

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

**Hyatt Regency Hotel  
Newport, Rhode Island  
November 2, 2009**

Board Approved February 2, 2010

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## INDEX OF MOTIONS

1. **Approval of Agenda** by consent (Page 1).
2. **Approval of Proceedings of August 18, 2009** by consent (Page 1).
3. **Move to accept the stock assessment update as presented by the technical committee chair for management purposes** (Page 17). Motion by Pat Augustine; second by Bill Adler. Motion carried (Page 17).
4. **Move to approve Addendum II with the following options: For Section 2.3.1, Option 2, allow rollover; Section 2.3.2, Option 1, all states are eligible to rollover unused quota; Section 2.3.3, Option 2, having a rollover amount based on a state's coastal commercial quota. Specifically, up to 50 percent of a state's quota can be rolled over in a given year** (Page 20). Motion by Michelle Duval; second by A.C. Carpenter. Motion failed (Page 27).
5. **Move to approve Addendum II with the following options: For Section 2.3.1, Option 2, allow rollover; Section 2.3.2, Option 1, all states are eligible to rollover unused quota; Section 2.3.3, Option 2, having a rollover amount based on a state's coastal commercial quota. Specifically, up to 25 percent of a state's quota can be rolled over in a given year** (Page 27). Motion by Michelle Duval; second by Dave Simpson.
6. **Move to rule the previous motion out of order** (Page 28). Motion by Doug Grout; second by Terry Stockwell. Motion carried (Page 28).
7. **Move to nominate Charlton Godwin to the Plan Review Team** (Page 31). Motion by Michelle Duval; second by Tom Fote. Motion carried (Page 31).
8. **Motion to adjourn** by consent (Page 31).

## ATTENDANCE

### Board Members

Terry Stockwell, ME, proxy for G. Lapointe (AA)	Leroy Young, PA, proxy for D. Austen (AA)
Patton White, ME (GA)	Gene Kray, PA, proxy for Rep. Schroder (LA)
Sen. Dennis Damon, ME (LA)	Craig Shirey, DE, proxy for P. Emory (AA)
Doug Grout, NH (AA)	Roy Miller, DE (GA)
G. Ritchie White, NH (GA)	Bernie Pankowski, DE, proxy for Sen. Venables (LA)
Rep. Dennis Abbott, NH (LA)	Tom O'Connell, MD (AA)
Paul Diodati, MA (AA)	Bill Goldsborough, MD (GA)
William Adler, MA (GA)	Russell Dize, MD, proxy for Sen. Colburn (LA)
Rep. Sarah Peake, MA (LA)	Steve Bowman, VA (AA)
Mark Gibson, RI (AA), Chair	Jack Travelstead, VA, administrative proxy
David Simpson, CT (AA)	Catherine Davenport, VA (GA)
Jim Gilmore, NY (AA)	J.T. Holland, VA, proxy for Del. Lewis (LA)
Pat Augustine, NY (GA)	Michelle Duval, NC, proxy for L. Daniel (AA)
Brian Culhane, NY, proxy for Sen. Johnson (LA)	Red Munden, NC, proxy for B. Cole (GA)
Tom McCloy, NJ, proxy for D. Chanda (AA)	Mike Johnson, NC, proxy for Rep. Wainwright (LA)
Tom Fote, NJ (GA)	Steve Meyers, NMFS
Gil Ewing, NJ, proxy for Asm. Albano (LA)	A.C. Carpenter, PRFC
Loren Lustig, PA (GA)	

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

### Ex-Officio Members

Wilson Laney, Technical Committee Chair	Kelly Place, Advisory Panel Chair
Gary Shepherd, Stock Assessment Subcommittee Chair	

### Staff

Vince O'Shea	Brad Spear
Bob Beal	Nichola Meserve

### Guests

Sean McKeon, NCFA	Don O'Neil, Lebanon, CT
Greg DiDominico, GSSA	Fran Ethier, RI DEM
Rob O'Reilly, VA MRC	Gordon Thompson, CCIANH
Derek Orner, NMFS	John Kelleher, Jr. Ogonquit, ME
Ed O'Brien, NACO	Andy, Kahnle, NYSDEC
George Allen, RI Saltwater Anglers Assn.,	Matt Boutet
John Word, NOAA	Greg Paquette
Paul Pajak, USFWS	Ray Stachelek, E. Greenwich, RI
Bob Bowes, PRFC	Doug Jowett, Brunswick, ME
Arnold Leo, E. Hampton, NY	Shane Yellin, Dover, MA
Vincent McFarlane, Medfield, MA	

## CALL TO ORDER

CHAIRMAN MARK GIBSON: We're going to get started with the Striped Bass Board. The first item on the agenda is the agenda. I have one addition to make under other business. We have a PRT nomination. I think Doug wants to address the JAI I indices, but that should be able to come up somewhere after the technical committee and the stock assessment report.

## APPROVAL OF AGENDA

CHAIRMAN MARK GIBSON: Are there any other requests for changes or adjustments to the agenda other than that PRT nomination? Seeing none, is there any objection to approving the agenda as I've outlined? Seeing none, the agenda is approved.

## APPROVAL OF PROCEEDINGS

CHAIRMAN MARK GIBSON: The next agenda item is the proceedings from the August 18, 2009, board meeting. Any requests from the board for changes or edits to those proceedings? Seeing none, is there a motion to approve?

CHAIRMAN MARK GIBSON: Thank you, Pat. We have a motion to approve. Is there any objection to approving the proceedings as written? Seeing none, those proceedings from the August 18, 2009, meeting of this board stand approved.

## PUBLIC COMMENT

CHAIRMAN MARK GIBSON: Our next agenda item is public comment. This slot is for an opportunity for the public to address the board on issues not on the agenda; that is, not related to the stock assessment and not related to Addendum II Final Action. Arnold Leo.

MR. ARNOLD LEO: Mr. Chairman, very briefly, I want to comment on the makeup of the advisory panel of the Striped Bass Board. It became painfully obvious at our recent meeting in Baltimore that there are many openings to be filled mainly by commercial representatives. Presently Massachusetts has no representatives, let alone no commercial representative. Rhode Island has no commercial representative.

It goes like that; I won't go through the whole list. I just would want to urge that some effort be made to fill the empty spots so that the balance of the advisory panel is a little better. I forget what the total

was – Nichola can tell us – but there was one commercial representative and eight or nine recreational, which does not make for a balanced vote. Thanks.

CHAIRMAN GIBSON: Thank you, Arnold. Staff has told me that they're aware of that situation and will be doing solicitations with the states to try to get some candidates for consideration. Yes, sir, in the back.

MR. MATT BOUTET: Mr. Chairman, my name is Matt Boutet. I'm a recreational fisherman from Maine. This is now the second called meeting in a row that I have spoken at. Last year I was here asking that you consider decreasing mortality in light of the poor fishing that we have been seeing in Northern New England. I'm back again this year with much the same message.

Fishermen in Maine and New Hampshire had another abysmal year in 2009 and we're starting to wonder if we'll ever see stripers again. I have read the latest stock assessment, and I know that it says that the fishery is just fine. If that's correct, then maybe it's time to re-evaluate the thresholds.

In looking through the tables provided in the assessment, the only thing that really jumped out at me was recreational discard losses. This would seem to be the best measure of how they're fishing as it shows how many fish are being caught and not just how many are being kept. Only two states saw discards go up from 2007 to 2008, and coastwide it was down about 30 percent.

It is worse in Northern New England with Maine's 2008 number at about 10 percent of its 2006 catch, but it seems other states are feeling this, too. Last fall, when I was here, there were a couple of small recreational mortality increases. Today it's a commercial mortality increase. I realize that it's small, but that's not the point. The point is that it's move in the wrong direction. Wouldn't it be better for all involved to improve the overall health of the fishery so that these overages weren't –

CHAIRMAN GIBSON: Excuse me, you're speaking to an issue that is coming up under Draft Addendum II now.

MR. BOUTET: Okay, I'm sorry, I'll move on.

CHAIRMAN GIBSON: If you have something other than the stock assessment and Draft Addendum II,

which that's what I called for, issues not on the agenda.

MR. BOUTET: Okay, the only other issue I have is to mention that stripers are facing many problems, especially in the Chesapeake with poor water quality and mycobacteriosis and other threats to them there. I know that those things aren't under the purview of this board. The only leverage we really have is fishing mortality. It seems that when you're in trouble and you only have one lever to pull, you need to consider pulling that lever. I just hope that this board will consider taking some sort of action to address the crash that we're seeing in Northern New England. When you see a 90 percent decrease in the fishery over a few years, I think that really ought to qualify as a crash. Thank you.

CHAIRMAN GIBSON: Thank you, Matt. Yes, sir, issues not on the agenda.

MR. DOUG JOWETT: My name is Captain Doug Jowett. I'm from Brunswick, Maine. I'm a full-time guiding captain for the last 20 years for striped bass in Maine and on Cape Cod. I begin my season in May and end it in October. My living depends on the health of striped bass stocks. It is my observed opinion that striped bass stocks along the entire Atlantic Coast are in steep decline as evidenced by the lack of robust year classes to sustain a healthy population into the future. Any increase in striped bass mortality is not in the best interest of striped bass stock stability.

I lived through the last striped bass crash and I see history repeating itself. For the past five years I have observed a steady decline in the striped bass populations with the 2008 and 2009 seasons being close to disasters. The only fish available to me for the past two years have been 26-inch fish to 30-inch fish with occasional larger fish.

There appears to be very few small fish left for the future. Numerous problems exist that will slow the recovery process of striped bass stocks; the biggest being the ability of Chesapeake Bay to produce enough fish quickly. During the last striped bass population crash, the Chesapeake Bay was a healthy system and responded famously.

Other known obstacles are rampant poaching by commercial and recreational fishermen, bycatch issues, forage issues, climatic concerns, spawning success, high grading by all user groups, recreational gear concerns, commercial gear concerns, increased

pressure developing on Hudson River stocks; and most important, time.

I would encourage this board to reduce legal striped bass mortality rates, a coast-wide reduction of recreational catches to 34 to 36-inch minimum with a one fish per day, with all fish kept to be killed and tagged immediately upon boating, including commercial and recreational, and a 30 percent reduction in commercial quotas and all commercial fish tagged as soon as caught; or, institute an emergency moratorium on striped bass consumptive fishing for five years. I would be happy to answer any question you might have. I thank you very much for your attention..

CHAIRMAN GIBSON: Thank you. I would remind the public that there will be opportunity to speak relative to Addendum II if and when a motion is on the table and on the floor for debate. Any additional public comment can be made at that time. We will move on to the stock assessment report now, Gary Shepherd.

#### **2009 STOCK ASSESSMENT UPDATE**

MR. GARY SHEPHERD: Thank you, Mark. My name is Gary Shepherd here today representing the Striped Bass Technical Committee for the results from the recent modeling of the assessment update. Following this, we also have an update from the Tagging Subcommittee which is part of the assessment but it's a separate presentation.

I'll just start by highlighting the trends in landings over the recent years. Since the eighties, obviously there has been a steep increase in recreational catch; bouncing around in the last few years. Relative to the commercial, the commercial catch has been capped by quota, so the increase hasn't been as steep.

In terms of numbers – the previous one was in weight – again, there has been an increase over time dominated by the recreational landings, which are the AB ones and the B-2s are the total discards adjusted by the discarding mortality rates. From the calculations that we do, the commercial discards are relatively a small component of the total removals in numbers. Overall the total number in the catch has decreased in the last couple of years.

We can get more specific. As pointed out by the recent public comments there, the catches have varied by state, but generally there has been a decrease in the last couple of years. Again, the B-2s, the red in this graph from Maine are the discards and

the AB-1's are the landings. Maine has seen a decrease; New Hampshire, likewise, a very steep decline in catch. Massachusetts, the discard numbers have decreased steadily, although the landings have remained relatively stable after the initial decline. Rhode Island has decrease.

This pattern is somewhat different when you get into the New York Bight Area. As you can see, Connecticut has seen an increase in the discards and an overall increase in AB-1's in the last few years. Likewise, in New York there has been a slight decline in discards but an increase in landings. New Jersey has seen some decline but mostly in the landings between 2006 and '07. Delaware, there has been an increase in discards and a decrease in landings.

In the southern range; in Maryland, again, there is a similar decrease in A's and B's; Virginia, just a slight uptick in the landings but overall there has been a decrease, particularly in the discards; and from North Carolina. Note, though, that also the scales on these are different. The catch between Maryland and Virginia and so forth are much different that North Carolina.

Overall the recreational landings and discards have decreased in the last few years with the exception of those states in the New York Bight, which is outside of the Hudson River Area. We will get to that in a moment. In the process of doing the assessment we developed a catch at age. What we tried to do is follow the year classes through time. So updating since 2005, you can see that in blue there is still the '93 year class showing up.

You can see the 1996 year class in yellow; you can follow that through the catch at age; the 2001 and 2003 year classes. The year classes that we see that are dominant in the juvenile indices do show up in the catch at age as going through the – in the progression through the series. In the juvenile indices we see – it's variable annually, as it always has been. The Hudson River Index had declines through 2006 year classes, but then 2007 showed one of the highest on the record, and 2008 is about average.

Similarly, we have an index from New York, from age one from the Western Long Island Seine Survey, and that 2007 year class is also prevalent in that age one index. The Delaware stock, the Delaware River stock is surveyed by the New Jersey Juvenile Indices. Again, we still see relatively – it's variable annually but about average year classes in the last couple of

years. The 2003 year class is dominant in that system.

In Maryland, the juvenile index, again we see the dominant year classes that were prevalent in the catch at age are prevalent obviously in the juvenile indices. Again, the '93 year class was the well-known one. The '96 showed up in the juvenile indices but didn't translate particularly into the age ones and so much into the catch data in terms of magnitude, but the 2001, 03 and recently the '07 index, which is about average.

We've also had some below average year classes showing up and the magnitude of these year classes has been declining over time. As I noted, the age one indices, those same year classes do show up as age ones with the exception of the '96 year class, which didn't seem to manifest itself in the age one indices.

We also have the Virginia Chesapeake Bay Juvenile Index. Again, there are similar big year classes, although the 2007 year class didn't show up quite as strong. In the Virginia component there has been about average year classes. We have information from indices of adults. In the assessment they're just aggregated by age. What we present is just the overall index.

We've had the New York Ocean Haul Seine Survey until -- over the last couple of years the survey was discontinued, but that showed a relatively stable pattern at the time it was ongoing. The New Jersey Ocean Trawl Survey again varies annually but it is showing a decreasing trend in the last three years as evidenced in the graph here.

Another important one is this Maryland Spawning Stock Survey which is of the adult spawners in the Maryland System. You can see that has varied annually. In 2008 it was about average, but there was a dip in 2007. The Delaware Spawning Stock Survey; again, initially high values in the eighties, but it has been relatively stable. That is an electroshock survey.

We have additional fisheries-independent indices. There is an index from the Connecticut Long Sound Trawl Survey. Again, that tended to pick up the big year classes, the magnitude of which have decreased somewhat. The NMFS Trawl Survey from the spring survey; again, the last three years it has been actually about average, and those tend to pick up smaller fish.

There is a fisheries-dependent indices which are based on fisheries information. The Connecticut

Catch-Per-Angler Trip primarily in Long Island Sound is showing a marked increase in the last few years in comparison to MRFSS the catch-per-angler trip, which is similar to the landings there, has shown a decline in the last two years.

Using that information, we will update the statistical catch-at-age model that is used in the assessment. We present two age groups of fishing mortality estimates. The eight to eleven is considered the fully recruited ages. Ages three to eight are considered the ages comparable to the producer area of Chesapeake Bay Fisheries. The estimate for F for 2008 was equal to 0.21, which is actually a slight decrease from 2007.

The inland, ages three to eight, because it is not fully exploited throughout the coast is a lower fishing mortality. Since this is an update from a previous assessment, we just present what the comparable estimates from the previous assessment through 2007. The most recent assessment produces a lower fishing mortality on those overlapping years, so there is a decreasing trend, which I'll show in minute the retrospective patterns contributing to a declining F.

Even the F has decreased, the comparable abundance estimates have shown a decline between both the total and the age eight-plus in terms of abundance in the last three years. I will point out that the age thirteen-plus category, which proportionally is not as many fish, but that has actually continued to – has increased from those accumulation of older year classes and has in the last two years remained relatively stable.

That contributes to, we see in this next graph in terms of biomass, total biomass or in spawning stock biomass or accumulation of – particularly the SSB and the eight-plus is held stable primarily because of the increasing growth of the older fish still contributing biomass to the total population. Even though the overall abundance has declined, the growth of those remaining fish compensate for the reduction in numbers such that the biomass has remained relatively stable.

Eight-plus biomass has declined somewhat. The X-bars there are – that is the current threshold, the spawning biomass threshold which is relative to the 1995 level, so we remain above the threshold for a spawning stock biomass. In terms of the age one recruits coming into the system, the red line is the average recruitment from since 1995 when the stock was declared restored, so the current estimate for the 2008 age ones or the 2007 year classes is above

average for that time period, but relative to the previous three years it's actually much better.

This pattern in recruitment contributes a great deal to what we're seeing in the fishery in terms of declining abundance and landings; particularly for the discards of B-2's and the smaller fish that there is relatively – except for the 2003 year class, there is kind of dearth of cohorts coming through the system that is reflected in this decline in abundance and the landings.

As I mentioned, we're seeing somewhat a retrospective pattern in the estimates of fully recruited F, more so than in the previous assessment. By that, we mean that as we add more information into the model, that we get a decreasing fishing mortality rate for the same year; so as you add information the F is declining. A lot of other assessments, you see the opposite effect, actually, when you add information the F increases.

Likewise, with the retrospective it tends to give us a higher estimate of eight-plus abundance as we add more information; and the same for the spawning stock biomass. Again, the estimates of fishing mortality suggests that the fishing mortality is below the  $F_{msy}$  and the threshold level and the biomass is above that despite what the trends are of declining abundance.

We've done some projections of the estimate of eight-plus abundance in the spawning stock biomass. Because of the incoming year class strength, the projection of abundance would suggest that it should remain relatively stable for the next two years and increase a little bit as we get particularly that 2003 year class start moving into the system, but then a decline over several years of those weak year classes that were evident in the recruitment pass through the system.

In the spawning stock biomass it is predicted to remain relatively stable again. Even though abundance has declined, those fish that remain are growing and that compensates in terms of the total biomass accumulation between the growth versus the reduction in numbers. We also did some projections of harvest. If the status quo fishing mortality of 0.2 were to continue, we would expect to see a declining trend in harvest, which is landings and bycatch, for the next several years; a slight uptick three years out with the incoming stronger year classes; then a continuation of declines through that.

The conclusion from the assessment update is that it is currently not overfished or subject to overfishing



according to the definitions. The overall landings have declined in 2007 and 2008. The overall catch has remained relatively stable or increased in Connecticut, New York and New Jersey. The reason for the difference in areas tends to be because we have a mixed stock in the coastal populations.

We have fish from the Delaware, Chesapeake Bay and the Hudson contributing relative to the coastal areas. The tagging information suggests that the fish from the Hudson tend to stay within the New York Bight Area and a less long-distance migratory, so the reasonable recruitment – despite one bad year class, the relatively stable recruitment in the Hudson area of Connecticut, New York and New Jersey seems to have maintained a lot of the increase in landings.

However, the lower recruitment at least in the Chesapeake Bay primarily and the sporadic magnitude of it, those are the fish that are migrating up and down the coast and up to Maine, Massachusetts, et cetera, so the series of year classes that are average or less seem to have contributed to the decline. Consequently, the abundance has declined overall since 2004. There seems to be a declining recruitment. Although an average 2007 cohort, which is pulsing through the system, the spawning stock biomass and total biomass remain steady with the growth of existing cohorts, particularly the '93 year class, and a moderate F has allowed those fish to contribute to the population and maintain the biomass at a relatively stable level.

The committee has had discussions as far as the implication of errors in the data input, what the direction or the kind of bias would result from having mis-estimates. This is an educated guess on our part in most of the cases. There are some where we've done some runs on, but, for instance, if there was a high natural mortality than we used in the model, which we used a constant 0.15, as we've done in the past, that we would be biased high in the fishing mortality estimates, biomass and SSB. We would be overestimating recruitment.

The retrospective pattern, there is some suggestion that actually it would be higher if we – or a greater retrospective pattern if we used a higher M, but that is still under analysis. The reference point we haven't run so it could go either way; the same type of response, depending if we had aging errors from using scales instead of otoliths, overestimate the catch or underestimate the catch, depending on primarily question about the MRFSS survey; selectivity in the fisheries; and the idea of what the

relative stock mixing is, how that contributes to the model.

In some cases you can see if we're underestimating the catch, then the F is underestimated. If we overestimate the catch, actually there is a positive bias in the F and so forth. Some of them we don't have really good information on. These are the types of things that we'll be looking at in subsequent analysis in trying to get a better handle on the implication and potentially trying to implement some of the changes associated with it as we more get more information about those. Mark, do you want me to go into the tag results next before we take questions?

CHAIRMAN GIBSON: Yes.

MR. SHEPHERD: The last information presented was the result of the Catch-at-Age Model. In addition there is a tremendous amount of tag information that is collected for striped bass and analyzed in depth every update, so what I would like to do is highlight some of the results from the tag-based estimate of mortality.

I would first like to show the continuity from the previous assessment, the update, and then some of the analysis that were done looking at effects of changing mortality in different models, et cetera. The fishing mortality estimates are done for two classes, fish that are greater than 28 inches and fish that are greater than 18 inches; the 28 inches being the coastal component and the 18 being primarily the fisheries in the Chesapeake Bay.

We don't use age-based information in the tagging, so it is analogy by size. Initially there are three different models that are used, this MARK Model; this Catch Equation Model; and the IRCR, which is the instantaneous rates model that is in the text. There are estimates from each of those models, which carries over from the previous assessment.

What I've presented here are results from each of the models. There is a fair amount of variability and there are actually different approaches for each of these models. Overall they tend to show a relatively stable fishing mortality estimate about the same as the statistical catch-at-age data was; and the same for the 18-inch and greater model; a lot more variability because there is a variability in recruitment selectivity and so forth in the size.

The Tagging Committee evaluated the three models and concluded that the MARK Model, which you use a constant natural mortality, was probably no longer

appropriate. The final estimate of fishing mortality from the tag results from this catch equation and the instantaneous rates' model. Then the producer area model is based on a weighting scheme that has been used for a while, but basically it is to give weight to the productivity of the different systems, which the Chesapeake Bay is weighted more heavily than Delaware and Chesapeake.

The final model run concludes for the striped bass greater than 18 inches is relatively low. The fishing mortality – well, I have a table at the end here, but you see it has been relatively stable, and the two models give pretty much the same answer. Like always with the 28 inch and greater, it has been relatively stable from the tagging results for fishing mortality.

The MARK Model, which is no longer preferred, uses the M of 0.15 whereas the others are variable. The catch equation for the 2008 fishing mortality on the coast, the average is 0.14, which is lower than the catch-at-age model; and the producer area is 0.13. The 18-inch fish, which are not fully recruited to the entire fishery, on the coastal is 0.10 and 0.11 for the producer areas.

The models use a reporting rate estimate; in other words, what the percentage of the tags that are recaptured, how many actually were retained and reported, and the value that is being used is 43 percent based on some Delaware Study from several years ago. There is recent information that suggests that might be low, but since this was an update of the previous assessment we stuck with the 43 percent at this time. That is still undergoing some further analysis, which I'll get to.

In these model is also the notion that there has been a change in natural mortality due disease and so forth, changes in predation, so in addition there is a series of models where we're looking at a change in natural mortality over the time period and comparing those to the previous models. Specifically for the Chesapeake Bay – well, when we look at the model with the two period – this is total coast – actually, the F is a little bit higher but M is much greater than the 0.15 that we've been using in the catch-at-age model. It's anywhere from 0.28 to 0.43 in 2008.

So these additional tagging models would suggest that has been an increase in natural mortality, and that's something that we intend to look further at in the next go-around for use in the physical catch-at-age model as well as to look at the effective variable and an increasing M. It's thought to be primarily

from the outbreak of myco in the Chesapeake Bay, but again that's part of the ongoing research.

In the Chesapeake Bay, a series of three models were evaluated for fish 18 to 28 inch. The MARK Model, again, which uses a constant natural mortality, produces some rather bazaar estimates compared to the other models. It was felt that, again, because of the changing natural mortality, that the variable M models were superior.

The estimates that were from that; the catch-at-age model was 0.08 for 2008, so it implies a low mortality, maybe not low, but that is work in progress. However, what is very much different is the estimate of natural mortality coming out of the Bay for those sizes. Based on the catch equation model, which can estimate natural mortality by subtraction, it implies that natural mortality may be as high as 0.76 in 2008 as opposed to that constant 0.15 which we've using in other models.

As I mentioned, there has been an ongoing high-reward tagging study where tags have been dispersed which have a \$100 or \$125 reward associated with them. The assumption is that if somebody gets a high-value reward they're likely to return as opposed to getting a new hat. It became a lot more complicated the more we got into it with the model design, so there isn't a definitive answer at this point.

One of the problems has been that \$100 or so isn't necessarily the impetus to return the tags among everybody, which throws a monkey wrench into things. Overall, though, the tag reporting rates attained from the analysis suggests that perhaps instead of 43 percent it is closer to between 60 and 80 percent, with the recreational fishery being substantially higher than the commercial fishery.

The good news, even though it is a variable particularly with the instantaneous rates' model, it is not particularly critical unless the estimates get down below 30 or 40 percent, and then the effect of that is quite a stark difference between the two. When you get up around 60 to 80 percent, particularly on the higher end of the reporting rate, the model is relative insensitive to the estimates that comes out of that.

The conclusion on that is, again, that the recreational returns are much higher than commercial. Those regional and fishery-specific differences can be large and should be accounted for. Again, more work is needed before the new tag reporting rates are used in the assessment. That is the basis of our status of the stock update. Do you want questions at this point?

CHAIRMAN GIBSON: Do you have questions for Gary? Ritchie White.

MR. G. RITCHIE WHITE: Mr. Chair, with your indulgence, I have a couple of questions. First, if the trend in low recruitment in Chesapeake Bay that we've seen in the past few years continues over, say, three, four or five additional years, how do you see that impacting the stock and at what point would you be concerned with a large drop in spawning stock biomass?

MR. SHEPHERD: Well, clearly, if recruitment continues to decline or certainly the magnitude of the large year classes decline, it is going to catch up to the fishery. The fishery is 28 inches or above, which is like age six, seven or older. If there is a series of bad year classes, if there is a built-in buffer in terms of before it shows up in the fishery to be able to take some time; with the fishing mortality low as it seems to be, those fish that are in the stock should maintain – the spawning stock biomass is likely to be maintained at a reasonable stable level.

Because you don't have the effect of incoming recruitment again for anywhere from six to eight years from the time they actually start spawning, at that point you could see a decline to below the threshold level, which I believe the plan requires they take action. Now, the concern may be that with the juvenile indices which develops to a point where action needs to be taken, that if the myco has affected natural mortality and significantly increased it, it may be occurring after this juvenile index stage from age one and above, so that increased natural mortality from disease may not show up so much in a juvenile index as it will in subsequent adult indices.

MR. R. WHITE: Thank you. The second question, the overall results of the stock assessment, if I heard you correctly, you would expect to see from the results the dramatic drop in catch that we're seeing from most of the states, other than Connecticut and New York, so you're saying that the results would tend to – you would expect those kinds of drops, looking at the results of the stock assessment?

MR. SHEPHERD: Yes, given the recruitment – depending on where that 2007 year class in the recent Hudson recruitment, depending on how far those fish extend into the coastal area, you would expect to see a continuing short-term decline until some of the other year classes kick in, the 2003 and so forth.

MR. R. WHITE: Final question; thank you, Mr. Chair, for your indulgence. Was the illegal harvest in Maryland taken into account and could that be – if we know the numbers or if we don't know all the numbers; I mean, could that be substantial enough to have affected the assessment?

MR. SHEPHERD: You have two questions there. The first part of it was, no, it wasn't explicitly included, I don't think. Maybe Rob could tell me, but I don't believe we included that specifically other than any changes that they done to their landings' data. Whether it is significant, it is probably not given the magnitude of the overall removals.

In addition, any of those illegal catches or poaching, et cetera, would manifest itself in the estimate from the tag, the fishing mortality. The way the tag models are all getting the details, it's really what is left as opposed to what is removed. If you use the same mortality with the tag model as with the catch at age, you get same answer, so it would suggest that there is not a big effect from illegal fisheries on the results.

MR. THOMAS FOTE: Gary, looking at this, I'm trying to think of the relationship between the Delaware, Hudson and the Chesapeake Bay on the coastal migratory stock. I think the old number we use to use was like 25 percent?

MR. SHEPHERD: There have been different numbers kicked around for a few years. It's really depending on the magnitude of the Chesapeake recruitment. Back when the Chesapeake stock was lower and the Hudson was stable, then it was much higher proportionally. The Delaware was zero at one point.

MR. FOTE: Yes, I mean, wouldn't it be a good time to get handle on what the actual contribution is because I'm looking at what Ritchie is looking, and I see is New Jersey, Connecticut and Delaware having a pretty good fishery going on because we're depending on the Hudson River and the Delaware stock where the coastal migratory stocks that we should see at certain parts of the year coming through New Jersey are not historically there anymore.

So as far as when our fish come out of the Hudson and when they come out of the Delaware, we do very well, but once we're waiting for those coastal migratory stocks that chase the mullet down the streams like that, they're not there following it. My contention is if you probably did some analysis and you looked at it – and I know we're not doing this,

but look at tagging studies inside the spawning areas and basically, you know, like we used to do with the metal tag, and find out what the relationship is to the overall coastal stocks.

MR. SHEPHERD: We are doing that type of work for the next benchmark assessment. It is not as straightforward as that, and we're at least considering different models in the catch-at-age data to incorporate the tag and the mixing into the overall stock. If it was simple, we would have done it already.

MR. PATRICK AUGUSTINE: Very great report, Gary, a lot of information that always overwhelms us old guys, so I will try to ask a couple of simple, dumb questions. One would be with single-species management, if there is an overall decline in the biomass of that particular stock, in the case of striped bass, either biomass or spawning stock biomass, what effect would that have on other species of fish that are prey for the striped bass? Should we see an increase in some of those other than the fact we have other natural predators on some of those species? Would there be a balance there you could measure or recognize from doing your striped bass stock assessment and could you carry that over to give some idea about the other stocks?

MR. SHEPHERD: Not directly. You need to do an analysis of like an ecosystem, a multispecies analysis to really to see what the effect is. Even though the striped bass numbers are declining and the striped bass are a primary predator on some species, removing that competition may increase predation from a different species, so you may not see any net gain. It may be shifted, say, to bluefish instead of striped bass preying on something. It is an interesting idea to see what the implication of that is. I don't know if you want to do the ultimate experiment to find out, though.

MR. AUGUSTINE: Why not! A follow-on question, Mr. Chairman; is a possible decline in a geographic area – well, I think I know what the answer is, but I'll ask a dumb question – lack of prey could have an absolute and direct relationship to the number and size of striped bass. They're predators and they will be where the bait is and so on. I'm trying to tie that into minimum size in fish.

In a closed area such as Great South Bay where we don't have a lot of prey, we may very quickly see a decline in the striped bass population where up in Massachusetts your record shows that it looks like the population is growing and yet they don't appear

to be showing a relationship in catching those fish. Is it possible we have isolated declines in striped bass strictly to habitat, bait, water conditions? Do you have any way of giving us an answer to that?

MR. SHEPHERD: Yes, certainly, ecosystem changes are going to affect the distribution. Either declining numbers of prey or redistribution of prey into further offshore areas is going to affect the distribution of striped bass. Water temperature – like, for instance, we've seen in North Carolina on the tagging cruise last year, it was very difficult to find them and so forth.

The system is changing. Striped bass are likely redistributing or moving a little bit in response to that. We don't have good information outside of a coastal area, because that's where the fishery is and that's where the indices come from, to know what is going on beyond that. But, certainly, the distribution inshore can be affected by that. I think any fisherman would tell you that.

MR. AUGUSTINE: Okay, the final question. When you referred to – or you haven't referred to it, but when a scientist or a marine person like yourself refers to a stock as being in the state of equilibrium or close to a state of equilibrium, is that now saying that the prey that's in the ocean is only at such a level that the stock can't grow any larger in either numbers or pounds? Can you kind of clarify what that means?

MR. SHEPHERD: Well, if a population in a single-species sense is in equilibrium; in other words, the rate of removals either through natural or fishing mortality is being balanced by the incoming recruitment and the growth of those incoming fish; so as the numbers come in they're growing, you're getting death or whatever going out the other end that it balanced out.

For instance, if your mortality goes way up so you're removing them at a faster rate than they're coming in, then it's out of queue; or the way around, if you get recruitment failure and you're still harvesting, you don't have enough coming to compensate for the two.

CHAIRMAN GIBSON: Any other questions for Gary. Terry Stockwell.

MR. TERRY STOCKWELL: Thanks, Gary, great presentation. In thinking about the increased natural mortality in the Chesapeake stock as a result of the mycobacteria; did you guys have a discussion on the impact on the overall resource, you know, the overall striped bass population?

MR. SHEPHERD: We've had a lot of discussions about the implications of it. It is, compared to most science, in relatively infant stages of analysis. I mean, there are some really excellent studies that have been ongoing about myco, but there is still a lot to be learned. Wilson just actually showed me a paper looking at the coastal population and some work that is being done.

It appears, from my understanding, there is a resident stock, essentially males, that tend to remain within the Chesapeake Bay. As a result, they're subjected to the myco implications year round. There may be some limited migration in and out in the wintertime, but generally those are the fish that are most heavily impacted by myco.

The females that make up the coastal migrants are going to be impacted during their residency time; so if their natural mortality is increasing, then there is going to be fewer of those females leaving the Bay. What happens, once they leave the Bay in the coastal component, they're only going back in the Bay briefly in the season; that's still kind of an open question. The males that remain in the Bay are the ones that are really impacted. We speculate that the Bay fishery is going to more heavily impacted over time just because they're seeing those residents year round in declines.

MR. STOCKWELL: Did you see or project that this might be one the reasons why Northern New England has had a dearth of schoolies?

MR. SHEPHERD: It's very likely part of it. You know, particularly in Maine, a slot size, there are very few year classes that make up that legal size limit; so if you have a bad year class come through, that window maybe there is nothing in it or very little, so you're going to be affected by that.

Now, there are some poor year classes or average year classes coming through. You add on top of that the implication of myco increasing the natural mortality of those – primarily a lot of the Chesapeake fish that are making up the Gulf of Maine Fishery, you would expect to see a decline from that.

MR. PAUL DIOTATI: Gary, I'm thinking back to the beginning of the meeting and concern expressed by some of the public comments that fishing performance has changed in these past several years, particularly in the north. It seems like it's the north and the south in particular. Some folks are even

suggesting a reduction in fishing mortality at this time to counteract that.

The presentation seems to indicate that the spawning stock biomass and overall biomass still remains quite high and fishing mortality is controlled. I think you said it was 0.21 in the most recent year. I guess it seems to be related to this movement of year classes. The six or so dominant year classes that we had since '93 have essentially moved through the fishery. I guess my question is even a reduction in fishing mortality at this time might not be very beneficial. We might not get the bang for the buck of that. I guess that is what I would like you to respond to. Then I have one other question.

MR. SHEPHERD: The analysis suggests that the spawning stock biomass – again, there are some bigger fish that remain in the system. The spawning stock biomass has remained relatively stable. Even though there has been a decrease in the magnitude, the recruitment based on juvenile indices is generally about average.

You don't see a series of really, really poor year classes coming through, which suggests that there is productivity in the system, still spawning going on. The big concern is what the survival is between the age one and the size which they're recruited into the fishery. Now, if natural mortality is as high as the tagging data suggests, then at least one committee member made the point that you don't have a whole lot of leverage dealing with fishing mortality if your natural mortality is two or three times higher than what your fishing mortality is.

In terms of comparison to the eighties, for instance, when the natural mortality was considered relatively low – or maybe early nineties – you probably don't have as much effect of lowering the fishing mortality if it is at 0.2 now and the leverage isn't necessarily there to bring everything back immediately by reducing F. M is becoming more and more of an issue than F. Where that leads to I'm not really sure at this point.

MR. DIOTATI: Amendment 6, the current fisheries management plan, does have conditions that address both the adult stock and juvenile recruitment. I think Ritchie White was getting at this question earlier. The plan creates some triggers, and I think it's on multiple years. I don't have access to the internet and I tried to refresh my memory on what those triggers were.

I wonder has the technical committee looked at those triggers. I think it's a three-year running average of juvenile indices must fall below something or other. Have you looked at those recently; and if you have, does the committee feel that those are still adequate measures several years later?

CHAIRMAN GIBSON: Paul, that analysis has been done. In fact, they're going to pass out a handout right now that has some of that information. I didn't know if Gary or Wilson were going to refer to that.

DR. WILSON LANEY: Yes, Mr. Chairman, Charlton Godwin from North Carolina, who is on the technical committee, has done a detailed analysis of all of the JAIs and we'll present that to you in just a moment. As soon as those handouts get around, what I'll do is walk you through those and explain how that works. The criterion is that for the board to take action on that, the JAI would have to be lower than 75 percent of the values in the time series for three years in succession, Paul. That's what it is for the JAI trigger.

Okay, if you would flip to the second page and we'll just walk you through one of these. That happens to be the Maine Juvenile Abundance Index. I will tell you there are a couple of typos in here that we didn't catch before we had it printed. You will see that each one of these juvenile abundance index has three graphs.

The top one will be for 2006; and then for Maine and I believe for North Carolina, the second two graphs say the thing, but the top line there should read "2007" instead of "2006" on the second box. On the third box it should read "2008". What Charlton has done here is to plot as the horizontal line the JAI value for that given year.

Then the actual value for year – let's see, the other years are in boxes there, and the top line tells you what percent the JAI is – or how many previous years in terms of percentage the JAI is below the value, so you can see for the top box there the JAI value is not below any of the previous years. It was pretty high.

For the middle box, the 2007 box, it was a low value and it was below 75 percent of the previous year, so for that one year it met the criterion, but then in 2008 it was only below 19 percent of the previous years. When we look at the last three years for Maine, the criterion wasn't met. I won't go through the rest of these, but the same procedure is used in the rest of the analyses. The bottom line is that none of them

met that three-year criterion for us to take a look at them.

Although as you can see as you go through there and look at the percentages, there are some that are pretty low relative to the years. For example, 2006 for Maryland was below 65 percent of the previous years. The 2008 JAI was below 85 percent of the previous years. The one in between, 2007 was relatively good; that was only below 26 percent of previous years, and so forth.

Thanks to Charlton Godwin for doing that analysis for us. I think this is a good way to depict things for the JAI, and I'm thinking that we'll probably use this template for future years. We'll just do this every year from now on so we'll have this to present. It's a real quick way to look at it and see if that trigger was met.

CHAIRMAN GIBSON: Thank you, Wilson. I had a couple of more questions here, Ritchie White and Craig Shirey, and then we need to move on to Wilson's report.

MR. R. WHITE: Well, following up on where Paul was going, you wouldn't see reducing mortality now to affect juvenile abundance, but if we continue to have two or three bad years in the Chesapeake, at that point reducing mortality might have a benefit to the spawning stock biomass?

MR. SHEPHERD: It might. I think the bottom line is it's the only thing that you can control unless you have a way you can get rid of myco. That would be helpful.

MR. CRAIG SHIREY: Gary, on your catch-at-age information you had fish out to age 13, but if you used the otolith information you said that there were older age classes in there. How broad is the age structure; what is your maximum age if you use the otolith information?

MR. SHEPHERD: That's a good question. I'm thinking there were some ages out in age twenty or so. It's not that many. We don't have otolith ages from everywhere for the whole time series, so I really can't answer that very effectively, but they're older than 13.

MR. SHIREY: Do you just lump everything in 13-plus or do you just stop the –

MR. SHEPHERD: Right, everything that is 13 and older gets compressed into one group and treated as a

plus group because the samples in the proportion of the population greater than 13 are relatively small. There was also a concern from the earlier time series about aging accuracy once you got above 13, so accounts for some of the missed aging in the 13-plus. If it's in the plus category, whether it's 13 or 16, it is still in the 13-plus category.

CHAIRMAN GIBSON: Okay, we need to move on to Wilson's report. Okay, Paul, the last word on this one.

MR. DIODATI: Just one last question; I guess again relative to the JAIs, this is basically a definition of recruitment failure that the board approved back some years ago where if a value is lower than 75 percent of all previous values and you've got to hit that three consecutive years before it triggers an action, so I guess my question is now that we've had some experience since we set this definition; is that definition still appropriate or is the bar too high?

I guess that's my question and I don't think you're going to have the answer today, but I'm wondering, Mr. Chairman, if that's something that the technical committee could look at for the next meeting and give us an answer about that.

CHAIRMAN GIBSON: I think it certainly could. I would suggest there are probably a couple of questions that may get referred to the technical committee for the next meeting, including one of mine about the information circulating around on the overestimation of recreational harvest. I'm thinking this board, as we're going along, you may want to come up with your shopping list of items we might to refer to the technical committee at the conclusion of this Item 4 in the agenda. We'll go on to Wilson and then we'll see what else shakes out.

#### **TECHNICAL COMMITTEE REPORT**

DR. LANEY: Well, actually, the first item I had on my list was the JAI. We already covered that; so if there are any other questions on that analysis, we'll be happy to take a shot at answering those. The second thing was to get back to you with regard to two of the New York surveys that we were concerned about as the technical committee.

One of those was the Long Island Sound Survey, which we understand has Wallop-Breaux funding maybe for the next year or so, and then the other was the New York Ocean Trawl Survey, which took the place of the Ocean Haul Seine Survey, and I think the question from the board was relative to the

importance of those two surveys to the stock assessment. I think Gary is prepared to elaborate on that.

MR. SHEPHERD: I think certainly, in terms of the Haul Seine Survey, a lot of the information for catch-at-age data for that area comes from samples collected in that – it used to be in the Haul Seine Survey. There is the age information. Age sampling that really covers a lot of that is shared by other states in that area.

In addition, the tagging data, you know, there is a significant history of tagging that goes on in that and it contributed a lot in the overall tagging program to have sampling in that area. From an assessment point of view it has been an important resource for information. Likewise, in the Western Long Island Survey, the feeling has been that it has been very useful for sampling for age ones that is indexed.

I think as we get into this whole idea of evaluating the juvenile indices, that becomes perhaps more important to know the fate of the year classes between the age zero and age one. There are only a couple of the surveys that actually sample age ones, and that Western Long Island Survey actually has tagging estimates that we potentially get natural mortality estimates for age one and twos out of there, which is a very valuable piece of information. From an assessment point of view, they're all important, but I think those two are clearly beneficial to the assessment process.

DR. LANEY: Okay, and then, Mr. Chairman, I had two other items. We didn't have time to poll the entire technical committee, but one of the TC members – and I fully concur with this – had strongly recommended that we bring to you the possibility that at your next meeting you would like to hear a presentation on mycobacteriosis from Dr. Dave Gouveia, who is one of the principal investigators that is doing a lot of the work on that.

In that regard, I have been asked by one of our colleagues if anyone had done any formal work to look at mycobacteriosis presence outside of Chesapeake Bay, and the answer is yes. Dr. Cynthia Stine, who is at the University of Virginia-Maryland College of Veterinary Medicine in College Park, and colleagues just published a paper, which I just got this morning so I haven't had a chance to read it yet.

But based on the abstract, they did find two different species of mycobacterium in striped bass outside of Chesapeake Bay; specifically in Albemarle Sound.

They also found it in white perch in the Rhode River, Maryland, and they detected in striped bass from the New York Bight off Long Island, New York.

Now, I looked through the paper to see if there was any indication of what percentage of the populations in those respective areas were infected, and it appears from the paper that a hundred percent of the fish – at least the ones from Albemarle Sound were infected, but I stress that their sample size was very small. They only looked at six fish.

It could be that in addition to Dr. Gouveia we might want to invite one of these authors to come and talk to us about their findings outside the Chesapeake Bay with regard to mycobacterium. I did speak to Dr. Anthony Overton at East Carolina University this morning. He is one of the co-authors on this paper. Dr. Overton did advise that they haven't published it yet, but they do have data documenting the presence of mycobacterium in the migratory stock fish that are present in the vicinity of Oregon Inlet, North Carolina. I just toss that out here and see what the sentiment of the board might be with regard to asking staff and the technical committee to try and set a presentation or several presentations up for your next meeting.

CHAIRMAN GIBSON: Thank you, Wilson. Is there anyone on the board who would object to that? I suspect not and so I think you have a resounding endorsement of some kind of presentation on mycobacteria from the experts as well as possibly TC discussion and advice to us as how that information may be relevant or incorporate it in the upcoming benchmark assessment. I'm just thinking of some TC followup; I have Paul's request for the JAI evaluation. That's where are relative to the technical committee tasking right now. Doug Grout.

MR. DOUGLAS GROUT: Just to follow up on Paul's recommendation; I think we both were on the same thought process here. As I looked at this assessment and saw that we weren't overfished and overfishing, yet seeing declines in overall abundance and catch rates particularly in the northern part of the range and in Chesapeake Bay, the one thing that I saw were five straight years in Chesapeake Bay, in the Maryland of Chesapeake Bay of average or below average recruitment, and that logically tells me that is why we haven't been seeing a lot of fish up there.

But what I would like to propose for the technical committee; I noticed in the report, Gary, that when you were looking at the age one recruitments from the assessment, you set the bar at the time series of

'95 to present as opposed to the entire time series. I would like to ask that the technical committee look at whether it would be appropriate and what the ramifications would be of narrowing that time series, because the time series prior to that is on a stock that was depleted and overfished.

We should be looking at what may be setting the bar at a level for a stock that is not overfished anymore. I would specifically like to have '95 to the present looked at; and also to ask the PDT to look at if we decided to make an alteration to that particular trigger; can that can be done by board action or does it need an addendum or an amendment process.

MS. NICHOLA MESERVE: In reviewing Amendment 6 earlier, I looked at the measures which are subject to adaptive management. These include the monitoring program, so an addendum would be the appropriate revision to the plan to incorporate a change to the JAI trigger analysis.

CHAIRMAN GIBSON: Wilson, do you have anything else?

DR. LANEY: Yes, Mr. Chairman, just a very brief update on the Cooperative Winter Tagging Cruise. As of the moment we don't have a vessel lined up yet for that cruise, which is scheduled to take place in January of 2010. I just wanted to report to the board that my colleagues in the National Marine Fisheries Service and I will be working on securing a vessel and we will report back to you probably by e-mail, I suppose, since we won't have another board meeting until after the cruise is scheduled to take place.

CHAIRMAN GIBSON: Thank you, Wilson. Before we move on to the Advisory Panel Report, I just wanted to close the loop on this technical committee followup for the next meeting. We agreed we're going to have a mycobacteria presentation; this JAI evaluation, of whether the calculations and the standards are still appropriate with regard to what both Paul and Doug has suggested, perhaps looking at the more recent series and how that suits us.

The question that I had was about this information that has been circulated by Dr. Crecco from Connecticut on the potential overestimation of MRFSS catch. It is potentially a big issue for striped bass given the proportion of the catch at age that is generated from MRFSS data. I don't think we need an elaborate discussion about it today, but I would just suggest that we need some kind of a report back on the implications of that.



I would suggest that the technical committee respond back to us on that. I realize that MRIP is evaluating and reforming the recreational catch estimation program; but given that several species that the commission is so heavily driven by recreational catch components and in view of the unusual retrospective pattern that striped bass exhibits, which is opposite of most of the other species, we need to hear a report back on that information. I would suggest that be appended to the technical committee list of follow-ups to us. I don't know if Gary or Wilson wanted to comment on that. You folks have probably seen more of that than I do –

MR. SHEPHERD: I've seen more than I want to discuss, but it has come up. As you mentioned, the MRIP Program has essentially put millions of dollars into answering essentially that question. I would be glad, from the technical committee, to address some of the issues. I'll leave it at that.

DR. LANEY: I'll just say, Mr. Chairman, that Gary and I discussed that earlier. I asked him the question specifically if the estimates are overestimates what implication does that have? He might want to just generally say what impact that would have on the stock assessment for the benefit of the board.

MR. SHEPHERD: In all likelihood, if the estimate – it's depending on the magnitude, of course, but you'd end up with probably not a whole lot of change in fishing mortality, but you'd end up with a lower total biomass estimate. In other words, the higher the catch, it means there had to be more fish there to start with, so you're going to have a bit of higher magnitude.

On the other hand, even though in terms of catch we may be overestimating recreational catch from the MRFSS, there are other components of the catch that we know we're not estimating high enough, so it really becomes a tradeoff of which one drives the system.

MR. WILLIAM GOLDSBOROUGH: With respect to the myco presentations that we may get at the next meeting, what is most likely most important here at this table is the effect on the population; so rather than just asking researchers to come present their work, if we could let them know that is our primary interest so that they can focus on it to some extent. I expect one or both may not be comfortable extrapolating too much, but it may mean we need to bring someone else into the mix that could do that for us.

CHAIRMAN GIBSON: Thank you, Bill. I think that focusing is sharing by the board. Doug.

MR. GROUT: Just one question for Wilson and Gary; you mentioned that the Western Long Island Sound Survey has one year of Wallop-Breaux, and then you provided a comment, Gary, on how important the tagging information was from the Long Island Seine Survey, but that is being replaced by the Ocean Trawl Survey, I understand?

MR. SHEPHERD: There are two surveys. The Western Long Island Seine Survey is primarily juvenile fish. The Ocean Haul Seine Survey is replaced by the Ocean Trawl Survey; a gear change, the same area.

MR. GROUT: And the purpose of your report was just to say that we're going to have an effect by switching over to the trawl survey?

MR. SHEPHERD: At least right now we're losing the index part of that which we had had in the Ocean Haul Seine. We're retaining the collection of biological information and the tagging. There is actually an increase in the tagging numbers from the trawl survey part of it. There is a loss of that time series for indices, though.

MR. GROUT: Well, are we saying that there is potential that the Western Long Island Sound Survey may be discontinued in a year; is that why we brought that up?

DR. LANEY: I'll defer to Jim on that. My understanding was – and I wasn't at the last TC meeting, so Nichola may want to elaborate if I misspeak, but my understanding was that there was discussion of the fact that there was funding available for these surveys in the short run, but it's more of a long-term concern. I will defer to Jim.

MR. JAMES GILMORE: That is correct, Wilson, it is the intent to continue the survey, but based upon the funding we have available right now it is just uncertain. We're putting together a request for new project funding on it, but we just don't know right now. Everybody has got the same issue with money right now, so we're doing the best we can. It is not that we want to discontinue the survey, but we just don't have the resources to do it.

CHAIRMAN GIBSON: Are you all set on that, Doug? I guess we'll just hope to have continuing updates from the technical committee and New York on that issue and deal with it as it comes to the front.

Next on the agenda, I have the advisory panel report from Kelly Place.

### **ADVISORY PANEL REPORT**

MR. KELLY PLACE: We had our first advisory panel meeting in nearly two years face to face. It was a six-hour meeting in Baltimore. Alexei from the technical committee came and presented what was essentially the same as what you see here, the final stock assessment. As you can imagine, there were quite a few deep concerns on many aspects.

If you've got the copy of our summary, the six bullet points, I'm going to go to the last one first and then read down because this kept coming up a lot of times. The lack of assessment of the Wave 1 Fisheries off the Mid-Atlantic Coast, Virginia, North Carolina and Maryland, has for many reasons deeply concerned everyone on the advisory panel.

I picked this item because there is pretty much strong consensus between the recreational and the commercial. MRFSS and MRIP's failure to assess not only the legal fishery that is happening off the coast in just Wave 1 but obviously the illegal fishery very possibly – especially given the numbers of fish that we were told, the ranges – could have a huge impact on F, we believe.

One other point that was brought up I had not heard before that Mr. O'Brian brought up, there may well be a correlation between the sub-par year classes that we've seen in the Chesapeake Bay just recently, even though three years is not a real trend, but could well be a correlation between that and the fact that there is an accounted for F, which is obviously large, right off the mouth of the Chesapeake Bay and out into the EEZ. We'd like to see that looked at because with that type of young-of-the-year situation it seemed like we were heading on a path with the increasing biomass and spawning stock biomass to have better young-of-the-year indices than what we've had.

On that, too, since there is a huge illegal component – we talked a lot about poaching, both recreational and commercial – we want, even though we might not get, a technical committee estimate on the poaching and on the F; not just there, other places, too, but especially in the Wave 1 Winter Fisheries that just haven't been assessed.

If we can get that – and it's obviously going to be an inexact thing – we would like that for obvious reasons. Whatever the specificity the technical committee could give us on that would be

appreciated. Also related to that, since there are so many rumors flying around on the numbers of fish and money regarding some of the more well-known poaching episodes recently, we would like law enforcement to come and give us their best estimate on the illegal activity not just off the Mid-Atlantic and the Chesapeake but some of the other states as well, too. That was one of our big concerns that kept coming back.

Back at the top of the bullet list we have there, though, there has been the general concern, especially from the northern states' recreational community – but this is all across the board – that there seems to be – here it says a drastically declined abundance, but that is especially in the extreme ends of the stock.

As everyone knows here, New Hampshire and Maine, their recreational fishery for some years now has been in a steep decline, and the participants up there wanted to make it very clear that it wasn't just the sour economy. The sour economy had a big part to do with that, but clearly it was the fact that the fish had not been available up there, and so it's a pretty common perception from nearly all of the recreational community – and the commercial community didn't weigh in because those states are gamefish, the far northern states – but they feel that the stock is shrinking on the northern end and the southern end.

I think everyone here knows what a truncating stock sometimes indicates. That's probably one of the biggest concerns as well, beyond the poaching. They pretty, the recreational community especially, feels that the sub-par recruitment years in the Chesapeake and some of the other indices, JAI indices may well, one way or the other, be contributing to that if not the main driving cause.

As far as the economic downturn, one thing that I thought was pretty important that was brought up is that if in fact we're seeing this decline – and none of these are necessarily my personal opinions, but it was the consensus of the recreational panel that if we're seeing this decline and if in fact there is this increase in F, especially from the poaching and the other fisheries that aren't being included, that when the economic downturn picks up that we could see somewhat of a skyrocketing F in some of these fisheries that have been so impacted by the economic downturn.

So, agree with it or not, these are some of the strong perceptions and we're just covering the main concerns that we have here. On the specific catch-at-

age model, the part of it that assumes the constant natural mortality of 0.15, obvious concerns – I don't need to reiterate it. It just came from the stock assessment and the technical committee – with regard to mycobacteriosis and what that could be doing to the natural mortality is a great source of concern. I think everyone here on the board would like more specificity, as much as possible, in terms of explanations of how much it could be impacting the F; that is the increase in M.

Also, regarding the statistical catch-at-age model, much like the VPA that we used up until the last stock assessment, the retrospective bias, we were curious and we discussed at some length how much retrospective bias there would be compared to the VPA. I some of you remember some of the hind-casting errors that we had in some of the VPA that caused a lot of angst.

We don't really know but we are curious as much as the technical committee could let us know how much – would we see the same magnitude of errors in the most recent years. One reason that we're concerned about that is obviously a lot of the triggers that we have on any number of things is based on the most recent years' data.

But as we also know, the most recent years' data is the least accurate of all the data and becomes more accurate with either hind-casting or forecasting. That was just a general concern that we had there. Again, the illegal F and underreported fish of all manner, both recreational and commercial; we just don't feel – I say "we"; it was a general consensus. This was not unanimity but a general consensus that it wasn't reflected in the F.

I'm going to leave it at that. Even though we had some robust discussions, six hours, because it had been so long since we had met, but I did want to thank the committee for providing Alexei. We found his input really refreshing. Nichola was great. Alexei was real candid with us on a lot of things where I think sometimes the advisory panel feels that they had not been jerked around but had not been given really candid information.

When Alexei couldn't answer some of our questions from both sides, he told us he didn't know but gave us typically a range of what he thought it might be. It was a good meeting and we do hope we can have another one because there was a plethora of other issues that we didn't get to touch on, as you can imagine. Thanks.

CHAIRMAN GIBSON: Thank you, Kelly. Are there questions for Kelly? Tom.

MR. THOMAS O'CONNELL: This is probably more of a question for Gary; but just to clarify, was the technical committee's estimates of the winter fishery taken into account for the stock assessment?

MR. PLACE: That was one of our main concerns. The main part of the winter fishery of Wave 1, there are no estimates. The MRFSS, as far I know, possibly with the exception of – I don't want to say half-assed – some kind of estimation on the North Carolina part of Wave 1, I think we were told that they were starting to do that, but we didn't have any confidence in that.

They couldn't give us the estimate, for one thing. There is no estimate of MRFSS off Maryland and Virginia for Wave 1, I don't believe. My understanding is what is going to replace MRFSS, MRIP, that there wasn't funding for that either. Someone can tell me differently if that's the case.

## **DISCUSSION OF STOCK ASSESSMENT UPDATE FOR MANAGEMENT USE**

CHAIRMAN GIBSON: I'm going to ask Gary how Wave 1 catches are handled in the stock assessment?

MR. SHEPHERD: In recent years we do have Wave 1 estimates from North Carolina. What we do is we use tagging information and the ratio of adjacent waves between Virginia and North Carolina to estimate what the catch would be in Virginia and that area based on tag recovery. It is estimated, but it is an estimate for Virginia and Maryland, but we do include in the assessment or at least make an attempt to.

MR. AUGUSTINE: That was a very good report. Was there any specifically clear recommendations or suggestions that you're making to the technical committee? I note you made a lot of comments about this and that and this and that, but did you really come up with any hard, concrete item that the technical committee should improve before we're going to move forward to make a motion to accept the stock assessment for management review?

MR. PLACE: We sure did, Pat, and if you look in the third part of our report, which Nichola divided into three parts, you'll see the additional recommendations and requests. I didn't want to get out into the weeds right now.

MR. AUGUSTINE: To that point, Mr. Chairman, is the technical committee, Mr. Chairman, willing to take on those or can they do the tasks that were requested of the advisory panel?

CHAIRMAN GIBSON: All I have right now is the list generated from board discussion. If the board wants those referred to the technical committee, then I need to hear from the board to that effect. Is that your position?

MR. AUGUSTINE: Thank you.

MR. PLACE: I think that is later in the agenda, isn't it?

CHAIRMAN GIBSON: Was that a yes that we should refer those to the technical committee?

MR. AUGUSTINE: Well, I think if they're important enough and it sounds like the advisory panel took six hours in deliberating and coming up with their assessment, I really think there are two or three or four items in there that should have another look at them, if in fact the other board members agree with it -- I don't want to delay the process.

I think this one of the most thorough stock assessments that we have had in quite some time, very deliberative and very thorough and very complete. I do understand the poaching problem. We have identified a poaching problem in Brooklyn just recently, and I have no idea what impact that is going to have, but there are boats out there in Jamaica Bay catching a couple hundred of pounds of fish every day, seven days a week, as long as they're on the water.

I don't know how we weigh that at this particular point in time. Do we delay the process; do we delay the decision to accept the stock assessment as it is and then ask the technical committee to go forward with the three or four or five items that are going to take a little more time to assess and then come back to the board at the February meeting. There are two parts to this and I would like an answer.

CHAIRMAN GIBSON: I don't see that any of these things are going to be done and the stock assessment redone between now and February. What I'm suggesting is the technical committee can look at this list and get back to us with advice as to how they think it should be proceeded relative to the next assessment. I was going to ask Mike Howard if he wanted to address the enforcement issue because I did hear that come forward. Mike, there was a

request of the Enforcement Committee from the advisory panel.

MR. MIKE HOWARD: We actually had a representative from Rhode Island, but I was made aware of this request earlier. The Law Enforcement Committee has struggled with putting specific numbers of violations and how they correlate with populations. We are going to take a close look at this request and see if we can come up with trends to see if we can better formulate a response that will meet your needs to see what the level of activity is.

If you had asked three years if everything was all right, we would have said, you said, things are going along, but we also know that undercover operations were going on in the Mid-Atlantic. We can't sit here and say, well, I'll tell next year because we've got a big case working. It would appear that as abundance has grown violations have grown in proportion.

I would like to find out a way to quantify that with the committee and we will be getting back to the AP and to this board with those numbers. States like Rhode Island who are here today have their own cooperative relationships undercover, spy boats, as do most states. We do have indications that there are significant violations still occurring even in lieu of the major cases made in the Mid-Atlantic.

The system is set up that allows violations to occur easy, and I think I'll leave it like that. I think our report in the future will identify that. To what degree is this and how significant is it, I simply can't tell you. You know, having 33 years in this, you just have to have aggressive law enforcement. It can't be just uniforms and it can't be at sea or dockside.

There is an auditing component to the check-ins and commercial and a wide variety of outreach. Of course, we all know striped bass is an abundant species. It is targeted in a lot of ways and law enforcement only has so many resources. We will try to quantify this the best we can. We will try to put it in trend-based report. Any questions?

MR. AUGUSTINE: Thank you, Mike, that was very helpful, as long as we know your group is moving forward and you will be interacting with the advisory panel in developing that report. Unless there are further questions to the stock assessment report, if you're willing to listen to a motion, Mr. Chairman, I would like to move it forward and get that part done; also with the understanding that the advisory panel will supply to the technical committee those list of items which have been raised for the technical

committee to review for a later date. I guess there may be a date certain as to when you want to do that. I doubt they'll do anything major in the next three months, but I would leave that date up to you, Mr. Chairman.

CHAIRMAN GIBSON: Pat, looking down the list, I don't see anything that the technical committee would make an adjustment to the stock assessment they placed in front of us. I think we can take action to accept that. There are a number of issues here that could be referred to the appropriate panels, technical committee, the enforcement committee.

We're going to have an expert presentation on the mycobacteria. That's my suggestion, that those be referred on to the appropriate bodies for a report back to this body in February, but the assessment is not going to be updated. Changes may occur to that in the benchmark assessment as all these issues come to fore and work through that assessment and peer review process, but I don't see them changing the information they just put in front of us.

MR. AUGUSTINE: Okay, then, Mr. Chairman, at this point would you entertain a motion?

CHAIRMAN GIBSON: Kelly wants to comment briefly.

MR. PLACE: Keep in mind that over the last couple of years we've had nothing to do but come up with concerns. I didn't mean our concerns to sound so strident that we want to shoot down the stock assessment. We just, as Mark just said, would like reports back on these concerns. Many of us already knew, but there are a lot of good things here, too.

Take the myco, within the Chesapeake Bay and other places, it seems that we've been seeing a lot less skinny fish and ulcerated fish. I'd leave that, of course, to VIMS and the other people studying that, but there is some good news. Despite a lot of the concerns and some of the obvious problems -- there are some problems -- we all understand that we are in good shape compared to the threshold and the target.

We also understand that a lot of these concerns about F and creeping F and other manifestations would be picked up in the models that the technical committee is using if it were to become a big problem. A lot of these concerns haven't necessarily manifested themselves; and if they do we would anticipate seeing that. It's not as doom and gloomy and strident maybe as I gave you the impression though there are

deep concerns in many aspects. I didn't want to say let's shoot the whole thing down, no.

CHAIRMAN GIBSON: There you go, Pat.

MR. AUGUSTINE: Thank you for that update and response, Kelly, much appreciated. **I would move on behalf of the board that we accept the stock assessment update as presented by the technical committee chair for management purposes.**

CHAIRMAN GIBSON: Is there a second to that? Seconded by Bill Adler. Any discussion on the motion to accept the stock assessment results as presented today, understanding that these issues that the AP has raised and other issues that we're to get additional reports on that we've referred back to the appropriate bodies.

Seeing no discussion on the motion, there is probably no need to caucus. All those in favor please raise your right hand; is there any opposed; null votes, abstentions. **The motion carries.** That takes care of Item 4. The next item is Draft Addendum II, and I'm going to ask Bob Beal to take over for me. As you can see, I'm the lone member of the Rhode Island delegation here today, and I'd like to be able to participate in this discussion and take a vote if and when it comes to that.

MR. ROBERT E. BEAL: Thank you, Mr. Chairman. What we're going is just follow the agenda. Nichola will give her presentation of the overview of the addendum and then we will go into the technical committee report and then advisory panel comments on the addendum. Then we will get into the discussion.

Before we get started, I think everyone is obviously aware we're pretty far behind schedule, so hopefully we can move through these presentations as well as the discussion pretty efficiently. Some folks in the audience maybe will have comment as well, so we're going to try to move this as quickly as possible. With that, I'll ask Nichola to go over the addendum and the public comment summary.

## **DRAFT ADDENDUM II OVERVIEW OF OPTIONS**

MS. MESERVE: I will provide a quick summary of the options, but first the timeline. The board initiated this addendum in May to propose options for rolling over unused coastal commercial quota. In August the board approved the draft addendum for public comment. The document was made available in late

August, and the comment period was open until October 16<sup>th</sup>.

The board can now consider final approval of options within the addendum. The document does specify that if rollover options were approved, that states would be able to use this management tool as soon as the 2010 fishery, rolling over underage from 2009 to 2010.

There are three sets of options in the document. The first under Section 2.3.1 is whether or not to allow rollover; status quo being Option 1; allowing rollover being Option 2. Section 2.3.2 looks at which states would be eligible to use this management tool; Option 1, all states being allowed; and Option 2 being only those states that use their commercial quota whether for the recreational or commercial fishery.

Section 2.3.3 looks at the amount of underage that could be rolled over. Option 1 is to have unrestricted unused quota rollover. Option 2 would use a percentage of the quota for the rollover amount. Option 3 would be a percentage of the underage as the rollover amount. For both Option 2 and Option 3, the maximum percentage that could be considered by the board would be 50 percent.

#### **PUBLIC COMMENT SUMMARY**

The board's briefing CD included a summary of each of the public hearings held and also the full record of written comments. There were 13 hearings held in 12 states. There were over 152 attendees. The written comment consisted of 228 comments. There were many groups commenting on this draft addendum – just a couple of them I will show on the slide.

The CCA, Charterboat Captains Associations of Maine and Virginia, the Town of East Hampton Commercial Fisheries, the New York Coalition of Recreational Fishermen, the RFA, the Fish Hawks Saltwater Anglers and many others commented on this addendum. Again, the full comment is available on your CD if you want to look to see what any of these specific groups said or any individual, for that matter. There were many more recreational individuals commenting on this addendum than commercial.

At the public hearings there were 97 people that commented on the main option of whether or not to allow unused quota rollover. Eighty-three percent of those supports status quo; 17 percent supported rollover. Because there were just a few people that

supported allowing rollover, there was a lot less comment on the state eligibility issue and the amount of rollover. But, for the three comments on state eligibility, two of them supported Option 2 minus New Jersey, so it would be just those states that allowed the commercial quota to be used for the commercial fishery. For the amount of rollover, of the five comments four of them supported an unrestricted rollover amount; one person supporting a quota rollover amount based on the percentage of the underage.

One option that was originally included in this document before it went out to public comment was the rollover term. The board specified that this would just be a one-year rollover term. There were a couple of people that commented on the rollover term, disagreeing with that, but then there were also others that supported that this should be just a one-year opportunity to harvest unused quota.

Moving on to the written comments; again, there were 228 comments. The vast majority, about 97 percent supported status quo on the main option of rollover. Less than 1 percent supported rollover.

There was just one comment on state eligibility and the amount of rollover; again, it was support for the states that just use their commercial quota for the commercial fishery to be eligible and to use a percentage of the quota as a rollover amount.

Some of the reasons that were provided for status quo was that the underages are occurring not because of a change in distribution or declining effort but because of the stock being in decline as seen in the decline in the abundance and range shifts; a view that the current exploitation is already too high; there being concern about each small proposal that the board has approved in recent years increasing F a small amount, but what is a cumulative effect of those proposals; a view that the addendum options would incentivize underreporting and that illegal harvest and bycatch are already making up for the underages that are being recorded. Underages were also viewed as a benefit to the stock and constituting a precautionary approach when they're not used the next year; a view that it's up to the states to properly manage the quotas to avoid these underages; and many more provided in the document.

A couple of reasons to allow rollover was a view that the stock is not in decline; that it's the shift in the fishes distribution that is resulting in the underages or a reduction in effort due to high fuel prices; that the stock is healthy and that it could accommodate the

very small increase in fishing mortality that would result according to the technical committee's analysis.

There were a couple of comments about the recreational fishery having a larger impact on this stock and that it presents more of a risk to the stock because it's not quota managed; the commercial quotas are flexible when it comes to overages, but they're not when it comes to the underages so it is some discrepancy; and, again, a view that the stock is underutilized. There were also quite a few comments about an increase in the commercial harvest or an increase in the striped bass harvest would benefit the weakfish stock. I'm just going to leave this slide up with the options listed for your discussion.

MR. BEAL: Thank you, Nichola. Any questions on the overview of the document or the public comment summary or does anyone want to provide additional comments from the public hearings that were held in their states? Seeing none, we will go to the technical committee report. Wilson.

#### **TECHNICAL COMMITTEE REPORT**

DR. LANEY: In the interest of brevity here, I'll just point out to the board that the technical committee comments with regard to Draft Addendum II are on Page 7 of the draft. The technical committee had indicated previously that it would prefer to have the results of the 2009 updated stock assessment before fully assessing the impacts of an increase to the coastal – or actually of the rollover.

Now that we have those, the position of the technical committee remains unchanged. There are five additional points that we made, and those are all in that third paragraph on Page 7. Bob, I'll defer to you as to whether you want me to read those into the record. I know everybody can read so they're right there for everybody to see. If you want me to read them, I'll be happy to.

MR. BEAL: I think if folks have them they can read them as the discussion goes on here, but we can come back to you if we have questions. Kelly, can you give the advisory panel comments, please.

#### **ADVISORY PANEL REPORT**

MR. PLACE: Also in the interest of brevity, Nichola essentially went down the list of our concerns as well. It was very clear that the recreational fishery was almost unanimous, not quite but almost unanimous, against any kind of rollover. By the same

token, the commercial fishery was unanimous in favor of it.

One thing that is not this list I'll bring up, though, is that – and this is a commercial point – is that without allowing an underage to be rolled over, why would management even manage to keep under the quota? We call it a penalty. Now, of course, the recreational fishery, which is the majority, I should say, of the advisory panel, they disagree with this, but it is considered a penalty, of course, if you go over and it's deducted from next year, but you're really not losing any fish or money.

In fact, you're getting in advance what you would have gotten the next year. It is something I raised. I was a little concerned that if we're not careful we might incentivize management to manage to be slightly over. You're just getting in advance what you would have gotten last year. However, the commercial fishery obviously working under a hard quota like this, anything that you don't harvest obviously you lose, so it's kind of a perverse incentive that you might want to look at.

With that being said, it was clear that the recreational sector, for all the reasons you've heard and can read in these, which I won't repeat, was specifically against the rollover. I think probably the main reason I'll just mention is the creeping F; a little F here, a little F there. I will say that Alexei did point out, of course, again that if that were any spike in F that was going to be detrimental to the stock or even bring it close to the target, let alone the threshold, that the models would pick it up.

The recreational fishery felt that we should be – obviously be in more conservation risk averse, but the commercial fishery pointed out we've got so many layers of risk aversion that at some point it becomes somewhat excessive; that even if we were to have a relatively catastrophic situation, we would still be well above the target and threshold. It is definitely a dichotomy of position there. I will leave it at that.

MR. BEAL: Thank you, Kelly. Any questions for the technical committee or the advisory panel? Seeing none, Nichola has left up the slide with essentially the three decision points that need to be made for Addendum II. I think probably the best way to focus this discussion is if someone had a motion to make on either one or all three these decisions points. Michelle Duval.

#### **CONSIDER FINAL APPROVAL OF ADDENDUM II**

DR. MICHELLE DUVAL: Mr. Chairman, just to get the fun and games started, I will offer a motion; and if I can get a second to the motion, then I would be happy to explain our position. **I would move to approve Addendum II with the following options:**

**For Section 2.3.1, Option 2, allow rollover; Section 2.3.2, Option 1, all states are eligible to rollover unused quota; Section 2.3.3, Option 2, having a rollover amount based on a state's coastal commercial quota. Specifically, up to 50 percent of a state's quota can be rolled over in a given year.**

MR. BEAL: Is there a second to that motion? Seconded by A.C. Carpenter. Michelle, do you want to follow up with a comment?

DR. DUVAL: I think when we started the process of moving forward with an addendum, we had a stock that was not overfished and overfishing was not occurring, and we still have a species for which overfishing is not occurring and it's not overfished. I guess I would also remind folks that this is a very, very small component of the overall mortality.

I think the technical committee was very conservative in their analysis. Every instance of quota underage was rolled over and it was a hundred percent of that. It incorporated New Jersey's unused quota. The technical committee indicated that any increase in the fishing mortality rate was pretty much within a margin of error, not more than 0.2.

The stock assessment update indicates that we're reasonably below the target fishing mortality rate. We're still above the spawning stock biomass. I think having a rollover would certainly allow for a little bit more flexibility in administering the quota, dealing with issues of weather certainly down where we are, which are definitely not insignificant issues. I will leave at that and look to other folks to comment.

MR. BEAL: A.C., as seconder did you have additional comments to make? Not at this time. All right, other comments around the table on the motion? Steve Meyers.

MR. STEVE MEYERS: Mr. Chairman, I wonder if the chairman of the TC could address the specifics of this motion relative to the stock and the health of the stock.

DR. LANEY: Well, my comment was that I wasn't at the TC meeting when the issue was discussed, so I

will defer to the chairman of the stock assessment subcommittee who was present when it was discussed.

MR. SHEPHERD: The basic premise of the analysis that we did, it was mentioned that the amounts that were looked at were relatively minimal and have an insignificant effect on the fishing mortality estimate. I can't necessarily speak to these exact options, but overall it seemed to be – as mentioned the kind of the worse case scenario wasn't a large amount.

MR. FOTE: I would have loved to use unused recreational summer flounder, sea bass and everything. It's just not the way we've been doing business for all these years. You know, even though we go over one year and we basically go under the next year, we can never basically use that for the following year. I think it's a bad precedent. I think it's a bad precedent in every fishery.

We set up management regimes to basically stay within a target; and if we don't reach the target, then we have the consequences if we go over. If we go under, it has always gone back to the stock. I mean, that's how we've done it when it comes to sea bass, except in bluefish where we actually transferred it over to another sector of the fishery, which has its own concerns.

For the most part we've done that with every species and I think it would be a bad precedent if we start second guessing ourselves. Yes, I would love to do it with sea bass. I mean, we were under for two or three years in the recreational side and over one year and we're going to pay the consequences, and nobody is even talking about that. I just can't see supporting this at this time.

MR. R. WHITE: Mr. Chair, I, too, cannot support it for a couple of reasons. First, there is overwhelming input from my constituents that were in opposition. Also, interestingly, I got almost as many e-mails as I did from New Hampshire constituents from North Carolina fishermen that were in opposition. I didn't get one in favor, and I thought that was very interesting.

Then looking at the overall public input, overwhelmingly it was in opposition up and down the coast. Finally, the letter that CCA New Hampshire kind of goes along with what Tom was saying in that New Hampshire has not had access to striped bass in the last few years to historic levels; and if all of a sudden the fish show back up, they would not expect to make that up. They would not expect to go to four



fish at 28 inches or something. They said that in the letter so I think that shows that, as Tom said, this is not a principle that we should be endorsing.

MR. STOCKWELL: Mr. Chair, I am also not in favor of this addendum. Something fundamental has changed across the entire range of the fishery. We have a truncated resource. We have the unknowns of the myco. I don't want to make light of the creeping F, but it's a very big deal to those of us who live in the northern latitudes. Overwhelming public lack of support across a wide range of states and interest groups, I do not believe it's prudent to move this ahead at this time.

MR. ROY MILLER: Mr. Chairman, like many of us on this board, I was troubled by the reports that were released concerning the underreporting and perhaps felony falsification of commercial catch records in the Maryland and Chesapeake area in particular. I had grave misgivings about that particular topic and wonder how widespread it is and if and where it applies elsewhere.

I wondered if the Law Enforcement Committee – I realize that Mike Howard is representing them today – I wonder if they have a feeling as to whether if this particular motion passes it could have an impact on possible future underreporting, if underreporting is encouraged by this particular motion and if they feel that's a possibility.

MR. BEAL: Thank you, Roy. Mike, can you respond to that?

MR. HOWARD: With the existing resources that the east coast law enforcement has, monitoring quotas now is very difficult. To get an accurate answer, I would have to survey the committee. Did I answer the question or did I miss it?

MR. BEAL: I think you answered it to the best of your ability.

MR. HOWARD: I can go further and guess, but I don't think that would be appropriate. It increases difficulty, but when you give us a number, a number is a number. If a mechanism currently is in place to accurately monitor quotas, we can do it. Some states merely do not have the auditing capability to effectively monitor quotas at this time.

MR. O'CONNELL: I'm also in the position today that I'm not going to support the motion. I supported this addendum being developed. I'm not sure where I would settle on this today, but the presentations

really made it clear in my mind that we need to be taking a more precautionary approach.

In Maryland we're trying to address some of the accountability issues, and I don't want to set up a situation where people are going to have the incentive to underreporting. Lastly, I think we all need to leave here today recognizing that the technical committee recommended the greatest risk to the stock is in regards to not having a quota-based system for recreational fisheries. I know I'm going to be going back home with a serious review of our recreational fishery in Maryland and trying to make sure that is not going to be jeopardizing the stock.

MR. GIBSON: Sometimes you have to take positions that you think are right as opposed to what is popular, and so I'm inclined to support this motion at this time because I think that we have to believe in the science that we have that is computing these quotas. We have fishery managers the flexibility to manage the quotas.

I don't have a dog in this fight in the sense that we don't have trouble catching our striped bass quota. We have trouble managing other quotas, though, particularly those that are small and particular those where the fishery runs all the way through December and we're up against a fixed time limit to use it or lose it, and it creates some problems.

So, to the extent that fishery managers have some flexibility in doing their accounting, I think they're under a lot less pressure to make information poor decisions. We just took an action earlier today to facilitate account balancing in another arena where transfers could be accommodated and those with overages and underages could square their books to the extent that the donor states are willing to do so.

It seems to me this is another place where managers can get the needed flexibility. I don't think we're taking a big gamble here. The only questions I have are operationally how does this work, how does a state notify the commission that they have an underage and unable to catch their quota?

Is there some sort of a certification process that has to go on before that quantity can be rolled over and put into the next ledger for the next year? I'm just wondering about that. I support it in principle, but I would just like to hear how some details might play out were we to endorse it. I don't know if anybody can help me with that.

MR. BEAL: Nichola, can you respond to that?

MS. MESERVE: The addendum outlines a couple of procedures for the implementation. Any state that was to use the management tool of rolling over underages would have to notify the commission. When the compliance reports are due, the final harvest estimate numbers would be expected to be reported to the commission at that time. It would be those final harvest numbers that would be used to calculate the state's adjusted quota for that year.

MR. SHIREY: Delaware has a fairly small commercial quota, and we do our best to constrain the fishery to prevent it from going way over quota, which I have no doubt that they could very easily. We have been running 98 or 99 percent of our quota so a 1 percent rollover to the following year would not represent much of an increase to those fishermen that participate.

On the other hand, if for some reason they were unable to catch a significant amount of quota, I'd be concerned that it does represent some serious changes in the stock, and this would be an early warning to us. Thank you.

MR. RED MUNDEN: I'd like to address the comments that were raised earlier about monitoring and our law enforcement representative pointed out that different states had different capabilities for monitoring. I can assure you that North Carolina has the capability to monitor quotas for summer flounder, for black sea bass, spiny dogfish and even striped bass when fish are available in our waters.

We require that dealers provide daily landing reports, and these landing reports are verified by our trip tickets. We stay on top of the quotas, we're prepared to do it for striped bass as well as the other species that we manage through the quota management system in North Carolina. Thank you.

MR. SIMPSON: A couple of things. I think once or twice it has been said that this would be precedent-setting allowing rollover of a quota. I know that is not true generally if you look at federal fishery management plans. Are there other examples that we already have where rollover is allowed in an ASMFC Fishery? I have a couple of other things, too.

MR. BEAL: Just to respond to that David, wearing the other hat if I was sitting back in that corner of the table, there are three ASMFC plans that allow quota rollovers, the spiny dogfish, Atlantic menhaden and the scup fishery. The scup fishery really allows rollovers from the Winter 1 Period to the Winter 2

Period. It doesn't allow it from year to year. There are some examples within the ASMFC plans.

MR. SIMPSON: The other point I wanted to make is that we're talking about something like 0.6 percent of the quota in this motion, so we're talking about a very small amount of fish. I know I've heard quite a bit about the difficulty in monitoring and the implications of this and the motivation to underreport, and I don't agree with it.

I think there is no more motivation with this than there is without it. Certainly, we've gotten a lot of correspondence, we all have on this, a lot of attention, public, political and otherwise, much more than I would have expected for this week's agenda. What I keep telling people is that I go back to the goals and objections of the plan. It's not a popularity contest when we go to public hearing. I think what you want to get is not just whether you support or oppose a given motion but your reasons why.

To me those have to be responsive to the goals and objectives of the plan. I will just throw that out there for everyone. If this passes I do have one motion to follow up on because this one is pretty comprehensive and adopts the whole thing. If it passes please look to me for one more motion.

MR. GOLDSBOROUGH: Mr. Chairman, I'm concerned about the Chesapeake stock. I believe we heard that three-quarters of the underages over the last six years – or three-quarters of the commercial quotas over the last six years were underages and I think you have to ask why. The technical committee did advise us that if the underages are a result of reduced abundance, then rolling over would have a greater effect on the stock than they had estimated.

I do think we have reason to be concerned about the Chesapeake stock. The reasons have been mentioned. The contracted range in Northern New England is most likely related to the Chesapeake stock; the most highly migratory of our stocks. I think we have a shift in the winter distribution northward that may actually have more to do with the inability to achieve the commercial quota in North Carolina than anything else.

That itself has given rise to a recreational fishery around the mouth of the Bay that we hadn't seen historically. I think we have to look at those kinds of trends overall and not just look to addressing systems of them with measures like this. As much as I sympathize with the issues in North Carolina, I'm not sure this really would address them. I would be

interested in knowing, if we could know and I doubt we could, what the effect on the F on the Chesapeake stock would be from this rather than just the effect on the coast-wide F because, like I said, there are a number of reasons for us to be concerned about that. Thanks.

MR. MIKE JOHNSON: Mr. Chairman, you know, we've been kicking this ball around now I think is the third meeting. The first time that it was talked about there was a lot of concern. The second time it was talked about there was, well, if we have a favorable stock assessment, maybe this isn't so bad. Your guys are taking it on the chin; the fishery is in trouble – and I mean the fishermen – and maybe it's okay if the assessment is good.

That was sort of the consensus around this room. In the interim period the special interest groups have done a great job of doing what they're supposed to do and politicking all of us, politicking our bosses, our governors and our representatives, and that's their job and I tip my hat to them, but our job is to sit in this room and look at science and look at the best thing we have to make a decision on.

We all heard the stock assessment and we all heard the technical committee asked several times in several different ways would this make a difference, and the answer everytime was no. Now, the stock assessment was deemed good. There are always questions, I believe, at the end of any stock assessment of what could happen here, what could happen there. We can do that everytime.

The stock assessment was deemed good. We accepted it, we voted on it, so it must have been a good stock assessment. Now we're trying to make a decision based upon that stock assessment and the comments of the professionals we use, our technical committee. If we're not going to look at those today, why bother with a stock assessment, let's just have public opinion, let's just have public comments to everyone.

I'm not running you guys down because I know it's hard, but when do we say it's good to follow public opinion and when do we say it's good to follow the science? We either need to do one thing or the other. I don't know how this thing will go, but it means a lot to our guys at home in North Carolina for hope. What has happened to our fishery?

The fish are still there. When we saw our catch graphs, North Carolina had the same fall just like Massachusetts and the northeast, but we know

exactly where our fish are. They're sitting out there about eight miles and they're thick. Even doing this today doesn't guarantee that we're going to catch our quota again because if those fish don't decide to come inside the EEZ, they're not going to get caught anyway.

There has been a statement made several times about maybe hurting the stock if this happens. Well, if Carolinians didn't catch their quota the year before last, they didn't catch it last year, the fish don't come across the EEZ, they're not going to catch again this year's, steady putting back. Now, if they are allowed to carry it over this year, we catch our quota, we're allowed to use 50 percent of the quota, did we really hurt the stock in a negative way? The technical committee has answered no, so I plead with you to not worry about your e-mails from other people as much as you do from the technical committee because I think those are the important ones that we need to look at here. Thank you, Mr. Chairman.

REPRESENTATIVE DENNIS ABBOTT: At the last meeting I made a comment that I made at an earlier meeting, and that comment was that – and I'll read it – I think I said at a previous board meeting that this is like death by a thousand cuts. We continue to try to make these decisions which exploit the fishery to a greater degree; and when we talk about the science, as I sit here and listen I find that I'm hearing that there are declining trends everywhere. I think that if we err we should err on the side of conservation.

As a state representative I am sent here by my constituents. I am sent here to listen to what the constituents said to me in my home state, just as the others. I do that by going to public hearings, reading the e-mails, and I use that for my decision-making process. I surely listen to the science and I pay a lot of attention to the science although there are moments when I don't understand all the science because it is what people have gone to school for and have worked with all their life, and on some days it's difficult for me to comprehend.

But for me not to listen to my constituents and to go by the position that my constituents ask me to do or my own personal feelings that I should consider the health of all the natural resources and that it is important that at the end of the day I leave the striped bass population and the populations of everything that I am involved with in a better condition so that my children and my grandchildren will stand to benefit by their utilization of the resource, and that is why I am adamantly, adamantly opposed to this

rollover addendum that we have before us. Thanks, Mr. Chairman.

MR. BEAL: The last person on my list I have is Russell Dize and then I'm going to have to consider where to move from there. Okay, and then Paul Diodati.

MR. RUSSELL DIZE: Mr. Chairman, I would like to clear up something that Bill Goldsborough has said. He said that the commercial catch in Maryland was under the last few years. The reason we're under is because the state of Maine regulators makes sure that we're under. They cut the fishery off in the second week of February. We had two months in January and February and that quota was cut off. That's the only reason why it wasn't caught. Each year our managers make sure the commercial doesn't go over. Most of the time it is under. Thank you, Mr. Chairman.

MR. DIODATI: I've heard a lot of folks say that they're concerned because of I guess the risk-prone nature of this kind of action. That's not what concerns me about it. I'm not concerned that increasing the commercial catch is going to increase F. We all saw earlier that F is relatively low, the spawning stock biomass, the biomass overall is stable; that the commercial fishery is a small component of the mortality. It's mostly the recreational fishery.

What concerns me, though, and the reason why I can't support this motion is that it is so inconsistent with the model that we've been following in managing striped bass. You know, for instance, when Massachusetts overfishes its quota 5,000 pounds out of a million pound fishery, we have to pay it back the next year. We don't get a transfer from another state, which in my view would be conservation neutral given that that quota has already been allocated for the year.

We pay back overages; we don't allow transfers within year from state to state. I don't see how we can possibly consider flipping an overage between years. Not only is it inconsistent but this does not solve anyone's problem. I don't understand how this kind of a management action solves the problem in Year 1, Year 2 or Year 3 when your fishery is clearly unable – it doesn't have access to the resource for some reason.

I'm sure that those states are doing everything possible to administer their fisheries differently in order to take advantage of what is allocated to them,

but clearly it's just not available. For me to support this would suggest that over the past two or three years where our recreational fishery has actually decreased its landings by significant numbers in recent years, that next year I would increase that to a three-fish bag limit. It just doesn't make any sense to.

That doesn't solve the problem. If I want to help North Carolina and other states that are having difficulty getting quota that is allocated them, whether we have to transfer that to states that have access to the resource or we have to allow these states to fish in waters that are currently closed to them, which might be the EEZ, but there has to be a different way to solve this problem. This doesn't seem to be the right solution to me.

MR. BEAL: Anyone else around the table want to make a comment that hasn't had a chance to comment on this yet? I think, Tom, you had the first comment and I'll give you the last comment. Well, let's have Loren, please.

MR. LOREN W. LUSTIG: I'm the new commissioner from Pennsylvania so this will be my first comment. I heard our speaker representing law enforcement talk about – and I believe I have his quote down accurately – a huge illegal component. This is a variable that we need to have quantified. I would suggest that conservation – in light of the considerations of conservation, I would want to err on the side of not taking more fish from the resource. Thank you.

MR. FOTE: I'm thinking we're going to be sitting in a meeting either tomorrow or the next day – I don't remember which; they all kind of run together – on weakfish. I remember the fishermen coming to us about eight years ago or nine years ago in the Delaware Bay. I remember Roy Miller, when he actually worked, saying we need to shut the fishery down and we needed to do something about the fishery because we're not seeing the fish.

The technical committee kept saying there was no problem. We didn't have a certified stock assessment, so we kept postponing and kept postponing. Now we're going to be talking about a one fish and probably a hundred pound bycatch. I have serious concerns. The question that I've been asking is what is the contribution of the Delaware River and the Hudson River?

I think at one point we were probably 15 percent. I would not be surprised that those two strains make up 15 percent or more of the coastal migratory stock is.

I think the Chesapeake Bay stock is in serious trouble. So if you're looking at the catch and you look at New Jersey and New York and the other states that make up a good part of the catch in the recreational sector now, we're fishing mainly on Hudson River fish, which is getting netted in those areas in the extreme are also Chesapeake Bay. I'm really worried about the Chesapeake Bay stock.

I've just got to respond to a comment that was made. I go to public hearings and I listen to what the constituents of my state have to say. I don't have the arrogance to tell them that I know better than them. If they are overwhelmingly in support of a position, that is what I'm here to do is basically – you know, they have showed up.

They have put their time and effort in my state to put in a certain question and a position, and I'm not here to ignore that position if that's the overwhelming majority of the people in my state. That is what my job is to do is to reflect what the people in my state feel. I agree with Denis Abbott.

MR. BEAL: Thank you, Tom. Any other comments around the table on this? I think we've heard from most of the commissioners around the table. I think the chairman commented that he would allow some public comment from the audience at this time. I want to remind the folks in the audience that this is not a public hearing. As Nichola mentioned, we have already had 13 public hearings up and down the coast.

I think the folks around the table have a pretty good feel of their constituents and what the sentiment in their state and some neighboring states might be. With that, I hope to go through the public comment in the fashion of one comment for and one comment opposed to the motion that is on the board and try to focus on the motion that is on the board. We will go into that pattern. The first hand I saw was Arnold Leo.

MR. LEO: My comment actually is addressed to comments that have been made around the table. Mr. Goldsborough speaks about how possibly the commercial underages indicate a decline in the stock, but what does he then think of the fact that the recreational landings have tripled in ten years. That would certainly speak to an enormous increase in the abundance of the stock.

More important, though, earlier today the Scup, Black Sea Bass and Summer Flounder Board approved a rollover, not from year to year but of

quota from one state to another. That is a rollover. If a state has an underage, some of its quota could be rolled over to a state that has an overage. The board approved that in order – the point was to utilize the coastal quota. There is no difference in the proposal before you here at the Striped Bass Board meeting, but instead of from state to state it's from one year to the next. It is a rollover.

And, finally, I do want to just emphasize what indeed the technical committee pointed out, that really large fluctuations in recreational harvest, which is not regulated by quota, present a greater level of risk of exceeding the Ftarget or threshold than allowing commercial quota rollover. If this commercial quota rollover is going to be voted down, then I think we need to look for an addendum that is going to drastically reduce the pressure from the recreational sector. Thanks.

MR. BEAL: Thank you. I'm looking for a comment in opposition to the motion if there any in the audience.

MR. BOUTET: My name is Matt Boutet. I'm a recreational angler from Maine. As you can see by the white hats in the crowd here, we do have quite a few people that came to show their opposition to this rollover. I can't speak for all of them, but I have spoken to a number of them. To most of us it's not an issue of commercial versus recreational. This isn't an allocation fight to us. This is a dead fish fight.

We feel that there are too many dead fish out there and we're opposed to any sort of mortality increase. I've heard the term "mortality increase" many times during the discussion, and I think this is a great point. It's something that we need to be aware of. To Mr. Leo's point, I would love to see an addendum undertaken to drastically reduce recreational mortality across the board. Thank you.

MR. BEAL: Sean, I assume your comments are going to be in favor of the motion or something similar to that.

MR. SEAN McKEON: Sadly, I assume not many minds are going to be made up at this point, but I will say that while listening to your constituents is a noble thing to do, I have been here long enough to have heard this body vote many times, many times against the wishes of the overwhelming majority of the public comments that have been made and say we must listen to the technical committee; that is our job; that is our task; our task is to inform those that

disagree with us or disagree with the technical committee why you're voting a certain way.

It's a little bit of a red herring to me to hear that expressed in this body as I seen it happen many times here when the overwhelming majority of the public comments in this room and written comments indicate that those individuals would like something far different than this board voted on. The precedent thing was done away quite aptly I think by Bob when he said that there are other fisheries that have this type of mechanism.

I think it's comparing apples and oranges when you talk about some hypothetical pseudo recreational rollover when there is absolutely no limit on recreational fishing at all when you look at the sheer numbers of people that fish in that sector. I think that the commercial rollover is very much what the technical committee says. It is very controlled. In our state we have real-time monitoring, almost. We have excellent records. It's apples and oranges to compare those two.

If you look at the report that was here that you all have had, I mean the problem in this fishery, as in so many other fisheries, is the inability to account for recreational overages, recreational fishing. To now have the commercial industry just come forward and say if in the event we do not get these fish, we don't get our allocation,; and if in the event that they come back, a small portion of those fish; could we please get them?

This is a very difficult time as most of you know. I think when you talk about dead fish, as the gentleman did a minute ago, again you're looking at a recreational problem and not a commercial problem in this fishery. I don't think this is anything that is going to do any sort of – as the fellow from Rhode Island said, this is not a great gamble on anybody's part, but, sadly, I think we just don't see minds change. Minds get made up.

I don't think folks listen to some of the presentations enough and take into consideration what was said. Despite the hats, despite the wonderful colors that they are, white and red, I think that the rollover is totally appropriate, and I would urge you to vote for this addendum. Thank you.

MR. BRIAN PATHO: My name is Brian Patho. I live in Massachusetts. I think most of the folks here who are against the rollover would be in favor of increased regulations on the recreational fishermen. A lot of the committee's findings and reports earlier were on biomass. My catches over the last several

years have been way, way down. I take no comfort in the fact that the fish are bigger. Biomass doesn't mean a lot to me. To me it's all about fish stocks and this is what the rollover really would hurt. I just wanted to voice that.

MR. BEAL: Thank you. Any other comments from the audience that are in favor of the motion that is on the board at this time? Seeing none, we'll go back to the board. Any additional comments? I don't think we need any or don't see any hands. Tom Fote.

MR. FOTE: I would just like a roll call vote.

MR. BEAL: Okay, we'll do a roll call vote. We will give a one-minute caucus before we take that.

(Whereupon, a caucus was held.)

MR. BEAL: Everyone set with their caucus? Okay, with that, we're going to go ahead and take the vote on the motion that's on the board. Nichola will take a roll call vote.

MS. MESERVE: Maine.

MAINE: No.

MS. MESERVE: New Hampshire.

NEW HAMPSHIRE: No.

MS. MESERVE: Massachusetts.  
MASSACHUSETTS: No.

MS. MESERVE: Rhode Island.

RHODE ISLAND: Yes.

MS. MESERVE: Connecticut.

CONNECTICUT: Yes.

MS. MESERVE: New York.

NEW YORK: Yes.

MS. MESERVE: New Jersey.

NEW JERSEY: No.

MS. MESERVE: Pennsylvania.

PENNSYLVANIA: No.

MS. MESERVE: Delaware.

DELAWARE: No.

MS. MESERVE: Maryland.

MARYLAND: No.

MS. MESERVE: District of Columbia. (No response) PRFC.

POTOMAC RIVER FISHERIES COMMISSION: Yes.

MS MESERVE: Virginia.

VIRGINIA: No.

MS. MESERVE: North Carolina.

NORTH CAROLINA: Yes.

MS. MESERVE: Fish and Wildlife Service.

U.S. FISH AND WILDLIFE SERVICE: Abstain.

MS. MESERVE: National Marine Fisheries Service.

NATIONAL MARINE FISHERIES SERVICE: Yes.

MR. BEAL: **The motion fails**; six votes in favor; eight votes in opposition; and one abstention. Anything else on Addendum II? Michelle Duval.

DR. DUVAL: **Well, I'm wondering if possibly – I would like to make a similar motion, changing only the percent of a state's quota that could be rolled over in a given year to 25 percent.**

MR. BEAL: So everything else in your motion would stay the same other than the percent rollover?

DR. DUVAL: That's correct.

MR. BEAL: Dennis Abbott.

REPRESENTATIVE ABBOTT: I'm just wondering, we went out to public hearing with a figure of 50 percent. We didn't go out to public hearing with a 25 percent. I'm questioning whether this is a correct way of going about things. Are we legal in doing that in that we didn't go out with an option of 25 percent?

MR. BEAL: I think the document actually contemplated a range from zero to 50 percent; 50 percent was the high number. With that, is there a

second to the motion that Michelle made? Seconded by David Simpson. Michelle, would you like to provide any additional comment?

DR. DUVAL: I guess the one thing that I would like to point out is that I think there are a number of safeguards in this addendum. It clearly states that in the event that any state or commission deems a continuation of rollover would unduly jeopardize the stock, the state or commission, through board action, could decide to preclude rollover in a given year on the stocks in question.

I guess I would also just further clarify that the addendum states that if a state was allowed to rollover an underage to the following year, if that harvest plus underage was not fully harvested, then a state's quota goes back – if that additional quota from the underage is zeroed out the following year, it's not as though you would be continually rolling over additional quota. You're not accumulating anything if you don't catch that additional quota.

MR. SIMPSON: To help on that point, I gave Nichola a motion and maybe we can add it to this one. To that point, add to that that the rollover from the previous year be available after the state's current year quota, only after it has been harvested – only after the previous – I'm sorry, I've got to start again – that rollover from the previous year will be available only after the state's current year quota has been harvested.

That sounds like insignificant details, but it actually gets right to Michelle's point that since you can only carry over for one year; if in one year you catch 80 percent of your quota, you're going to roll over 20 percent. If you are required to catch the next year your current year quota first, then that year-old quota expires; whereas, if you caught your old quota first and you caught 80 percent, you would go from 100,000 pounds to 120,000 pounds to a 150,000 pounds and so forth, and in about five or six years you're quota could double. I'm adding this in to prevent any kind of accumulation of quota here, so it's a very conservative approach to rollover.

MR. BEAL: Okay, we're in a parliamentary spot. David is suggesting some language to add to Michelle's motion. Michelle, are you comfortable adding that wording to the tail end of your motion.

DR. DUVAL: I am; I think it just clarifies what was the intent of the addendum all along, which is if you don't harvest that additional chunk of quota that you were allowed to carry over, whatever that percent of

that might be, you go back to zero the following year. There is no, oh well, you know, this first X number of pounds that we harvested was actually from two years ago. Yes, I accept that language.

MR. DIODATI: Mr. Chairman, it seems that for all intents and purposes this is really the same motion we just voted on with a change in the percentage of what can roll over. I think we're providing too much leeway there in terms of finding this in order because you certainly are opening the door for future meetings when a state is voted down on a particular motion because they're looking X amount of fish, then I'll make another motion for X minus one, X minus two, X minus three.

If you're going to approve them all, fine, but I think that we need to think about the process a little bit and whether or not this is actually in order or at the very least it would require a two-thirds approval. For all intents and purposes, we just voted this motion except for the percentage.

MR. FOTE: My comments were going to be along what Paul just said. I'm not going to repeat what I said before. I just ask for another roll call vote.

MR. BEAL: All right, seeing no other hands, Louis Daniel from the audience.

DR. LOUIS DANIEL: Mr. Chairman, the intent and purpose here all along was never to have banking of rollover under any circumstance, whether it was caught before or after. I'm just very concerned about the precedent here. I mean, we can agree respectfully to disagree on the issue of the science, but when we have a peer-reviewed stock assessment that has been accepted by the board, I'm trying to think back in my memory banks as to when we've completely gone against what the technical committee has said based on a state's request and taken a different action on that.

I know there wouldn't be a red snapper closure in the South Atlantic if it were based on public comment. I think we need to think long and hard about making our decisions based on that. If I'm wrong and out of order, I apologize, but I just feel concerned about that precedent.

REPRESENTATIVE ABBOTT: Mr. Chairman, Paul Diodati made some very good comments. My take on what we did previously as the focus of our discussion through the whole debate wasn't an issue of percentage, whether it was 50 or 25 or 75 or any quantitative number, but we were making what I

assumed was a policy decision. I think that the states voted in that manner, that they were either going to approve the policy of having a rollover versus whether it would be 50 or 25 percent. I would surely urge the states to maintain their previous position. Thank you.

MR. BEAL: We're going to have about a three-minute break.

(Whereupon, a recess was taken.)

MR. BEAL: All right, if the Striped Bass Board can reconvene, please, I think the spot we're in is there is some question as to whether this motion is or is not substantially different from the previous motion. I will ask Vince O'Shea to make a comment to where we are right now.

EXECUTIVE DIRECTOR JOHN V. O'SHEA: Normally when that question is raised, it is directed to the chairman and it's the chairman's responsibility to rule as to whether or not a motion is out of order. In this particular case the chair has shifted to the staff, so you're basically asking the staff to get in the middle of this, which is not really where you want to be.

The cleanest way to handle this is if there were to be a motion to rule this out of order, that motion could be put to the full body. You could quickly dispense with that, and then it would essentially be a decision made by the body and not by the staff. Thank you.

MR. BEAL: All right, we will proceed with that advice. Doug Grout.

**MR. GROUT: I would like to make a we voted down says Option 2.3.1, Option 2., rollover motion to rule this motion out of order. The reason for this is because in the last motion that allowed, and we voted that down, so if you can't have a rollover-**

MR. BEAL: Terry Stockwell seconded the motion. Discussion on the motion to rule the previous motion out of order. David Simpson.

MR. SIMPSON: I'll just say that I think a lot of the discussion centered around the level of risk that we were taking and that speaks directly to the amount of quota that might be rolled over. I do think it is a legitimate motion to make. It is distinctly different. In hindsight it might have been better to bring these different issues, one, two, three, up separately, but we haven't. Again, I think it was central – the



percentage allowed for rollover was central to the debate.

MR. GIBSON: I agree with the maker of the motion. Having discussed during the break with the past chair, the current chair agrees that when we took action on the lumped package, we voted out the consideration of rollovers even though I would not have agreed with it, but I think that is where you are procedurally. I would support a motion to rule it out of order.

MR. BEAL: Thank you. Other comments on the motion that is on the board? Tom Fote.

MR. FOTE: I just call the question.

MR. BEAL: That sounds good. Ritchie White.

MR. R. WHITE: Roll call.

MR. BEAL: With that, any need for a caucus? All right, seeing none, I'll ask Nichola to call the roll call vote.

MS. MESERVE: Maine.

MAINE: Yes.

MS. MESERVE: New Hampshire.

NEW HAMPSHIRE: Yes.

MS. MESERVE: Massachusetts.  
MASSACHUSETTS: Yes.

MS. MESERVE: Rhode Island.

RHODE ISLAND: Yes.

MS. MESERVE: Connecticut.

CONNECTICUT: No.

MS. MESERVE: New York.

NEW YORK: No.

MS. MESERVE: New Jersey.

NEW JERSEY: Yes.

MS. MESERVE: Pennsylvania.

PENNSYLVANIA: Yes.

MS. MESERVE: Delaware.

DELAWARE: Yes.

MS. MESERVE: Maryland.

MARYLAND: Yes.

MS. MESERVE: D. C. (No response) PRFC.

POTOMAC RIVER FISHERIES COMMISSION:  
Yes.

MS. MESERVE: Virginia.

VIRGINIA: Yes.

MS. MESERVE: North Carolina.

NORTH CAROLINA: No.

MS. MESERVE: Fish and Wildlife Service.

U.S. FISH AND WILDLIFE SERVICE: Yes.

MS. MESERVE: National Marine Fisheries Service.

NATIONAL MARINE FISHERIES SERVICE: No.

MR. BEAL: **The motion carries; eleven votes in favor; four votes in opposition.** Anything else on Addendum II? Jim Gilmore.

MR. GILMORE: I'm not sure if it's – well, I guess since Addendum II has been pretty much voted on, what we've got to this point, Mr. Chairman, was we had initially, I think a year ago, talked about an increase in the commercial quota. Then I guess at the time it was decided that the stock assessment had not been completed so it was premature to vote on that.

Then this issue came in and essentially replaced it in some respects for the time being. Now that that has been voted down, I would like to propose that we add that increase in the commercial quota consideration for the next board meeting in February.

MR. BEAL: So, Jim, you're proposing a discussion at the February meeting for initiating another addendum or are you saying that staff should draft an addendum between now and the February meeting for possible public comment?

MR. GILMORE: I thought we had at the meeting – and I don't remember. It was about a year ago where we had voted on – I thought we already had it

drafted and again this sort of replaced it, so I didn't think it was – this was resurrecting a precious issue and not doing the work.

MR. BEAL: I think that motion failed for lack of a majority at the last meeting to initiate an addendum on increasing commercial quotas. We haven't gone down the road of drafting an addendum and bringing it out to public comment and all the other steps that would be necessary to modify commercial quotas.

MR. AUGUSTINE: To that point, Mr. Chairman, it just seems to me that we're at a position where we've got to accept the fact that one of the sectors is forever locked into a quota that if only by chance of God or being struck by lightning are ever going to get a fair and equitable share. Why do I say that?

I'm as concerned about the gentleman who talked about recreational anglers and the number of striped bass that are being killed. I suggest that you go back and look at the numbers of striped bass that are being discarded, left to swim freely alive as catch and release, that die on a yearly basis.

Now the recreational community is not constrained by anything other than the fact you can go catch two fish bigger than 28. In New Jersey you can catch three because they do not have a commercial quota. Let's talk about honesty and fairness. Let's not talk about you gentlemen with the hats back there are concerned about rollover. I'm concerned about rollover. I'm on ICCAT. I'm on the advisory panel.

To see some 65 or 70 countries usurp the tuna fish population of the world by virtue of having rollover that goes on and on and on, with some countries having 3,000-4,000 metric tons of rollover fish from year to year, because they have what is called IUU, unidentified, unreported and understated.

The key to the whole thing here is we're going to be fair and equitable up and down the 15 states in the ASMFC, we've got to look at other options to keep it fair and equitable treatment for all users. Effectively this group killed the commercial fishermen of ever getting an increase. I don't think that's fair.

By the same token, our recreational harvest is something in excess of 16 million fish in 2008. The total commercial population is smaller than your discards, recreational folks. I happen to be a recreational person. I'm trying to speak objectively here, and we've got to get out of this mode of it's them or me.

All of our commissioners and board members here took an oath that said we're going to do things in the best interest of the fisheries. My concern is are we following that; are we afraid of going back home and being kicked out of our board seat because we refused to take a position or vote in favor of something that was right? Now, whether the vote was right or not is not issue.

The issue is, are we going to treat all sectors fairly and equally? In my opinion we're not. Mr. Gilmore tried to suggest that we go back and get the 25 percent or some mechanism back on the table to allow the other sector to have a fair and equitable share. Dr. Duval came up with a presentation and an approach that might have worked, but we beat it to death because they would take, maybe, six-tenths of a percent of more fish on the commercial sector.

What does that amount to; a hundred thousand fish a year? The other sector is throwing away 4 million or 5 million a year. That discard accounts for nothing; it goes for bait. So if you're a catch-and-release fishermen, please go down to the shoreline, in the first shallow area, a half a mile or a mile from where you have been fishing, and put your scuba gear on and go count the dead fish belly up on the bottom. Then I think we have something to consider.

I don't mean to be preaching to the choir, but until you're sitting at this table and having to make a hard decision and then go back home and lose your seat because you did the right thing I think is ludicrous. For those folks that come to the audience and believe that we have to do that, then you can have my seat. Come to New York; I'll give you the governor's number; I'll dial it now; you can call him and tell him you'll take my place.

But in all fairness to the board sitting around this table, we're faced with some very, very tough decisions. Today the decision was not to really listen to the science. It is very upsetting, very upsetting. Why are we here? So, with that, Mr. Chairman, I will bite my tongue and be in the papers tomorrow for having been a bad guy and for being outspoken once again,

But, please, gentlemen and ladies, let's look at what we do to be fair and equitable to all parties around the table. That's commercial and recreational. This plan that we have says to utilize the stock with conservation in mind, assure it's going to be here forever, or the favorite line is for generations to come. What we have done is we've again made a decision that squeezes one sector and it does not

allow the public to participate or partake of that food provided by commercial fishermen.

In the meantime us reccies go happily along our way and catch what we want and discard what we want, taking our one or two fish home. There is more to this picture than just making a decision it's in the best interest of one group or another.

Mr. Chairman, I don't know what we have to do to reopen the issue of reviewing the commercial fishermen's quota and move forward. Will it require a motion to try to get that passed again to develop an addendum or should we just move it on until February to bring it up as a debate subject at the next meeting? I would ask your opinion, Mr. Chairman, as to which way we go with that.

MR. BEAL: We're in the spot of staff getting in the middle of opinions again. I know we're way over on this meeting. I think the previous actions taken at the beginning of this meeting where the board asked for a presentation on mycobacteriosis and a number of things for the technical committee to come back with; obviously, there is going to be a Striped Bass Board Meeting in February, probably a fairly substantial meeting to discuss a number of issues.

Moving forward with consideration of any modification to the commercial fishery may be an appropriate agenda item for that time. I think the chairman of the next board meeting, Paul Diodati, has been real patient and hasn't given me the evil eye yet. I think he's probably ready for this meeting to wrap up pretty soon. Tom Fote.

MR. FOTE: If I've got to sit and listen to Pat give me a lecture, I'll give Pat a little lecture, too. When we basically started rebuilding this stock and we were looking at this stock, remember what the regulations were. There were 18-inch size limits; there were 16-inch limits. The only state that had a bag limit in place was New Jersey at ten fish and we basically started rebuilding this stock.

We looked at the historical commercial fishery. The historical commercial fishery is above where it was during the base years when we basically set it higher than that. When you look at the recreational fishery, there is no coast-wide fishery that is 18 inches. There is nobody coming close to a ten-fish bag limit as what we had when we had really good stocks of striped bass.

I've always debated whether we're recovered or not because I look at the historical fishery that I

participated in when I was kid and what was available then and what is available now. We can't go back to the 18 inches; we can't go back to even 24 inches along the coast. That's the problem.

When we basically look at it as recovered, it's different than when we basically look at the historical fisheries are. That is what I'm looking at; I'm looking at where that historical fishery was; where along the coast it was 90 percent recreational according to the historical data, and it was on small fish, and we can't take them, and so that to me it means that we don't have a recovered fishery yet. We have a limited recreational fishery. We have it limited where you can do a lot of catch and release but you can't take catch and eat. That's my comment.

MR. BEAL: All right, we're going to have no more history lessons and no lectures from anyone to wrap this thing up. Michelle, quickly, please.

DR. DUVAL: I heard some remarks around this table from Paul and Mark and some rumblings that perhaps the topic of quota underages and overages and taking more of an overarching, consistent approach; I support that and I hope that is going to be a future topic of discussion at the policy board. Thank you.

MR. BEAL: The Policy Board is going to discuss that on Wednesday morning, I believe, so keep that in mind. I think there is one other agenda item under other business. Michelle Duval.

## OTHER BUSINESS

DR. DUVAL: Mr. Chairman, **I would just like to move to nominate Charlton Godwin to the Plan Review Team.**

MR. BEAL: Seconded by Tom Fote. Any objection to adding Charlton Godwin from North Carolina DMF to the Plan Review Team? Seeing none, he is now a member of the Plan Review Team.

## ADJOURNMENT

MR. BEAL: Any other comments before the board? Seeing none, the board stands adjourned.