that relaxation of the federal moratorium would create a problem. There was concern that a harvester might challenge the constitutionality of a state's right to prohibit landings, but would have to be determined by a court case and the willingness of a defendant to challenge the state law.

Mr. Freeman wondered about the possibility of a situation where, if the federal law was avoided, a vessel might be permitted to depart a port or nation, say from the Gulf of Mexico to catch striped bass off any state, any number, any size at any time and return to that nation or other port and essentially not be found in violation of any law. Mr. Babula replied that this might be able to occur, but that under current atmosphere and price of the value of the fish that he did not expect it to. He added that as far as a nation coming into federal waters, this would have to be prearranged and striped bass would probably be limited under this situation.

Maryland Proposal Mr. Wagner reported that the Board requested that Maryland provide more detailed information on the 1993 fishing season and wondered if anyone had comments on Mr. Jensen's handout. Mr. Colvin was glad to the the detailed evaluation but thought it would need further review and discussion at the Striped Bass Board level.

General discussion: Mr. Colvin urged that an announcement come out of the meeting that identifies what was done about the information that the index had fallen below eight, that it address the discussion of the evaluation given to us by Dr. Crecco that states that urgent action is not needed, and further that it elaborate on the document prepared by Ms. Stephan. He also suggested that something be done to express the status and trend in the Maryland Young-of-the-Year Index consistent with action taken today under Addendum #3.

Mr. Colvin also stated that information on both the arithmetic and geometric mean be presented in reports. This would address the constant confrontations that New York is met with concerning the Commission's credibility because the unreliable 1989 index was used. The situation has been helped somewhat by the Commission's admission that the scientific findings were not completely reliable. It is necessary for the Commission to present the goods news that has been provided through the stock assessment.

Mr. Wagner asked that comments on the draft status report put out by Dr. Crecco and Ms. Stephan be sent to Ms. Stephan.

Mr. Wagner continued by requesting that the Policy Board request NMFS to reconsider or possibly retract the EEZ moratorium on striped bass.

Mr. Schaefer asked Mr. Colvin whether Maryland's letter of intent explaining how it intends to prosecute the fishery over the next several years would be referred back to the Striped Bass Management Board for review. Mr. Colvin responded affirmatively. Ms. Stephan said she would set up a meeting by March 23. Mr. Schaefer brought up the fact that Maryland did not plan to change its '93-'94 seasons and there would be no need for Technical Committee review. He said, however, that questions were raised as to Maryland's fishery, as well as other states. He didn't think that it was inappropriate for the Technical Committee to review Maryland's proposal and render its position or provide advice to the Management Board or Policy Board if there were any perceived problems with Maryland's intent. Mr. Jensen added that if Maryland proposal had to undergo such a review that all states should also submit their proposals for review. He said that this would be inconsistent with Addendum #1. The purpose of his memo was to only show that Maryland did not intend to make any changes in its fishery.

Mr. Colvin stated that of the two issues being dealt with, the one relative to interplay between

reconversion of the '89 index to the geometric mean and outputs from the harvest control model as the most difficult. He believed this issue need to be discussed further at the Management Board level. The policy issue involved goes beyond the Technical Committee's area of concern; but it is clear that advice and input from the Technical Committee will be needed on it.

Mr. Schaefer stated that NMFS had consulted with the Commission, states, councils, constituencies, etc. on regulations in the EEZ. NMFS agrees that the stock is overfished. The objective of the plan in preventing further fishing mortality could be assisted by the federal government's imposition of a complete moratorium in the EEZ, and this is why NMFS extended continuance of regulations in the EEZ. He added that it was important to proceed with Amendment #5 to the Striped Bass Plan, as well as other movements towards revision and amendment to the current position. It is absolutely critical to receive advice from the Technical Committee to the Board and Commission concerning what will indicate that the stock has fully recovered. At this point, Mr. Schaefer was added to the ad hoc committee for outlining Amendment #5.

Mr. Brown stated that the U.S. Fish and Wildlife Service and National Marine Fisheries Service had written to the chairman of the Striped Bass Board expressing many of the same concerns expressed at this meeting. He wished to have that letter entered into the official record. The Chairman read the letter (see Attachment).

Northern Shrimp

Mr. Verga reported that the Northern Shrimp Section had met the previous day to: 1) review a copy of a letter sent to Mr. Roe from the Maine Fishermen's Cooperative, and 2) declare a date for a public meeting. The letter was to exempt three months of the northern shrimp season (January, February, and March) from use of the Nordmore Grate inside of 60 fathoms or toward the shore. The next meeting will take place on October 29, 1992, and begin at 10:00 a.m. Location of the meeting was to be identified later. Mr. Spurr added that the topic of discussion for the upcoming meeting would be three miles in, in the State of Maine waters. Mr. Verga, responding to a questions from Mr. Coates, stated that some information would be forthcoming from the TC and the Maine Fishermen's Cooperative.

Shellfish Transport

Mr. Sisson distributed the annual summary for the activities of the Shellfish Transport Committee. The report is the same as last year's with goals, status of the FMP, and management measures and recommendations. Attached to this will be the committee position statement on the introduction of *C. gigas* and other organisms. The major problem facing the committee is the lack of funding.

Management & Science

Mr. Street reported that the Management and Science Committee had met twice in 1992. The principal item of business has been review of interstate fishery management program plans. At the request of the Executive Director, all 16 species or groups of species were reviewed, as well as the Shellfish Transport Program. Six points were considered in the reviews: 1) status of the plan; 2) goals and objectives; 3) status of the stock; 4) status of the fishery; 5) status of research and monitoring; and 6) implementation of management measures and recommendations. The Policy Board was given a package of reviews in draft form, to be revised and put in a report format later in the year by Commission staff.

A. FMP Reviews --

Winter Flounder -- Mr. Simpson reported that the Management Board is still active and responsible for plan implementation. The plan emphasizes habitat protection, initiatives, Wallop/Breaux

information and recommendations, specific recommendations to monitor and assess impact of habitat loss, power plant proximity as well as other things. States with a declared interest were Maine through Delaware. There are three inshore management units: Gulf of Maine, Southern New England and Mid-Atlantic. Fs in these areas range currently from .99 to 1.07. The Gulf of Maine has shown no apparent trend in abundance. Southern New England has declined since the late '70s. The Mid-Atlantic abundance has increased from '86 to '89-'90 and remained stable since then. The survey in Delaware shows a decline in abundance from the '66 to '70 period samples and '80 to '81 survey. Recent surveys show no winter flounder in the Delaware. Coastwide commercial landings have declined from 38 million pounds in 1981 to 15 million pounds in 1989. Recreational catches between Maine and Delaware declined from 18.6 million pounds to 3.4 million pounds. Several states, including Massachusetts, Rhode Island, Connecticut, New Jersey and Delaware, and NMFS conduct trawl surveys. New Jersey plans to develop current age, growth and maturity data important to assessment of the Mid-Atlantic region south of Long Island Sound. The Technical Committee will continue to monitor stock conditions and conduct analyses required for plan implementation. All states are at or near the first step to be taken out of the three-step management strategy, which includes reaching the level of F25 within one year of implementation (by May 1993). The level of F30 needs to be reached by January of 1995; and F40 needs to be reached by 1999. It was recommended that encouragement be given to the states to implement the plan as adopted and support the board's request to the New England Fishery Management Council to include a 12-inch minimum size and six-inch minimum cod end mesh in Amendment 5 to provide EEZ protection for this species.

Shad & River Herring -- Mr. Flagg reported on hickory shad, American shad, alewife and blueback herring. Hickory shad occurs in major abundance from Maryland through Florida. Although commercial landings data suggests a declining trend in abundance, there is little accurate commercial and recreational data to clearly ascertain this. Only North Carolina conducts ongoing research on hickory shad; much is still unknown about their life history, migration patterns and fisheries. American shad stocks remain at low levels of abundance or are declining, with the notable exceptions of the Merrimack, Connecticut, Hudson and Delaware Rivers and upper Chesapeake Bay. River herring stocks remain at low levels of abundance from North Carolina through Maine where about 75 percent of Atlantic coast landings are declining. All four species support commercial and recreational fisheries throughout their range; but these have declined dramatically from historical highs. The first seven recommendations remain the same from 1991. The last three, 8, 9 and 10 are new or different. Recommendation 8 is to ensure that domestic Atlantic mackerel, squid, butterfish fisheries and joint venture fisheries for Atlantic herring, Atlantic mackerel and Atlantic menhaden are closely monitored for river herring bycatch and discard. This recommendation used to refer only to Atlantic mackerel, squid and butterfish fisheries but there was concern with the various joint venture fisheries involving Atlantic herring and Atlantic menhaden so that these fisheries must also be monitored closely to see by there is bycatch of river herring or shad in these fisheries. Recommendation 9 was for Virginia and Maryland to continue researching ocean fisheries for American shad to determine origin of stocks in these fisheries. Coastal fisheries that do intercept stocks originating in other states should be discouraged. Recommendation 10 was that periodic stock assessments for American shad and river herring be carried out. American shad stocks should be assessed in 1993, if at all possible. Because of concern about the declines in various American shad stocks in the Southeast, as well as the mid-Atlantic, there was a need to update the stock assessments done in the mid-1980s. The Shad and River Herring Technical Committee scheduled a meeting for January 1993 in conjunction with the Anadromous Alosid Symposium in Virginia Beach, Virginia to review the 1992 status of stocks, fisheries and research needs, and accomplishments. It was recommended that the TC continue to meet annually to review progress of plan implementation. Recognition and thanks were given to the State of Pennsylvania for its continued funding for TC activities. With interjurisdictional funding provided by Pennsylvania, this work could not have been continued.

Mr. Colvin asked if there were adequate resources to conduct a stock assessment. Mr. Perra replied that

the assessment would be done, although results may be not be available until spring of 1993.

Red Drum — Mr. Christian reported one change to the review that had been handed out. He said to strike everything in the front of "The Maryland Tidewater Administration, in cooperation with the Virginia Institute of Marine Science," and insert in its place, "The Virginia Marine Resources Commission in cooperation with the Maryland Department of Natural Resources" in the last paragraph right before the recommendations. The range of the plan is Florida to Maine. A major plan amendment occurred in 1991 following approval of the Council's FMP for Red Drum in 1990. This plan was developed jointly by the South Atlantic and Mid-Atlantic Councils and ASMFC. ASMFC's 1984 plan was used as a template and utilized an update of the stock assessment data. The rewrite was done to address management needs indicated by the updated data. The goals and objectives of the plan were also redefined and predicated on 30 percent extended stock biomass per recruit. The Commission adopted the council plans when it adopted Amendment #4. These plans were identical except for Amendment #1 in the council plan which closed the EEZ. Management was then shifted to the states to keep the necessary escapement to the EEZ to bring the extending stock biomass up to 30 percent in the absence of fishing. It was estimated that stock biomass was 2-3 percent and looked to be in dire straits. After closure of the EEZ, the council retired its stock assessment group. ASMFC picked this group up to maintain review of data for requisite annual reviews of this fishery. It remains the same group as now on the Red Drum TC. Some of this group's data was available at this meeting. The data supported continuation of current management measures as listed in Amendment #1 without modification. The first phase, of the phased-in approach, was to achieve ten percent. Two options were given the states to achieve this. One was by adoption of 18-inch minimum total length, 27-inch maximum five-fish bag limit with one fish over 27 inches. The other option was a 14-fish minimum, 27 inch minimum, five-fish bag limit and no fish over 27 inches. To date, every state in the management unit, except for a few northern states, have adopted the 1984 recommendations. Four states are in compliance with the 1991 amendment: New Hampshire, Virginia, North Carolina and Florida. After the TC met, and the plan review team reviewed the data from the TC, recommendations were presented. Two of these were of particular importance. Number 3 was that the MRFSS intercept survey sample size should be increased by two to three times the current level, and emphasis placed on the catch-and-release fall fisheries in South Carolina and Georgia. It was noted that these fisheries have been becoming increasingly important to the fisheries, especially in the south. These are the B1, B2 class fisheries in the MRFSS. Number 4 was the need to increase collection of juvenile abundance indices to fine-tune VPA, with a focus on age-one fish as a base index.

Spanish Mackerel — Ms. Shipman reported on the success of Spanish mackerel management. The range of the plan and states with an interest are the New York/Connecticut line south to the east coast of Florida. The goals and objectives of the plan remain pertinent and valid and should be continued. There is significant progress toward implementation of the plan in the the South Atlantic states, Virginia and Delaware. Stock status is encouraging. VPA indicates that the current mortality rate of Atlantic Spanish mackerel is 0.26, which is less than the F rate of 0.39, which corresponds to a spawning ratio of 30 percent. SBR is near or above 30 percent. For the current year, this migratory group is no longer considered overfished, and may be near its maximum sustainable yield. The most likely estimate of ABC for the 1992-93 fishing year which we've just entered, is six to seven million pounds with a range of 4.9 to 7.9 million pounds. The South Atlantic Fishery Management Council has recommended a target recovery period not to exceed seven years, with 1987 as the baseline. Cooperative state and federal management is achieving recovery within that target period. The fishery remains important to both recreational and commercial fisheries in the South Atlantic states and is of growing importance to Mid-Atlantic states. The commercial quota was exceeded by 27 percent, with landings in the Mid-Atlantic states not in until well after the fishery was closed. Florida remains the major commercial producer at about 63 percent of last year's harvest of 4.5 million pounds. The commercial fishery continues to expand. Approximately 200,000 pounds of Spanish mackerel were landed commercially from New Jersey northward, and that is more than the combined harvest of South

Carolina and Georgia. Recreational statistics survey estimates indicate that the '91-'92 recreational harvest was 1.3 million fish, about half of the 2.8 million fish quota for last year. North Carolina and Florida account for the majority of the harvest. All but three Atlantic coast states reported recreational catches of Spanish mackerel. All states with a declared interest are researching the stocks, with most of the research going on in North and South Carolina, and Florida. Virginia is also monitoring the pound net fishery and NMFS is conducting vital statistics work and fishery-dependent work in the Southeast. Catch is being monitored by NMFS in the states. Commercial statistics collection and the marine recreational survey are acquired through state supplements as well as NMFS samplings. The South Atlantic Fishery Management Council has set a total allowable catch for the '92-'93 year at seven million pounds. This allows equity of allocation at 3.5 million pounds each to the commercial and recreational sectors. Bag limits were unchanged. They are ten fish per person in Georgia, north Florida through New York in federal waters, and in federal waters off Florida, they are equivalent to the Florida bag limit not to exceed ten fish. The interstate plan requires the ten-fish bag limit, 12-inch minimum size, commercial quotas, permits and licenses to distinguish commercial fishermen. Recommendations were the same as last year's. In light of the expanding commercial and recreational fisheries north of North Carolina, it's particularly important that the Mid-Atlantic states adopt the plan's management measures, as well as the minimum size. Gear restrictions, trip limits and landing restrictions complementary to federal measures should be employed by the Atlantic coast states to allow achievement of target quotas while preventing season closures and disruption of traditional markets. There is extreme concern that as the fishery grows in the Mid-Atlantic, that the traditional Florida fishery is going to be closed out prematurely. It is recommended that the commercial fishery north of Florida be restricted to vessel trip limits not to exceed 3500 pounds, and the Florida commercial fishery be restricted to incremental trip limits as specified in Amendment 6 to the federal plan, which is very elaborate. Mr. Colvin asked whether the recommendation was on a trip limit for 3500 pounds. Ms. Shipman replied that it was per vessel trip. She added that this was in the recommendation. It says "The commercial fishery north of Florida should be restricted to vessel trip limits not to exceed 3500 pounds."

Atlantic Sturgeon -- Mr. Perra reported that the stock is at low levels. This fishery is primarily commercial. The areas where the stock is not as low include the Hudson River, New York and New Jersey ocean fisheries. About 200,000 pounds were landed in 1991; but landings are very hard to verify. Ten East Coast jurisdictions have totally closed their fisheries because of concern over low population levels. Basic life history, stock identification and aquaculture data is lacking for Atlantic sturgeon. This information is vital if the stock is to be successfully restored. Massachusetts, Connecticut and Georgia have instituted studies which are giving baseline history information on Atlantic sturgeon. Delaware is continuing a successful tagging program. Sporadic tagging is taking place as agencies take advantage of incidental catches of Atlantic sturgeon, while conducting other studies. Proper aquaculture techniques are being studied by Georgia, South Carolina and the USFWS. Introduction of nonendemic sturgeon species to East Coast waters is a concern that needs to be addressed. If a state deviates from regulatory measures to control harvest which are recommended to increase spawning biomass by adoption of either a minimum set size limit (7 feet with at least mandatory reporting of commercial statistics) or institution of a moratorium, it needs to submit alternative management strategies to be reviewed by the plan review team. An Aquaculture and Stocking Committee was established to provide guidelines for aquaculture and restoration of the stock. A recent report by the Management and Science Committee will be published as an ASMFC report and forwarded to the Policy Board for its review, hopefully by mail. Thirteen jurisdictions are in compliance and they are: Maine, New Hampshire, Massachusetts, Pennsylvania, the District of Columbia, Potomac River Fisheries Commission, Virginia, North Carolina, South Carolina and Florida which have closures on Atlantic sturgeon fisheries. Connecticut, Delaware and Georgia all have the recommended seven-foot size limit. Rhode Island plans to implement the seven-foot size limit on January 1, 1993, leaving New York, New Jersey and Maryland as the only states not in compliance. The Plan Review Team reviewed New York's proposal to reduce its sturgeon fishery by two-thirds and believed that if the state moves forward with

this proposal, it should come into compliance with the plan if a more extensive monitoring program is implemented along with it. New York is considering that and preparing further recommendations. New Jersey, with a regulation capping sturgeon landings at 1990 levels (200,000 pounds), and Maryland, with a 25-pound size limit on landings, are not in compliance because their regulations are not considered equivalent to a seven-foot minimum size limit. The recommendations by the Aquaculture and Stocking Committee remain the same as last year. The Plan Review Team made four recommendations. Full and timely implementation of the plan should be carried out, particularly in New York and New Jersey where active fisheries exist, and in Maryland where an outlet could develop for illegally captured small fish. The Aquaculture and Stocking Committee should develop specific restoration and management goals and objectives to be achieved by using hatchery-reared Atlantic sturgeon. This recommendation was the result of a concern of the Management and Science Committee. Another recommendation is that data from all tagging programs should be sent to a cooperative Atlantic sturgeon tagging program office. The FWS has offered to provide a program manager for this based in Annapolis, Maryland, who will work with ASMFC to ensure that tagging data and program results are made available to all East Coast states. A number of states have expressed interest in doing this. If approved, Commission staff will work with the Annapolis office to set up such a mechanism. Mr. Freeman stated that New Jersey is working cooperatively with the FWS in tagging and feeding studies on sturgeon and that it should be added to the report. He added that efforts are being made to monitor the fishery and that New Jersey is about to institute a size limit of between five and seven feet and will operate this for the next several years to collect data and do an analysis to consider whether the fishery should continue.

Bluefish -- Mr. Christian reported that the major goals and objectives have not changed. The maximum sustainable yield for bluefish is between 140 to 148 million pounds. The average 1990 F, based on all methods, is around F 0.38, and the SSB has declined steadily since 1984, suggesting that the current F may be too high. Commercial bluefish landings, which had declined by over 40 percent to 9.2 million pound in 1989, increased to 12.7 million pounds in 1990 and 4.9 million pounds in 1991. Recreational catch increased in 1990 to 53.7 million pounds and dropped slightly to 49.4 million pounds in 1991, which is the lowest value in the timed series. The plan review team has recommended that no commercial controls be implemented in 1993, with no modification of the recreational possession limits deemed necessary. As of June 22, 1992, ten states (Maine, New Hampshire, Massachusetts, Rhode Island, New York, Delaware, Maryland, Virginia, South Carolina and Georgia) have implemented a ten fish daily bag limit for recreational anglers. Georgia also has a 15-fish bag limit, and a 12-inch fork limit. This was determined to be a equivalent conservation measure. It was recommended that states not in compliance, including New Jersey, Pennsylvania and Florida, are strongly urged to comply. Mr. Colvin pointed out that the plan requires action by the Policy Board to accept or revise recommendations of the plan monitoring team.

Mr. Colvin moved and Mr. Travelstead seconded that the Policy Board accept the recommendation of the FMP monitoring team that there be no change to the creel limit and no imposition of controls on the commercial fishery of 1993.

*The motion carried unanimously with two abstentions,
New Jersey and Maine.*

New Jersey is attempting to come into compliance with the Plan, and is trying to control the catch by regulatory action. Besides New Jersey, other states not in compliance include Connecticut, North Carolina, Pennsylvania and Florida which need to take action to do so.

Spotted Seatrout -- Mr. Cupka reported that the goals and objectives of the plan remain valid. Full implementation has not been achieved, particularly in terms of research and data collection

recommendations in the plan. Fluctuations in spotted seatrout landings, both commercial and recreational, have varied over the last 15 years. Most of these landings have no meaningful effort data associated with them. Consequently, they're not useful as indicators of stock status. Some states are beginning to accumulate catch/effort data, particularly in regards to recreational fisheries which should provide insight into stock status over time. More attention needs to be given to collection of effort data associated with catch data, as well as collection of data on size composition of catches. The thrust of Amendment #1, passed two years ago, quantified the original plan objective to maintain a spawning stock sufficient to minimize the possibility of recruitment failure by adding "At least 20 percent of the spawning potential ratio should be maintained to minimize the possibility of recruitment failure." The 1993 ISFMP Action Plan calls for initiation of stock assessment work on this species. This species was taken both commercially and recreationally North Carolina through Florida, with the exception of South Carolina, where it is a game fish, it can only be taken recreationally. The ten-year period for which data are available show recreational landings in the South Atlantic to range from about 980,000 to 2.14 million fish and averaged about 1.7 million. Florida recreational catches increased by 130 percent for the entire region during the second half of the ten-year period. Recreational catches in Florida are declining and the Florida Marine Fisheries Commission is considering several alternative management actions to reduce recreational and commercial harvest of spotted seatrout. North Carolina commercial landings were up about one hundred percent, with landings on the east coast of Florida down about 57 percent. There is considerable concern about the status of the stocks in Florida, and the Florida Marine Fisheries Commission is looking into this situation. Georgia is conducting a fishery-independent marking program of trammel nets, along with research to determine exploitation rates, annual survival, movements and age group rates. South Carolina has an extensive directed research program on spotted seatrout. North Carolina has completed the first of a five-year Wallop/Breaux funded study on the life history of spotted seatrout. Florida, along with NMFS, is collecting weight/composition data on commercial catches along Florida's east coast. All states with a declared interest in this species have established the plan's minimum size limit of at least 12 inches total length. Florida has a commercial size limit of 14 inches total length and a recreational minimum size limit of 14 inches, and a maximum size limit of 24, with one fish over 24 inches allowed per day. Florida has a ten fish per day recreational bag limit. They have also established commercial catch quotas. Georgia's bag limit is 25, with a minimum size of 12 inches and fish must be landed with head and fins intact. North Carolina has a 12-inch total length and minimum size limit. Four recommendations have been made: 1) Continue efforts towards achieving full implementation of the FMP, particularly in regards to research and data collection efforts; 2) Collection of commercial/recreational landings data should be continued, and increased emphasis should be placed on obtaining complementary effort data; 3) Development and implementation of methodology to obtain free recruiting indices and monitor stock status should receive more attention, as should efforts be associated with catch and size composition data on both commercial and recreational catches; and 4) A stock assessment on spotted seatrout needs to be done. Mr. Carpenter added that although the Potomac River Fisheries Commission doesn't have a declared interest, it does have a 13-inch minimum size limit, with ten fish daily bag limit on spotted seatrout.

Spot & Croaker --- Mr. Street reported that the status of the stock is unknown since there never have been any stock assessments done. Juvenile surveys show annual variations but no trends in both Chesapeake Bay and North Carolina. Commercial landings of spot in Chesapeake Bay and North Carolina have been quite stable over the last several years. Recreational landings vary greatly from year to year. Chesapeake Bay landings in 1991 were quite high. Juvenile index surveys are being done in a number of states from Delaware southward and some environmental work is being done at VIMS. The major recommendation is to move onward with implementation of bycatch devices in fisheries that take spot as bycatch, principally the South Atlantic trawl fishery, but also pound net, gillnet and other fisheries.

Atlantic Croaker -- Although not on the list, Mr. Street reported that the main concern with this

fishery was the use of bycatch reduction devices. The stock and fisheries are a bit different. Principal fisheries are Chesapeake Bay and North Carolina. The stock is fairly stable in the Chesapeake Bay, and has increased there and in Delaware since 1991. North Carolina stock has shown a trend of some five or six years of declining juvenile indices. Recreational landings in 1991 were high, especially in Chesapeake Bay. Commercial landings, however, have done a nosedive. Small croaker are a very important component of bycatch of the South Atlantic shrimp trawl fishery. Tagging studies have been conducted in several states on croaker, but there has been no conclusive stock ID work done. There does seem to be a split above and below Cape Hatteras. The South Atlantic SEAMAP survey conducted by South Carolina provides a fishery-independent index of the nearshore ocean, with juvenile surveys in a number of states southward from Delaware through Florida. Several states, the Potomac River Fisheries Commission, Maryland and others have minimum size limits ranging from eight to ten inches, and no other states seem to have any intention at the present time to implement any additional size limits. The principal need is for implementation of bycatch reduction devices. Mr. Freeman said that because New Jersey deals with both species, that it's in a position to negotiate mitigation on both spot and croaker because mortalities are caused by a large power plant. Estimates are somewhere between a quarter and a half a million fish per year. New Jersey is unsure of how to mitigate this and would welcome suggestions from the committee or the state for expenditure of money to decrease bycatch in order of offset the mortalities, or to do specific studies. New Jersey would be willing to negotiate to obtain this money for the Commission. Any ideas or concepts are needed quickly to negotiate right now.

General – Mr. Street added that major reviews would be done in 1993 at the Management & Science Committee's fall meeting, which would be published as a Commission report.

B. South Atlantic Statistics – This report was addressed by the South Atlantic Board.

C. Northeast Statistics – Mr. Perra's handout was the result of work done by the chairman of the Statistical Committee. This would stand as the report on northeast statistics.

D. Conservation Engineering – Mr. Perra stated that the report remained the same due to lack of funding for committee activities. A short meeting was held in Florida to review mesh studies and work done on shrimp bycatch in the northeast and South Atlantic regions. A small group of the committee has formed a Steering Committee and put together an international symposium on fish behavior in gear, which will be held this October at the Marine Technology Society's meeting in Washington, D.C.

E. Artificial Reefs -- Mr. Christian reported that the committee met in June to cover the materials criteria on which it had been working. The main focus of the meeting was problems associated with leachates in tires used as artificial reefs. A representative from the American rubber industry gave a detailed presentation. As a result of the meeting, Maryland will work with the company to do a pilot study on the leaching problems associated with tires. The committee also examined the difficulties beginning to be found associated with use of old ships as artificial reefs. A representative from the Navy shipyard addressed the committee and indicated that there might be problems associated with some fine-tuning of EPA standards and measures and findings of PCBs, Cosmoline and different pollutants associated with earlier class vessels, particularly 1945 class vessel of World War II. Since the meeting, a letter has come from the Department of the Navy to the State of Florida suggesting that it plans to terminate Florida's program for releasing ships to the state for use as artificial reefs because of the PCB problems.

This brought up another concern. The House cleared H.R. 3512, which would release ships from the National Defense Reserve Fleet (about 200) primarily for salvage. The bill was seen as a one which would increase small business opportunities in salvage. Fifteen of these vessels were designated to go to states as artificial reefs, due in part to the efforts of Joe McGurrian (formerly of ASMFC). Mr. Christian and Ms. Young-Dubovsky spoke with Senate staff and advised them of the potential problems. They

also requested a word change in the legislation that would change the wording from "not more than 15 vessels," to "at least 15 vessels," should it be found a minor problem.

The committee also addressed the continuing issue of artificial reef development and the use of special management zones around artificial reefs in particular, but also around fixed habitat where fisheries are abundant, and there tend to be conflicting users of those fishery resources. In 1990 the committee wrote to the Mid-Atlantic Fishery Management Council and requested that the Council consider utilization of SMZs in development of the scup and black sea bass plan. Language is being developed similar to the SMZ language in the South Atlantic Council's snapper grouper plan. This was referred to both the Technical Committee and the council's Commercial Species Committee. The language should be fine-tuned soon forwarded to those committees. Mr. Christian stated that he had submitted a Saltonstall/Kennedy application for grant monies to aid in collection of more economic data relative to artificial reefs off the Atlantic coast. A baseline study was proposed to examine the northernmost range of the states, particularly in New York. New Jersey is conducting a similar study, as is North Carolina. It is hoped that, along with data collected through the Sport Fishing Institute's Artificial Reef Development Center, a clearer picture can be pieced together of what is occurring with these reefs and what economic impacts are associated with artificial reef development.

A joint meeting is planned with the Gulf States Marine Fisheries Commission, to be hosted by Georgia probably in mid-November. The issue of material criteria will be reexamined. Also, GSMFC is examining potential use of fly ash. ASMFC passed a resolution on this a few years ago, and it will share its experiences on this topic. Mr. Colvin wondered if the committee would be in touch with recreational fishing industry people who feel the issue is important. Mr. Christian said he had been in touch with Mr. DiLernia, who is also a member of the Mid-Atlantic Council. Mr. DiLernia said he would be happy to stay in touch with industry representatives.

F. Recreational Fishing -- Mr. Halgren reported that in an attempt to increase participation, the Marine Recreational Fishing Committee had scheduled a meeting to coincide with the Northeast Fish and Wildlife Conference in Norfolk this year. Out of the 20 regular members, only five state and three federal members could attend. Lack of representation at meeting was the major focus of discussion. Because of the inability of state members to attend committee meetings, the committee's ability to fulfill its objectives has been seriously hampered. Members present at that meeting did, however, suggest that ASMFC include travel funding for the MRF Committee in its grant application for Wallop-Breaux administrative funds. Other topics discussed at that meeting included a request from NMFS Northeast Region for assistance in development of a list of party and charter boat vessels; need for a new Recreational Fisheries Statistics Committee and how it might interact with the MRF Committee; pros and cons of fishing tournaments; and current and possible future projects. Higher priority was given to development of brochures on state and federal fishing management processes, on tag and release programs, a workshop and report on volunteer angler catch and effort reporting programs, saltwater recreational fishing licensing and trying to compile information on marine sportfish restoration programs along the Atlantic coast funded by the Wallop-Breaux grant. It was Mr. Halgren's understanding that the International Association of Fish and Wildlife Agencies had approved the inclusion of funding at their recent meeting in Ohio to allow the MRF Committee to meet and develop some of the deliverables discussed above. They in turn will make their recommendations to the U.S. Fish and Wildlife Service.

G. 1993 ISFMP Action Plan -- Mr. Perra reported that the Management and Science Committee had made some changes to the action plan that included additional workshops to examine MRFSS through use of the Wallop-Breaux funding. Spotted seatrout was made a higher priority with a stock assessment to be held in 1993. Lack of funding for Atlantic herring, as well as shellfish transport, was highlighted. It is hoped that the New England Fishery Management Council will be able to support several meetings of the plan development team in 1993. There is funding for board members to attend a

board meeting and for stock assessment work to be done. It is believed that there is available funding for the rest of an ambitious program for 1993. Mr. Colvin suggested that with respect to those management plans for which there are established species boards, that the board chairmen be consulted in preparation of the action plan. In addition, Mr. Colvin questioned the Management and Science Committee's involvement in the ISFMP on congressional legislation. Mr. Perra replied that it had been added in case ASMFC needed the MSC to respond to certain legislative initiatives. This idea resulted from previous Wallop-Breaux reauthorization and the RecFIN issue which generated MSC reports back to ASMFC, the Policy Board and Congressional Legislative Committee. Mr. Colvin suggested that it might be clearer if it was indicated on the Action Plan that at the request of the Congressional Legislative Committee and/or the Executive Committee, provide support and information as needed. Mr. Street added that this was already what it amounted to. Mr. Colvin said it might amount to more if specific advice was sought. Ms. Shipman asked if there were, indeed, enough resources adequate to conduct all the stock assessments listed under Issue 2. Mr. Street assured her that black sea bass and scup are in the planning process; summer flounder is in annual review process; striped bass is always done – 12 months of the year; weakfish is updated frequently as part of the plan implementation process; northern shrimp is done annually following the cruise and statistics; winter flounder will be done as part of the implementation program. Shad, black drum (only if a program begins), croaker and spotted seatrout are all that are left, and it is intended that these be done. In response to Ms. Shipman's second query regarding North Carolina's stock assessment person, Mr. Street stated that North Carolina and Rhode Island intend to apply to their respective federal aid office of the USFWS to conduct ASMFC stock assessment projects in support of the inter-state program. Mr. Perra added that some would be just updates of stock assessments that are done annually. Other would be major funding changes. Some federal people are working with ASMFC on a number of species, and about 10 or 15 biologists spend a lot of time on this. Ms. Shipman said she was concerned about the demands put on NMFS. Mr. Smith inquired about the number of meetings for certain species and whether there were enough scheduled. Mr. Perra said that the action plan sets a minimum number of meetings that will be needed to get through the year. Since this is an estimate, it is sometimes changed at the Policy Board level in response to a board's needs. Mr. Street added that chairs of management boards would be consulted in preparation of the 1994 Action Plan. Mr. Spurr reiterated his motion which had passed unanimously at the spring meeting that the Law Enforcement Committee be included as a nonfunded activity, but noted this was not included in the 1993 action plan. Mr. Perra acknowledged the oversight and stated that it would be corrected.

Dr. Sandifer moved and Mr. Spitsbergen moved that the Management & Science Committee report, as amended, be approved.

The motion carried.

H. Species Priorities -- Mr. Street noted that the MSC had conducted its annual review of priorities for future interstate fishery management planning, and recommended that tautog (*Tautog onitis*) be added to the list of species and that declarations of interest be solicited from the states. A handout summarizing status of current management of the species was distributed. Mr. Simpson gave a brief summary of the handout. Data collected in Connecticut since 1983, and in Rhode Island since the 1960s show that the species is long-lived, living up to 30 years and beyond. Natural mortality is between 0.15 and 0.2. F_{max} ranges from about 0.2 to 0.55. Current F levels have weakened. There have been declines in the fishery with increased landings and effort in the commercial sector during the 1980s. The fishery extends from Maine to Virginia, and is concentrated mainly in the Massachusetts to New Jersey area. Artificial reefs were identified as being particularly significant in the mid-Atlantic down to Virginia where a world record 22 pounds tautog was landed. Tautog is a popular recreational species. Recreational landings have ranged between 6.8 and 7.6 million pounds, and the mid-Atlantic takes about two-thirds of that total catch. The fishery is dominated by commercial landings. Ex-vessel

prices sometimes exceed a dollar a pound, so there is incentive. They are also easily potted, presenting a potential for fishery development. Tautog also may provide an alternative for fishermen displaced from other fisheries. Connecticut has been collecting data since 1983 and has length and age data, growth data and indices of abundance. This data is also available from Massachusetts, Rhode Island, New Jersey and Delaware. Rhode Island has been tagging this species, monitoring movements and estimating growth from the tagging studies.

Mr. Sisson moved and Mr. Wagner seconded that because of a documented shift in effort from species which are being managed to tautog, and because of life history which indicates that it is long-lived and slow growing, and that because for once it might be good to be pro-active, that it be added to the list of species for which a management plan will be developed.

The motion carried unanimously.

Mr. Street then presented the MSC's recommendations for species priority listing. They are: 1) black drum; 2) blue crab; 3) mullet; 4) tautog; 5) southern flounder; 6) rainbow smelt; 7) American eel; and 8) southern shrimp.

Mr. Spurr moved and Ms. Shipman seconded that the recommendations of the MSC be accepted.

The motion carried unanimously.

Recreational Statistics: Mr. Street presented the MSC's recommendation that a Marine Recreational Fisheries Statistics Committee be established under the MSC. Membership would include all 15 Atlantic coast states, plus one invited member each from NMFS and USFWS, and one member from each of the three Atlantic Regional Fishery Management Councils. The new committee would concern itself with statistical matters and provide overall coordination for marine recreational fisheries statistics programs along the entire Atlantic coast.

Mr. Spurr moved and Mr. Freeman seconded that a Recreational Statistics Committee be established under the MSC.

Mr. Smith asked if the MSC believed it more important that this committee be developed than to start management planning for, say, black drum. Mr. Street said that development of the committee would affect existing and future plans, and it is hoped that it will become a long-term program with broad effect. The MSC believes development of the committee is a high priority. Mr. Christian pointed out that funding had been included for initiation of black drum planning.

Dr. Sandifer reiterated the concern he expressed at the South Atlantic Board meeting that committees be reinvented for statistics here and have recreational statistics going in one direction and commercial statistics going in another. He said he hoped the Commission would add a Fisheries Statistics Committee, for both commercial and recreational. Mr. Colvin agreed. He asked that the MSC look at the Southeast and Northeast Statistics Committees, this new committee and the Recreational Fisheries Committee and critically assess the data needs on commercial and recreational landing statistics, and come up with a uniform vehicle for organizing the Commission's approach. Mr. Freeman agreed with the perfecting of the motion. Mr. Smith added that problems crop up and that different state people are involved that deal with commercial statistics one way and other people who deal with recreational statistics in another way. For example, to tell the Northeast Statistics Committee

that they can now deal with recreational statistics simply diverts their attention to something they may be less qualified to deal with. While it is true that the two should eventually be blended, it is better to establish a committee to focus on marine recreational statistics right now.

The motion carried unanimously, as revised.

Other Business:

Wallop-Breaux Program: Mr. Christian followed with a presentation on fiscal year '93-95 Wallop-Breaux program. He stated that the IAFWA's Grant-in-Aid Committee had suggested that the proposal be forwarded for full funding for a three-year program for 1993 through 1995. The funding level was increased to slightly more than \$300,000 per year for the next three years. New products and services would be developed through this proposal. There will be operational categories established within the sport fish restoration program of the ISFMP in 1986. These are: fishery management planning; monitoring; evaluation; and enhancement and education. Deliverables were expanded to add one person to the staff as a recreational statistics coordinator. There are also two increases for the Marine Rec Committee and Artificial Reef Committee. Mr. Dunnigan added that he was concerned that although the new recreational statistics person might do a lot of work on RecFIN, ASMFC has 15 states to coordinate statistics for and needs to focus on regions other than just the South Atlantic. This new person would cover all 15 states and not be devoted to carrying out the new RecFIN in the Southeast.

Adjournment:

Ms. Shipman moved that the annual meeting of the ISFMP Policy Board be adjourned.

The Chairman adjourned the meeting at 5:50 p.m. on September 23, 1992.

Attachment to the ISFMP Policy Board Minutes of September 23, 1992

The letter regarding striped bass management went as follows: (Letter from United States Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, Silver Spring, Maryland dated August 28, 1992 to Mr. William C. Wagner, II, Director, Division of Fish and Wildlife, Delaware Department of Natural Resources and Environmental Control, 89 Kings Highway, Dover, Delaware 19903:

"Dear Bill:

We are writing to you as chairman of the Striped Bass Management Board (Board) of the Atlantic States Marine Fisheries Commission (ASMFC) to raise some concerns about recent events related to the management of the Atlantic striped bass resource. As you are aware, both the Fish and Wildlife Service (FWS) and the National Marine Fisheries Service (NMFS) have had a direct involvement with ASMFC and the striped bass management program since the ASMFC Fishery Management Plan for Striped Bass (Plan) was first approved in 1981. Over the years, both of our agencies have supported, to the maximum extent possible, the activities of ASMFC regarding striped bass management, and have made significant programmatic and financial contributions to the species' conservation and management. Moreover, both of our agencies remain involved, in, and share responsibility with the states for, the conservation and management of striped bass under the provisions of the Atlantic Striped Bass Conservation Act, and are also full participating and voting members of the Technical Committee (TC) and the Board. Therefore, we believe it is appropriate to bring our concerns to your attention.

Our immediate concerns include the following:

1. The Fishery. The level of total harvest has increased each year since the transitional fishery began in 1989. One objective during this four-year period was to allow a fishery which did not exceed a fishing mortality rate (F) of 0.25; much discussion has focused on the need to act conservatively during this transitional fishery. For example, the management provisions in Table 8.2 of Amendment 4 to the Plan are viewed by many as far too liberal and, if followed to the letter, would allow an excessive harvest to occur. Each year since 1990, the level of total commercial harvest approved by ASMFC has increased (1.16 million pounds in 1990; 1.37 million pounds in 1991; and approximately 1.65 million pounds in 1992). During this time, the recreational harvest has increased as well; in 1990 the weight of the harvest was 2.7 million pounds and, in 1991, 3.5 million pounds. These harvest increases have occurred under the adaptive management strategy that, unfortunately, depends upon data that do not avail themselves until nearly two years *ex post facto* to determine the actual level of fishing mortality. Therefore, the F level might far exceed 0.25 for at least a year before it became known, and additional time would be required for any remedial action to be taken by the states.

The continuing harvest increases in the face of uncertainty are disturbing and could result in F levels in excess of 0.25. For example, the 500,000 pound increase in Maryland's total harvest quota (recreational and commercial) from about 1.1 million pounds in 1991 to about 1.6 million pounds in 1992 results from the use of the 1989 juvenile index in the harvest control model. Although use of the model was approved by ASMFC, the recent recommendation of the TC, i.e., that the geometric mean should be used instead of the arithmetic mean as a much more precise and sophisticated measure of the juvenile index of abundance, suggests that greater attention to risk-averse decision-making is required.

2. Compliance. The issue of state compliance with the Plan relative to the Atlantic Striped Bass Conservation Act (ACT) is a continuing concern. Originally, compliance with the Act required each state to implement regulations controlling striped bass fishing that conforms with the

management measure in the Plan and each state was to enforce those regulations in a diligent manner. Because ASMFC now approved proposed fisheries in each state prior to each fishing season, a state is not likely to be found out of compliance for insufficient regulations. Under Amendment 4, however, we view compliance as including enforcement, monitoring and reporting requirements. Lengthy debates at TC and Board meetings have resulted in less than satisfactory definition of an infraction severe enough to warrant a finding of noncompliance, except for inappropriate regulations. While Addendum 1 to Amendment 4 attempts to clarify the issue of noncompliance, major loopholes remain. There needs to be greater accountability for noncompliant actions or inactions. There have been numerous infractions (e.g., states not providing critical data, states exceeding their caps, etc.) in the past for which no penalty has been assessed.

3. The Process. There continue to be inadequate controls over, or adherence to, the process of approving state fishery proposals for the following year. This occurs even though there has been a long-standing agreement (prior to adoption of Addendum 1) that proposals are to be submitted at least two weeks prior to the TC meeting. Some Board members have not followed this process but, rather, have presented proposals directly to the Board for approval. On at least one occasion, the Board had to refer a "last-minute" proposal to the TC for a "quick and dirty" review by faxing it to the TC members and requesting an almost immediate response. We believe this "ad-hoc" approach is unacceptable, based on the requirement that proposals be distributed prior to the TC meeting, and does not allow for adequate scientific/technical review and discussion of the proposal. On a related matter, Congress continues to express concern that the ASMFC decision-making process has not afforded all of its commissioners and the interested public an opportunity to participate. For these reasons, we believe more formal procedures in terms of both time and structure are needed, and need to be adhered to, with respect to ASMFC management deliberations.

As representatives of the FWS and NMFS on the Striped Bass Management Board, we offer these comments because we, like the ASMFC, are committed to the long-term success of the striped bass management program and are concerned that recent actions by ASMFC and some of its member states may reduce the rate of continuing stock recovery. We intend for our comments to be constructive and would be pleased to discuss them with you further. Both Services look forward to continuing our partnership with the states and ASMFC in restoring the Atlantic stocks of striped bass."

Sincerely, John T. Brown, Fish and Wildlife Service; Richard H. Schaefer, National Marine Fisheries Service.)