

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

**Crown Plaza Old Town  
Alexandria, Virginia  
August 18, 2009**

**Board Approved November 2, 2009**

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1. **Approval of Agenda** by consent (Page 1).
2. **Approval of Proceedings of May 4, 2009** by consent (Page 1).
3. **Motion that the final annual coastal commercial striped bass quotas be based on the state landings as presented in the state's annual compliance report, and the final quotas will be included in the Annual FMP Review. These final quotas will be used to evaluate compliance and determine underages and overages for the following year's fishery** (Page 3). Motion by Michelle Duval; second by Terry Stockwell. **ACTION POSTPONED ON PAGE 7 UNTIL THE DISCUSSION OF ADDENDUM II. MOTION WITHDRAWN ON PAGE 25.**
4. **Motion to accept the 2009 Fishery Management Plan Review** (Page 7). Motion by Pat Augustine; Second by Bill Adler. Motion carried (Page 7).
5. **Move Draft Addendum II forward for public hearing as amended today** (Page 19). Motion by Doug Grout; second by Dave Simpson. Motion carried (Page 27).
6. **Move to include a provision in the draft addendum that prohibits commercial quota rollovers if the striped bass fishery fishing mortality rate exceeds the plan target or if the spawning stock biomass is below the plan target** (Page 19). Motion by R. White; second by P. Augustine. Motion carried (Page 21).
7. **Move to add a provision to Addendum II to create transfer allowances of the coastal commercial quota between states** (Page 21). Motion by Paul Diodati; second by Dave Simpson. Motion defeated (Page 22).
8. **Move that Option 2 under state eligibility be stricken from the draft document** (Page 22). Motion by Tom McCloy; second by Dave Simpson. Motion carried (Page 23).
9. **Move to postpone the addendum until the annual meeting, until after we hear the next stock assessment** (Page 23). Motion by Paul Diodati; second by Rep. Abbott. Motion was defeated (Page 24)
10. **Motion to remove Option 3 from Section 2.3.4** (Page 25). Motion by A.C. Carpenter; second by Jim Gilmore. **MOTION PERFECTED ON PAGE 26 TO READ: Motion to remove Option 1 and Option 3 from Section 2.3.4.** Motion carried (Page 27).
11. **Motion to adjourn** by consent (Page 29).

## 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)                     | Gina Hunt, MD, proxy for T. O'Connell (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)                       | Jack Travelstead, VA, proxy for S. Bowman (AA)     |
| Mark Gibson, RI (AA), Chair                     | Catherine Davenport, VA (GA)                       |
| Joel Hovanesian, RI, proxy for Rep. Sosnowski   | Ernest Bowden, VA, proxy for Del. Lewis (LA)       |
| David Simpson, CT (AA)                          | Michelle Duval, NC, proxy for L. Daniel (AA)       |
| Jim Gilmore, NY (AA)                            | Bill Cole, NC (GA)                                 |
| Pat Augustine, NY (GA)                          | Mike Johnson, NC, proxy for Rep. Wainwright (LA)   |
| Brian Culhane, NY, proxy for Sen. Johnson (LA)  | Steve Meyers, NMFS                                 |
| Tom McCloy, NJ, proxy for D. Chanda (AA)        | A.C. Carpenter, PRFC                               |
| Tom Fote, NJ (GA)                               | Bryan King, FWD, DC                                |
| Loren Lustig, PA (GA)                           | Jaime Geiger, USFWS                                |

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

### Ex-Officio Members

Desmond Kahn, Technical Committee Chair

Kelly Place, Advisory Panel Chair

### Staff

Vince O'Shea  
Bob Beal

Chris Vonderweidt  
Nichola Meserve

### Guests

Jed Brown, DC F&W  
John Ward, NOAA

Sean McKeon, NCFE  
Arnold Leo, E. Hampton, NY

## CALL TO ORDER

CHAIRMAN MARK GIBSON: I'm going to call this board meeting to order. Welcome to the Striped Bass Board. We're one-half hour behind schedule so we'll try to make up some time. The first agenda item is the agenda itself. The only adjustment I have, and not really an adjustment, is a letter that came to me as Board Chair from the Rhode Island Saltwater Anglers.

## APPROVAL OF AGENDA

I think the staff has a copy of that for you, so you should be looking at that under the public comment period. Is there anyone else to make changes or adjustments to the agenda? Seeing none, is there any opposition to approving the agenda as written? **Seeing none, the agenda stands approved** with the acknowledgment of that letter from the Rhode Island Saltwater Anglers.

## APPROVAL OF PROCEEDINGS

The next issue is the proceedings from the May 4, 2009, meeting of the Striped Bass Board. Is there anyone who wishes to make changes or has comments on the proceedings from the May 4<sup>th</sup> meeting? Seeing none, is there any objection to approving the proceedings as written? **Seeing none, the proceedings from May 4, 2009, stand approved by consent.**

## PUBLIC COMMENT

The next agenda item is public comment. I guess no one has signed in to address this board on striped bass matters that are not on the agenda. Seeing none, then I would refer the board to the letter that came to me in my capacity as Board Chair. I believe it is dated August 9<sup>th</sup> from the Rhode Island Saltwater Anglers.

In this letter they express concerns about declining catch rates of striped bass on a coast-wide basis. They expressed concerns about illegal catch; also about mycobacteria and its potential influence on stock status. I provide that for your information. If the board concurs, what I would suggest is I collaborate with Vince for a response back to the Saltwater Anglers since it came to me as Board Chair and not in my state capacity.

Does anyone wish to discuss that letter, any input, or leave to me to address those concerns? I think this board has talked about declining catch rates already.

They have expressed concerns about mycobacteria and discussed the illegal catch at some length. I think we're positioned now to wait for the stock assessment update to see if the technical committee has any advice for us on any or all of those matters as they relate to stock status. When is that report due to us? It is at the annual meeting in Rhode Island; so with your indulgence I would collaborate with Vince to respond to this letter, and we will show you the response at the next meeting. The next issue is the Fishery Management Plan Review. Nichola.

## FISHERY MANAGEMENT PLAN REVIEW

MS. NICHOLA MESERVE: The 2009 FMP Review was provided on the Briefing CD. There have been a couple of small revisions since I placed it there either from typos or getting further clarification from some of the states, so I will point out those revisions to the document as I go through it. All the compliance reports were included on the Briefing CD as well.

The management program for striped bass is described in Amendment 6 and Addendum I to Amendment 6. There is also a Draft Addendum II for the board to consider for public comment today, and this addresses coastal commercial quota rollover.

With such flexibility permitted in Amendment 6, there were some changes to regulations in 2008. A two-week catch-and-keep fishery was opened on the Susquehanna Flats in Maryland. The Chesapeake Bay Trophy Quota was also lifted for a one-year trial period. The District of Columbia revised its recreational regulations to match those in the neighboring jurisdiction of the Potomac River Fisheries Commission.

Several changes in 2009 were also highlighted in the compliance reports; those being a slot limit fishery in Pennsylvania's portion of the Delaware River from April to May with a two-fish creel limit. Similarly, in Delaware's portion of the Bay and River a slot limit fishery at 20 or 26 inches in July and August and a two-fish creel limit. The Chesapeake Bay Trophy Quota was also lifted indefinitely until a stock assessment indicates that the fishing mortality on the coastal stock needs to be reduced because it is above the benchmarks. All of these changes were approved that needed to be by the management board.

The stock status for striped bass comes from the 2007 Benchmark Assessment, which included data through 2006. The spawning stock biomass estimate is 40,639 metric tons, which is above both the threshold and target. The fishing mortality rate from the statistical catch-at-age model was 0.31 in the terminal year. However, the technical committee and the review panel had stated that this estimate may drop with the addition of future year's data. The estimate from the tag-based model was 0.16. That is also shown in this figure as the dashed line. What is not shown here is the Chesapeake Bay fishing mortality rate which was estimated to be 0.14, which is below the Bay-specific target of 0.27.

Also, as Mark indicated earlier, the 2009 update assessment is ongoing. The assessment workshops were held last week. The technical committee will be meeting during the September Technical Meeting Week to review both the tag and age-based assessments. We hope to have the report in time for the November board meeting.

This figure here shows the total removals in the fishery through 2008. I note, however, that 2007 and 2008 do not include commercial dead discard estimates. Those will not be available until the update assessment is complete. In 2008 the landings were around 3 million fish; 2 million from the recreational fishery and 1 million from the commercial fishery.

Dead discards in the recreational fishery, estimated as 8 percent of the releases, was about another 1 million fish. The total harvest decreased by 5 percent in number from 2007, yet increased by 11 percent by weight.

Here are just the commercial and recreational landings in millions of pounds. The blue dashed line is the recreational harvest. You can see that it did drop in 2007, but went back up slightly in 2008. The commercial harvest, the red lower line, increased in 2008 and is quite flat because of the quota management.

Concerning the coastal commercial quotas, there were two overages in 2008. According to the PRT's calculations, the Massachusetts quota was exceeded by about 43,000 pounds, resulting in an adjusted 2009 quota of 1,116,281 pounds. Rhode Island's quota, again according to the PRT, was exceeded by 6,689 pounds for an adjusted 2009 quota of 233,274 pounds.

The PRT, however, notes that the compliance reports for Massachusetts and Rhode Island indicated

slightly different quotas being set for the 2009 fisheries. In Massachusetts the quota reported is actually lower than what the PRT calculated by about 9,000 pounds; whereas, in Rhode Island the quota implemented was just marginally higher than what the PRT calculated. Because the board is due to consider this addendum for a quota rollover and there is not a clear policy set, one of the recommendations from the PRT is going to be to define the policy, and by that I mean on which landings is compliance based upon.

The PRT believes that this difference in Massachusetts and Rhode Island resulted from the states using preliminary landings in the beginning of the year when they need to set the quota for that year; whereas, the PRT gets the revised estimate when the compliance reports are due in June. The PRT would like to see the states adjust their quotas based on the more accurate landings estimates that are available in the compliance reports.

The Chesapeake Bay quota for 2008 – as always, the quota is based on achieving the target fishing mortality rate of 0.27 – the quota in 2008 was around 10 million pounds; whereas, the harvest from Maryland, Potomac River and Virginia was about 6.7 million pounds; over 2 million pounds lower than the quota. This table is slightly revised from what is in the document because the wrong Virginia estimate was provided in the table.

The recreational harvests here are from the Marine Recreational Fisheries Statistics Survey. However, the PRT noted that in the data template that the states complete and the stock assessment subcommittee uses for the assessment data, an alternative estimate of recreational harvest in pounds are included, and it is believed that it is because of some of the length/weight equations that are used in that template are different from how MRFSS gets that estimate, and so the PRT recommends that the stock assessment subcommittee just look into this discrepancy and make sure that they are using the best data for the stock assessment.

For the Chesapeake Bay Trophy Fishery, you will remember that in 2007 there was a cap of 30,000 fish which resulted in about a 36,000 fish harvest; following which it was proposed and approved that the quota would be lifted for one year, and the regulations in Maryland at least would revert to the more standard 28-inch minimum, one-fish creel limit, and that resulted in that year of 36,000 fish being harvested. Again, beginning in 2009, the board approved lifting that quota indefinitely until the stock

assessment indicates that some corrective action is necessary.

In the Albemarle/Roanoke Management Area Amendment 6 set a 0.27 fishing mortality target. The North Carolina FMP for the area includes a 0.22 F target and a 400,000 SSB target. Quotas, trip limits and size limits are used to restrict the harvest there, and in 2009 the harvest was significantly below the quota. The harvest was about 144,000 pounds; whereas the quota is 550,000 pounds.

The last assessment for this area was done in 2006 with data through 2005. The F was estimated at 0.23 and SSB at 876,000 pounds, so neither overfishing nor overfished. There is an update to this assessment underway, and a review is currently scheduled for later this summer, and it is expected that North Carolina will initiate a revision to the FMP after the assessment is completed.

The plan also requires certain monitoring programs, including fishery-dependent monitoring of catch, effort, and the catch composition, depending on the significance of the fisheries in each state. The fishery independent requirements include: juvenile abundance surveys from six states; and spawning stock biomass surveys from six states; and also the tagging programs conducted by each state along with two federal agencies.

The PRT found that all the states carried out and reported their required programs. However, they noted that Rhode Island, New York and Delaware were late to submit their report and/or the data. The PRT also noted that Rhode Island had not aged some of the commercial age samples that were collected in either 2006, 2007 and 2008. The PRT also noted that Maryland is making changes to improve the commercial harvesting and reporting procedures in the state.

Additionally, there are two New York surveys which although they're not required by Amendment 6, the state compliance report noted that they were not funded in 2009 and 2010. Both of these surveys are used in the stock assessment, so the PRT would hope to see them continued.

The Juvenile Abundance Indices are also monitored annually by the technical committee. However, the technical committee has not met and had the opportunity to review these this year. It will be doing so in September when it meets to review the stock assessments. The indices are monitored for recruitment failure, which is defined as having the

index being below 75 percent of all the other values in the time series for three years in a row.

The PRT did look at the indices and reports that Maine was above the average in 2008 and also increased from 2007. New York and New Jersey were also above average. Maryland and Virginia were below average. However, it was the first year in a row that they were below average. In North Carolina the 2008 index was also below average, and that was for the third year. For that reason the technical committee will be definitely reviewing these in September to make sure that there is not recruitment failure in the stock or to monitor the stock for recruitment failure.

Finally, the recommendations from the PRT, most of which I've already hit on, are that the coastal commercial quota in Massachusetts and Rhode Island be adjusted for 2009 due to the 2008 overages. The policy should be better defined so that mid-year adjustments are made to the coastal commercial quotas based on final harvest data from the previous year. Also, the stock assessment subcommittee should investigate the source of difference in the recreational harvest estimates that are coming from the MRFSS and from the Striped Bass Data Template. There is also a list of research recommendations which are provided in the document. Any questions?

CHAIRMAN GIBSON: Are there any questions for Nichola on the FMP Review? Michelle.

DR. MICHELLE DUVAL: I was just going to propose something to address the discrepancies between the quotas that are used that are submitted via the compliance report process which is also used for quota setting at the beginning of the year, so whenever that is appropriate, let me know.

CHAIRMAN GIBSON: Go ahead.

**DR. DUVAL; Well, I would make a motion that the final annual coastal commercial striped bass quotas be based on the state landings as presented in the state's annual compliance report, and the final quotas will be included in the Annual FMP Review. These final quotas will be used to evaluate compliance and determine underages and overages for the following year's fishery.**

CHAIRMAN GIBSON: Okay, is there a second to that motion? Seconded by Terry Stockwell. Any discussion on the motion relative to FMP requirements and quota setting? Dave Simpson.

MR. DAVID SIMPSON: Am I reading more into this than there is? Is this a significant reallocation? Okay, I could use some more explanation, then, on how a state that doesn't land their quota or all of their quota would not be disadvantaged by this.

MS. MESERVE: The PRT brought this up in terms of overages actually, and so the states that have an overage in, say, 2008 have to set their quota for the next year early in the year when they only have preliminary landings from the previous year. When the compliance reports are submitted several months later, the estimate of the commercial harvest has improved and could have gone up or down.

What is reported in the compliance report for that year's quota is different from what may have been set earlier in the season based on preliminary landings in a state. This is just to make sure that we're using the best available harvest estimates for quota management.

MR. PAUL DIODATI: Just so we're all clear, would it be okay to put the date in that the monitoring reports are due?

MS. MESERVE: That would be June 15<sup>th</sup> if Michelle was open to revising the motion.

DR. DUVAL: Yes.

CHAIRMAN GIBSON: Is that okay with Terry as the seconder? You can make that adjustment. Any further discussion on the motion? Ritchie White.

MR. G. RITCHIE WHITE: If we don't get these numbers until June 15<sup>th</sup>, the season has already started, so what numbers are the states supposed to use prior to June 15<sup>th</sup>?

CHAIRMAN GIBSON: This is for setting the next year's quota, right?

MS. MESERVE: That's right, yes.

CHAIRMAN GIBSON: They would be submitting compliance reports that will be determining the next year's quota based on any overages and underages. That is what I thought we were talking about.

MS. MESERVE: By the time the compliance reports are submitted, it is to determine the quota for the current year, so I imagine the states would implement a quota based on the preliminary landings and have to

make an adjustment to their regulations mid-year when the final estimate is available.

CHAIRMAN GIBSON: Okay, I stand corrected. I see the issue. The states would have to have the ability to go back and adjust that number if they implement based on preliminary information.

MR. R. WHITE: So I think this needs to be adjusted to say that, to say that states will provide preliminary quotas that will be then refined when the compliance reports are in June 15<sup>th</sup>.

EXECUTIVE DIRECTOR JOHN V. O'SHEA: Maybe before we modify anything, if we could give Nichola another chance to explain what the problem is and why this fixes it, that might get some people more comfortable.

MS. MESERVE: Amendment 6 requires states to adjust their quota based on overage in the previous year. Adjusted quotas at the start of the year might be based on preliminary landings. If those change when becoming final landings, the adjusted quota is not an accurate reflection of the overage.

MR. R. WHITE: I guess I'm not following it. What happens January 1<sup>st</sup>; what quotas are set by states January 1<sup>st</sup>, prior to the June 15<sup>th</sup> getting the accurate numbers?

CHAIRMAN GIBSON: I believe there is a quota that is assigned at the time to that state, and then it has to be adjusted based on the final tallies for that particular year, whether they're over or under. Is that correct, Nichola?

MS. MESERVE: Most states implement the quota that is provided in Amendment 6. However, for those states that had – this is just affecting those states that had an overage in the previous year and need to adjust their quota, which in recent years has generally been Massachusetts and Rhode Island. Perhaps you could explain how you would have to adjust.

CHAIRMAN GIBSON: I can't speak for Massachusetts, but we develop a regulatory package for setting quota specifications, and we based it on the quota that is assigned to us and what we think the performance of our fishery is going to be.

If we find out in 2009 when all the landings' data are reconciled that we've gone over, then we have to make a change to that. We first may promulgate the quota we think it is supposed to be, but then with the



compliance report information, late reporting, whatever, we have to reconcile. I can't speak for Massachusetts.

MR. R. WHITE: I guess that is what I'm trying to get at; do we start January 1<sup>st</sup> with an adjusted quota based on preliminary landings or do they start with the Amendment 6 quota? That is what is unclear to me from this.

CHAIRMAN GIBSON: In the case of Rhode Island it would be an adjusted one if we were aware at that point we needed to have an adjustment.

DR. DESMOND KAHN: Well, I know in the case of Delaware, for example, the very large majority of our commercial landings have already occurred by June 15<sup>th</sup>, so it really wouldn't be feasible, it seems to me, to reallocate or readjust the quota for us getting the information June 15<sup>th</sup>.

Second off, there is some issue that I've noticed where you can have deferring estimates of what was landed based on sample data that you obtained from the fish house to estimate the catch at age versus the actual, you know in our case, dealer reports of weight landed. I mean, they're not always going to be identical.

If you're going to say that an estimate developed using sampled data should be the deciding estimate of your – you know, whether or not say you had exceeded a quota, it could be affected by some uncertainty in your estimate due to, say, possible sampling deficiencies or something. I mean, there are two different sets of estimates that we see, anyway.

CHAIRMAN GIBSON: Paul, I don't know if that helped us or not.

MR. DIODATI: I don't know. I think the intent here is to provide clarification by standardizing when we're reporting and how we're all reporting. I think that it is understood that January 1 in every year we're going to basically start our fisheries with the base quota established in Amendment 6.

However, if that quota needs to be modified for any reason it must be done by June 15<sup>th</sup> of the current year. I think that's how I understand this. It is basically a message to the board that come June 15<sup>th</sup> of any year, if you had an overage in particular in the prior year, that's when it has to be adjusted and probably no later than.

CHAIRMAN GIBSON: That's my understanding of what we're trying to do. Gina.

MS. GINA HUNT: I just need some more clarification here because I see up there it mentions that this in regards to underages or overages into the following year fishery, but then I thought I heard you say it only applied to overages. I'm unclear on, first of all, if it has anything to do with underages and then how that relates to maybe a later discussion about rolling over quota; if these two are really that directly aligned.

MS. MESERVE: Currently Amendment 6 requires for overages to be accounted for, and it is silent on underages, so right now it is just applicable to overages, but if the board were to approve the addendum that is to be considered on rolling over underages it should also be applicable to underages.

MR. DIODATI: Mr. Chairman, I would recommend that this motion be tabled and brought up as a possible component of Addendum II if Addendum II moves forward.

CHAIRMAN GIBSON: That sounds like a good idea to me. Do I need a motion to do that or do we just postpone action on that? Yes, it is the consensus of the board that we should wait until our discussion on Addendum II to deal with this motion. We will put off action on that take it up at that time. Okay, anything else on the Fishery Management Plan Review? We do need a motion to approve the Fishery Management Plan Review at some point. Vince.

EXECUTIVE DIRECTOR O'SHEA: Before you do that, Mr. Chairman, I did have a question about I thought I heard the PRT say there are two surveys that had been done in the past by New York. I presume, because they called attention to them, these are important surveys to the stock assessment. I was wondering if we had a sense of how much money we're talking about on those surveys. I assume they were cancelled because of money, but do we know how much?

CHAIRMAN GIBSON: Were those New York surveys? I guess we could ask New York if they know what they cost and then perhaps Desmond could speak to us as to the utility and importance of those surveys in the assessment process.

MR. JAMES GILMORE: Mr. Chairman, I would have to get the exact numbers. I can do that during the meeting. I don't remember the exact cost of

them, but we actually have a request in to have them funded again for the upcoming year. I'll find out the numbers and give them back to the board.

EXECUTIVE DIRECTOR O'SHEA: Well, one of the things is whether or not the commission could help in any way with that decision in New York or the board could by the importance of these. Thanks.

CHAIRMAN GIBSON: I saw them listed but I don't know what they are. Maybe Des could remind us what those surveys and what they were used for.

DR. KAHN: Well, Nichola just helped me out on that. I know New York has conducted a number of different surveys, and I believe still does conduct some. They formerly did a survey of basically yearling or age one striped bass in the western part of Long Island Sound; that is, the north shore of Long Island, which is one.

Secondly, of course, they had their Ocean Haul Seine Survey on Eastern Long Island for years. That is not being conducted I believe for the last two years or more, but they have developed an Ocean Trawl Survey to more or less replace that, as I understand it, although I'm not thoroughly privy to all the details of their decisions. Those are the two that are not being conducted currently.

CHAIRMAN GIBSON: Were those part of the suite of calibration indices for the SCA Model?

DR. KAHN: Well, I'm almost – you know, we've got so many indices in that model, I believe – and I could be wrong – that the age one index was included. I know there was tagging information from that. The Ocean Haul Survey, I'm not sure but I think it was included, but also it produced a tag recapture estimate. It was one of the four tagging programs conducted on the coast as opposed to spawning stock surveys like the Hudson and Chesapeake ones. That was part of the tagging suite of estimates.

CHAIRMAN GIBSON: I guess to Vince's point, we don't seem to have a sense of the utility of these two surveys at this point to the stock assessment and what the implications are of not having those. Paul.

MR. DIODATI: What I have is a followup to the report and not the surveys that you're talking about; so do you want me to hold?

CHAIRMAN GIBSON: Let me go to Jim first.

MR. GILMORE: Just to clarify, the Haul Seine Survey we actually discontinued, but we were still doing the tagging. We actually went with SUNY Stony Brook, so we tagged fish last year. We're replacing that with a trawl survey because the haul seine is a gill net fishery that is set up out in that area, and we think it is skewing the results. We don't think the previous Haul Seine Survey makes any sense any longer. We're still trying to get money for that. The Western Long Island Sound was just a money issue that we're planning on continuing once we get the funding for it.

CHAIRMAN GIBSON: All right, what is the sense of the board; do you want to send some kind of a signal to New York that – I mean, I'm not sensing that we know – I certainly don't have a sense of the importance of these two surveys at this point in the stock assessment. Maybe that is something that will flow out of the stock assessment and we will have a better sense of it at the November meeting before we this board, you know, wades into what states should be doing for surveys or not. I don't see any objection to that process. Des, will you just keep that in mind as you're going through this assessment that this board will probably be looking for some information on the utility of that information.

DR. KAHN: We could discuss that at our technical committee meeting if you would like us to address that.

CHAIRMAN GIBSON: I think that would be wise, yes, and then we'd be in a better position to either offer assistance to New York or not to at the annual meeting. Paul.

MR. DIODATI: The stock assessment that we've talked about that we will see results for at the next meeting, the annual meeting, is essentially the baseline assessment, a full assessment that we haven't seen in a few years or at least two years, I think. What Nichola just presented, the five components of performance that we look at relative to biomass, juvenile abundance indices and fishing mortality were established back in 2003 as part of Amendment 6.

Will this assessment address the reference points that are in Amendment 6 and update the board as to whether or not they're still relevant? For instance, what struck me was our definition of recruitment failure, 75 percent below other values for three consecutive years. That was something that may have been all right in 2003, but I don't know if this

current technical committee would consider it the appropriate definition.

Will those five elements of the management plan be looked at in context of the next assessment and will advice be made back to the board as to whether or not these reference points are still adequate, especially given the public concern such as the letter from the Rhode Island Saltwater Anglers about the condition of the resource

CHAIRMAN GIBSON: Paul, it is my understanding that this is just a so-called turn-of-the-crank update from the previously peer-reviewed methodology. In fact, I so advised the technical committee in a letter from the commission that in fact they should proceed with a turn-of-the-crank update using that approved methodology; that we were interested in exploratory analyses or sensitivity analyses that would explore the effects of changes in natural mortality and so on, but this is just a turn-of-the-crank update. It is not my impression that there is going to be advice on new reference points or things like that. Is that correct, Nichola? Do you want to answer that?

DR. KAHN: Well, we did discuss reference points last week, but as I remember it, my understanding was that since this is an update we weren't necessarily at least going to be evaluating or developing new reference points. Now, Nichola did inform me and I remember that the peer review the last time, which was conducted in 2007, they did suggest we revise I believe the Fmsy. However, we subsequently did revise that.

If the board really feels strongly that we need to revisit these reference points or any one of them, I think it would help if they explicitly directed us to do so. We're going to evaluate the assessment results in terms of the existing reference points, of course, but I don't believe that we were planning at this point to develop new ones.

CHAIRMAN GIBSON: The correspondence I sent to the technical committee; is that available to the board? Was that in their package of striped bass information? Well, just to summarize it, I did advise them that this was an update of the existing peer-reviewed methodology and that any adjustments to that methodology, including reference points, before they came into so-called production mode would have to go through a peer review.

There is no basis for a peer review for those, so I don't see how we get traction on – without opening a can of worms how we're going to get traction on

those because our practice and policy has been to vet those kind of things through a fairly extensive peer review process before they come to this board for adoption and consideration, usage and management. I think that is where we are. I don't see any disagreement with that, so I think that is not on your table for work this time through.

DR. KAHN: No, not as I understand it.

CHAIRMAN GIBSON: Paul, are you okay with that?

MR. DIODATI: Yes.

CHAIRMAN GIBSON: Any other discussion on the Fishery Management Plan Review? I guess I need a motion to accept that Fishery Management Plan Review. Pat Augustine.

MR. PATRICK AUGUSTINE: **So move, Mr. Chairman, to accept that report.**

CHAIRMAN GIBSON: Seconded by Bill Adler. Okay, discussion on that motion? Seeing none, is there a need to caucus on that? I don't think so. Is there any objection to accepting the 2009 FMP Review? **Seeing none, that report is accepted by consensus.** The next agenda item, we have a report from the Committee on Economic and Social Sciences. Nichola, do you want to introduce this topic?

### **COMMITTEE ON ECONOMIC AND SOCIAL SCIENCES (CESS) REPORT**

MS. MESERVE: Very briefly, this began previously when the board asked the technical committee to evaluate management success with the objectives in Amendment 6. One of those is to have economically and socially viable recreational and commercial and for-hire fisheries.

Since that time the board and the CESS have been trying to further refine exactly what type of analysis the CESS could do to evaluate this management goal. I believe what Dr. Ward is going to present are some options on the type of socio-economic analysis that could be done. I believe the CESS will be looking for some sort of direction from the board in terms of completing an analysis.

DR. JOHN WARD: I'm John Ward; I work for the National Marine Fisheries Service in the Partnerships and Communications Division of the Office of Sustainable Fisheries. I'm also the member of the

CESS who has been asked to provide the recommendations that the CESS came up with over a number of teleconferences that Melissa was kind enough to organize for us.

Basically, we have two recommendations specified Level 1 and Level 2. The Level 1 recommendation, a rather narrowly defined project, represents a study that was done by Jim Kirkley, Strand and others. Essentially the Level 1 Recommendation is to update that study from the 1981-99 time period to the present.

The second level report is a much more comprehensive assessment that we will discuss a little bit more later. The Level 1 Report really captures the essence of what needs to be done here to respond to this request. Kirkley and Strand put together a report that really focused on the key issues that needed to be looked at.

I've stressed the importance of the phrase "to evaluate management performance", which requires a cost-benefit analysis. In Kirkley and Strand they take a great deal of time to explain the concepts of social and economic value and how they apply to a net-benefit analysis in evaluating management criteria and performance.

They also go on to show how to link these sorts of net benefits to input/output impact models. We found, when we were doing studies in other fisheries, that economic impacts don't necessarily follow hand in glove with the net-benefit analysis. We can increase the value of the resource when we look at the management impacts through a net-benefit analysis, but that doesn't necessarily mean that impacts jobs, income and sales always increase or always decrease.

Sometimes you come up with a management regulation that results in a counterintuitive result, and so you really need to do the cost-benefit analysis before you address the economic impacts through input/output model analysis. For the Level 1 there are a number of advantages with this approach. One is that the methodology exists and it can be updated relatively quickly. The data is readily available. It is a historical assessment so it can be easily accomplished.

We get benefits net of costs, which is the primary measure of management performance, as I said, and we link net benefits to economic impacts. That is the key issue. Additional advantages on the next page include values that can be used to determine allocations between different user groups.

This is essentially you look at two groups of people who access the resource. They're tied into the stock assessment criteria, and you trade fish between the two groups until you maximize the values to the resources or you achieve what other management objectives you're trying to achieve in the fishery.

The impacts also provide information to state managers. Jobs, income and sales can translate into employment, tax revenue and community cohesion. One of the problems with this is that IMPLAN, to update it to do this analysis for the economic impacts, may cost an additional \$16,000. We also looked at the previous studies that were done, and we see that originally this one cost about \$60,000 to do; and to update it today might require a contract that goes as high as \$135,000.

Also, because of the narrow scope of the project, the social-cultural attributes of striped bass would not be included in the update, so the sociological and marine anthropological issues would not be covered in this type of assessment at this level. Non-market values and iconic values are not included in the update; so if there are people out there who value stripers for their sake, those values would not be included.

Skipping over to the Level 2, this is a much more comprehensive analysis. The idea would be to capture the social-cultural, the biological and the economic trends and assess them together. The first step would be to identify each user group or participant in the striped bass fishery throughout its range along the Atlantic Coast.

The second step would be to conduct an economic analysis for each identified user group. This would be to do things like identify market, supply and demand conditions in the marketplace for striped bass for commercial fishermen. You also want to look at recreational demand for trips, for example.

The third step would be to combine these social, cultural and economic components with a biological stock assessment model and with the input/output model, so you would have one integrated multi-disciplinary scientific approach to evaluating fishery management regulations. This framework really allows the management performance to be separated from other types of impacts in the marketplace; for example, rising fuel costs, unemployment rates, declines in personal income and other factors that are extraneous to the management decision that could make a management decision performance look

worse or better than it actually is if they're not accounted for explicitly.

We get into the advantages and we see that the economic values and benefits of most stakeholders and user groups would be assessed doing this approach. The goals and objectives of different resource users that may differ from the commission goals and objectives and how they affect participant behavior would be determined. It provides benefits net of cost from the historical striped bass management, existing regulations and proposed future regulations, which provides additional information that managers could use in their decision-making process for future regulations.

It links net benefits to economic impacts, and it provides different time streams of jobs, income and sales for different proposed and existing management regulations into the future. The values can be used to determine allocations between different user groups, and we provide estimates of economic impacts to facilitate decision-making.

It also generates integrated, multi-disciplinary, scientific assessment information that can be used to balance decisions between biological conservation, economic efficiency and social objectives over time. Since the IMPLAN Model already exists and can be adapted to this study, that is another advantage.

The major disadvantages are that initially the economic and social components would be simplistic. It would take time and energy to collect the data and do the analysis that would be necessary to support that type of model development. However, on the bright side we'd only be talking about adding probably to 12 to 15 additional questions for the survey forms that already exist.

Data collection could be, though, quite expensive and require at least up to one calendar year. Economic and social personnel will need to be identified to conduct the assessments and contracts may be required to find people willing to do it. The major disadvantage is that costs could be up to \$300,000 and take three-person years to complete. However, \$900,000 and five-person years would not be out of the question depending on the scope of the analysis. That's basically the recommendations from the CESS. Are there any questions that I can answer.

CHAIRMAN GIBSON: Any questions from the board? Pat Augustine.

MR. AUGUSTINE: Mr. Chairman, the report is very thorough, and I only have one question. Where is the money coming from? Are you folks going to pay it, are we going to pay it or is this federally funded on the outside?

CHAIRMAN GIBSON: I was going to go to either Bob or Vince and see what the workplan and the commission's priorities say about this?

EXECUTIVE DIRECTOR O'SHEA: Well, the first thing to understand is while Dr. Ward works for the National Marine Fisheries Service, he serves on the commission's CESS Committee, so this isn't a National Marine Fisheries Service issue. This is a commission issue.

CHAIRMAN GIBSON: Pat, do you want to follow up?

MR. AUGUSTINE: And where does the money come from? I understand the report. I'm not being smart about this. I want to reflect back on where we've been with striped bass and where we are with striped bass. We've spent millions of dollars on striped bass that has been a sacred cow for the last 15 years.

Where we're going with this seems to be very important, but in addition to what? When I look at the status of the other stocks that we have and the value added by continuing to expand our effort in the striped bass area relative to some of the other needs we have, if we are going to fund this through ASMFC, then I would have to send this on to the Executive Committee to review where we would go.

There are elements within this document that I think we could pick up not for an awful lot of money that we should look at, so I think there would have to be some stack-ranking when we get into Level 1 and Level 2. My concern right off the top is we're going to have more data, more in-depth concern about socio-economics and so on, value added for striped bass – what about socio-economics for striped bass, scup and black sea bass; where does that fit within the greater picture?

Although it is a great report and the recommendations are wonderful, I think it is leading us down another path on one species of fish that I think at this point in time is almost on overkill. That's my humble opinion, Mr. Chairman, thank you.

MR. DIODATI: Well, I guess there are a lot of components to the study, and it's not clear to me on

how we use the various results depending on what phase of this study we might want to adopt, if any. For instance, the Phase 1 study for \$135,000; how does that inform our management process once we have those results?

It wasn't totally clear to me although I'm always willing to spend more money to learn more about striped bass. I know that there are benefits here. It is just not clear to me immediately what they are and how they improve the management process. If I could get a sense of that, then I think I'd be more ready to talk about what type of level study we want to do and how might we pay for it.

MR. TERRY STOCKWELL: I do not concur that this study is overkill. We haven't met the objectives of the Objective 4 issues. Fishing in Maine this year is only incrementally better than rotten. It is probably, from what I hear, the same in New Hampshire. We've received this letter from Rhode Island. North Carolina's FMP data shows half the commercial quota is not being met. Something fundamentally has changed in this resource.

Maybe in your front yard, but the northern and southern ranges of the stock are not enjoying any benefits to this resource. Before we turn the crank and use the same assessment to develop a new range of conservation equivalency that continues this trend, I think we need to address the issue that the striped bass resource is supposed to benefit all, recreational and commercial and party/charterboats, and at this point it is not.

If it happens to be that the stock has just relocated to the Mid-Atlantic area and you're the benefit of these splits, I can talk to my folks about it. They're not going to like it, but they will adjust with it. In the meanwhile what they're seeing is a slippery slope of a rapidly moving set of conservation equivalencies, and they're feeling, quite frankly, screwed. I hope that we can move ahead with addressing some of these issues so that the northern and southern folks who want to count on its range have a crack at it. I don't know how to fund it. I wish I could make money, but there is some priority, and I think there are some things we can do to at least come out with a comparison of the percent of catches between the states and the economic value so we can watch the trends. Our charterboat fishery is dying. The commercial fishery in North Carolina doesn't sound healthy. I don't think that's right.

CHAIRMAN GIBSON: Thank you. Are there other board comments or suggestions as to how to proceed? Michelle.

DR. DUVAL: Mr. Chairman, this is really just more as a point of information for the rest of the board, but one of our fisheries' resource grant awardees, Chris Dumas, who is down at the University of North Carolina at Wilmington; John Whitehead, who is at Appalachian State; Craig Landry, who is at East Carolina; and another UNCW economist, they did a limited survey of the for-hire fishing fleet in North Carolina, using the IMPLAN software.

I think about \$60,000 was the cost of that particular study. I would be happy to send that to Nichola to send it around to folks just to take a look at. I know there was a sub-component of that study actually focused on the economic value of the for-hire fleet in the striped bass fishery. I think that was under peer review or has just finished peer review. If I get a reminder from Nichola, I will be happy to pass that on to folks.

CHAIRMAN GIBSON: Thanks, we'll do that. Doug Grout.

MR. DOUGLAS GROUT: Thank you, John, for the report here. One of the questions I had, you know, looking at the cost of the two levels, is when we get up to the more comprehensive study, we're talking about figures that I would envision being applied to multiple fisheries. Is there an economy of scale if somebody came up with that kind of funds that you could look at things from an ecosystem or a fishing community basis; for that kind of a price of a million dollars maybe be looking at multiple fisheries?

DR. WARD: The answer to that would be yes, and I think that would be the preferred way to go is rather than just spend it on a particular species do it over a much broader area because the cost of doing three or four would be probably the same as just doing one.

CHAIRMAN GIBSON: Do you want to follow up on that before I do?

MR. GROUT: Well, only to comment I still don't know where the money is, but if at some point the commission wants to look at things on a broader scale, and if we, for example, maybe get some increases in our funding in the future, this might be something that we would look at on a bigger scale; although clearly just for striped bass, I wouldn't find the cost benefit.

CHAIRMAN GIBSON: I was just going to suggest that this issue may have just morphed into a Policy Board issue given that there are multispecies potentials here in terms of cost savings or economies of scale. Vince.

EXECUTIVE DIRECTOR O'SHEA: Mr. Chairman, to give you a perspective, when we do the annual action plan you're really looking at about a half a million dollars of discretionary money to move around to run the whole program. This is just to give you a size scale of what you're looking at here. That is why you're not getting a straight answer from me. Thank you.

CHAIRMAN GIBSON: We haven't developed enough economies of scale yet to fit in. Jaime.

DR. JAIME GEIGER: Mr. Chairman, if memory serves me correctly, when the Emergency Striped Bass Act was passed congress appropriated basically tens of millions of dollars for the federal agencies that were passed through to the states to restore this fishery. I believe it was restored in 1996 or 1997.

I believe we did have some preliminary social and economic studies that generated support for and advocacy for that Emergency Striped Bass Conservation Act. It seems to me that we continue to hear the numbers about what is the direct and indirect economic benefit of a restored striped bass fishery along the Atlantic Coast.

I hear all sorts of numbers; a billion dollars, multiple millions of dollars, a trillion dollars, whatever it may be. Certainly, given the fact of the importance of the striped bass fishery to this commission, given the fact that striped bass basically was the model by which the Atlantic Coastal Fisheries Cooperative Management Act was based, passed and reauthorized, given the fact that congress continues to hold us more accountable for the funds that we spend, and given the fact that this would give us some sense about accountability, responsibility, authority, and quite frankly are we doing our jobs as fisheries managers, I would think that we need to seriously consider the value and value added of pursuing one of these kind of studies.

Certainly, I think the money – depending upon whether you do a Level 1, as Dr. Ward said, or a Level 2, I think we need to have some further discussions, but the fact that an up-to-date social and economic study on striped bass, I think it is more than warranted. I think it is long overdue, and I think we would be doing a disservice to dismiss it out of hand. Thank you.

MR. AUGUSTINE: Mr. Chairman, I love the impassioned pleas for doing this thing, so I again go back and ask where is the money coming from? I know that U.S. Fish and Wildlife doesn't have it. Dr. Lubchenco has given some money in helping the National Marine Fisheries Service with other projects, and maybe it is time that we – I had to use the word "solicit" because I don't think we can – we go to the National Marine Fisheries Service and ask for support to do this in a continuing effort to address the concerns as noted here.

But, at the end of the day when we get through talking about it and getting on the record that we supported or didn't support it, the fact still remains we've got so many other hot items on the table that we need to address much sooner than later. Again, the work that was put forward by Dr. Ward is excellent, but again it is all based on money and we don't have it.

I think we can waste another hour and a half – not waste, but spend another hour and a half discussing the issue, but I think we either have to, one, I think remand this to the Policy Board to at least review it and see if they can eke anything out of this that we can do in the next six to twelve months or to move the process forward rather than letting it fall into a crack.

MR. STEVE MEYERS: Mr. Chairman, this again was proposed as an idea for consideration and for study to have a more comprehensive look at what is going on not just with striped bass but potentially with several other species. It is an idea to be thought about. As far as funding, yes, in our discussions, the National Marine Fisheries Service and U.S. Fish and Wildlife Service's discussions with the commission on the Atlantic Coastal Act, we can certainly sit down and discuss this further as a priority, where it ranks as a priority, and sort of go from there.

But, right now I would hope that the presentation by Dr. Ward, a very excellent one, will be food for thought as to trying to include some of these incredibly important socio-economic indices that we must have in order to try measuring our performance in restoring and maintaining these fisheries. Thank you.

EXECUTIVE DIRECTOR O'SHEA: Not to drag this on, but listening to comments made around the table I was getting a little confused about the lack of fish in certain regions and the connection to an economic study. It would seem to me that if we have concerns

about the stock and is the stock contracting or where are the fishing going, that that is a biological technical question and not necessarily an economic question.

Maybe this has to deal with measures that we would be taking that is disadvantaging one region over the next, but if there is fundamentally a stock question, that's a science question and I think we have ways to deal with that.

CHAIRMAN GIBSON: I'm hoping that the upcoming assessment update will shed some light on some of these issues that are swirling around, but my understanding of Terry's point was that regardless of what that shows or whether it identifies something that is happening and a causative agent, there are some economic disparities that are happening right now that might fall out of an economic study. Am I you paraphrasing you right, Terry?

MR. STOCKWELL: No, you're spot on.

CHAIRMAN GIBSON: Is there a consensus here that this question ought to be moved to the Policy Board as Pat Augustine suggested; and if that is the case, is there room on the agenda for that? I see George down there. You have room for whatever we come up with; all right. Tom Fote, did you want to speak to this?

MR. TOM FOTE: Yes, I was just listening to the National Marine Fisheries Service and the U.S. Fish and Wildlife Service saying how important this is. I think of all the economic requirements under the Magnuson Act that we haven't fulfilled by the National Marine Fisheries Service that basically we should have that as part of the assessment.

Maybe we should get together and spend the necessary money to see all of it, whether it is summer flounder, what the implementation of the regulations cost and things like that. I mean, that is the study that we basically should be looking at and what those regulations cost everytime we change regulations.

That's part of the NMFS requirement under the Magnuson Act, and I don't see any of that information. That could be very useful in make the determination. I agree with Vince that there seems to be two discussions going on here. I think it is more, as I said at a previous meeting, do we deal with the Chesapeake Bay stock and what is going on with the quality of water in the Chesapeake Bay and the environment of the Chesapeake Bay that is

contributing to a lot of these problems in the northern reaches of the stock.

DR. GEIGER: To Tom's point, certainly, again, the questions relating to the Chesapeake Bay are becoming increasingly important. And, again, with the President's recent Executive Order on the Chesapeake Bay Program and all the activities that are going on by a variety of federal and state agencies now to satisfy the requirements under this executive order, which I think we'll hear more about later, I think there is going to be an increased focus on looking at Chesapeake Bay and certainly looking at the effect of water quality on the living resources of the Bay.

I think there is going to be a very, very high priority and there is going to be a lot of interesting information coming out of that. Hopefully, congress is going to recognize the increased workload that is going to be necessary to complete and implement that executive order. At the same time I think we talk about many of the federal agencies are becoming more engaged on climate change.

Certainly, many of the states around this table are preparing their own climate change plans and wrapping them up in their wildlife action plans and so on and so forth. Certainly, I think climate change does factor into this socio-economic analysis both for historically, present and then looking into the future.

As a keystone species, I think it is important for us to at least have these kinds of discussions and debate. I firmly and strongly support this being discussed at the Policy Board, but then, again, I think it is part of our business to show the accountability of what we do, all right, and what direct and indirect economic benefits that are accruing to the American public. They have invested millions of dollars in restoring this fishery. I think they would find at great interest to see how much more direct and indirect economic benefits it is accruing. Thank you.

MR. DIODATI: I agree with the idea of moving this discussion to the Policy Board, but at the same time as much as I read this, I think that the board would benefit by having a much better understanding of the type of information that we would get from these different levels of study and how we would use that information to improve our management of striped bass.

I am not seeing it immediately; it is not jumping out at me. I think for us to make hard decisions about how to spend money that is scarce we're going to



have to know that. I'm willing to spend the money. Striped bass is very important to the Commonwealth, and we're willing to make a commitment to help fund some of this, but I need to know what it is that we're going to get.

CHAIRMAN GIBSON: I think I agree. My sense is that we have some discussion at the Policy Board about this and maybe a better plan of attack emerges and at the same time perhaps staff could work with Dr. Ward or the technical committee and come up with this short list of benefits to management that they're looking for, and we might be able to grapple with that at the annual meeting. That's probably my sense of where we could be going. Pat Augustine.

MR. AUGUSTINE: Not to beat a dead horse, all the points that were made around the table are important. Again, we're back to another unfunded mandate on top of everything we have. In looking just at manpower availability from all the states in addition to our staff, everything is crunch time, and we continue to need more and more and more.

Everything is driven by the environment; everything is driven by ecosystem management. Are we going to get there in the next years; maybe so. We have this overlying umbrella as to how it all has to go together, how we have to interact with all these species of fish. We still have single-species management on all our species with the exception where states have gotten regionally together on a species. So, it seems to me the goal is to get there, but being unfunded, it is another wish list that somebody up here in the sky says it would be nice if they did it. So, without beating that anymore, I agree with Dr. Ward's report.

There is no question that we need to do something. Is it now through the Policy Board, yes; is it funding now, unless somebody comes up with it, I think no. Let's look forward to the reaction by the Policy Board to the recommendations by Dr. Ward to eke out those most important elements that we want to look at, and then I would suggest we bring it back to the table in October for further review before it falls into a crack somewhere, Mr. Chairman. Thank you.

CHAIRMAN GIBSON: Thanks, Pat, it sounds like a good approach. Doug Grout.

MR. GROUT: I was wondering if we're going to have a discussion at the Policy Board if Dr. Ward might be able to be in attendance to help answer any questions about it either tomorrow when we're planning it – I don't know what your schedule is, Dr. Ward – or at our fall meeting, because I think given

that he is the Chairman of CESS and has come up with their support and given some outlines and clearly the board does not fully understand what we're getting out of this; and having him there, you might be able to explain in plain language or biologist language what we're getting.

CHAIRMAN GIBSON: When is the Policy Board; that is the first question, I guess. Tomorrow afternoon. Dr. Ward, would you be available for that?

MR. MEYERS: He will be, yes; also for the annual meeting. (Laughter) Thank you, Mr. Chairman.

CHAIRMAN GIBSON: George, can we fit him in tomorrow? We have two sessions scheduled. Okay, Vince.

EXECUTIVE DIRECTOR O'SHEA: We have planned for Wednesday and you also have Thursday as well. We might want to take a look at Dr. Ward's actual schedule and work with him a little bit.

CHAIRMAN GIBSON: All right, anything else on this issue. We will move it on to the Policy Board with questions and answers for Dr. Ward at some point. Okay, Draft Addendum II, Nichola.

## **DRAFT ADDENDUM II OVERVIEW**

MS. MESERVE: I provide a brief overview of Draft Addendum II, which addresses coastal commercial quota rollover. A motion to initiate this addendum was approved in May of 2009, and the board could consider approving this for public comment today.

The plan development team provided a version of this document to both the advisory panel and the technical committee prior to now. Both of those groups had conference calls and provided some information to the plan development team which was incorporated into the document.

It includes the introduction, which I will skip over; the statement of the problem; background material; management options and a compliance section. The statement of the problem is essentially that the existing management program does not address coastal commercial quota underages. However, quota underages are more common than overages, which are addressed in the plan. The addendum states, "While avoiding a quota overage signifies managerial success, a quota underage represents lost opportunity to commercial harvesters. Quota

underages may result from changes in fish abundance or distribution, environmental factors, fishing effort and regulatory measures.”

The background information begins with a review of the definition of the management areas, which includes the coastal, Chesapeake Bay and the Albemarle Sound/Roanoke River. This was included to make the point that this addendum would only affect the coastal area commercial quotas.

The basis of the quotas is reviewed as well. They come from Amendment 6 and are based on historical harvest rather than abundance. Adjustments are made to the quotas in what the PDT referred to as either a proactive or reactive manner. Proactive would be a state choosing to have a lower quota or prohibiting commercial harvest altogether or having revisions to the quota based on management equivalency with some other management measure such as a size limit.

Here the point is made that New Jersey’s commercial quota is allocated to the recreational fishery. This is included because of some of the analyses that are provided later on in the addendum.

Reactive adjustments to quotas occur because of quota overages. Looking from 2003-2008, which is when Amendment 6 came into being, there have been 12 overages. They’re usually less than 6 percent of that state’s specific quota. Altogether the commercial harvest represents 8.5 to 10.5 percent of the total harvest in each of those years.

On the other hand, underages have been much more common in the same time period of 2003-2008. There have been 36 underages out of a possible 48. This table provides the annual percent of the quota underage. You can see that it varies greatly between states and also within a state between years. The range is from zero to 98 percent if New Jersey is included and from 0 to 63 percent if New Jersey is excluded. Again, the point about New Jersey is it is pointed out because of the way that their commercial quota is handled differently.

The addendum then presents a hypothetical situation which is what if Amendment 6 had included rollover. This table provides the total coastal commercial quotas in 2004-2008 and then what the total quota would have been if the underage from the previous year had been included in that quota. Here New Jersey’s underage is included.

It then provides in the fourth column the percent increase in the quota if those underages had been rolled over; and then if that total quota had been harvested what the increase in the harvest would have been. Here the average over those years, there would have been about a 14 percent increase in the quota and about a 2 percent increase in the harvest.

Similarly, if you do this analysis without including New Jersey’s quota, the increase in the total coastal commercial quota would have been about 7 percent, and the increase to the harvest would have been less than 1 percent. It should be noted that the values provided there are probably the upper limit because the analysis assumed that 100 percent of the quota underage is rolled over and that the adjusted quotas would be harvested in full the next year.

The draft of the document that you have also stated that there was the assumption that underage would only be rolled over from the previous year; and while that was an assumption of the analysis, it should be really struck from the draft addendum because it doesn’t make those numbers at the upper limit.

The background information then references the technical committee report that was previously provided, which looked at the effects of increasing the quotas by 10 to 30 percent. That report showed that there would be an increase of 0.02 to the fishing mortality if there was a 30 percent quota increase and about a 0.01 increase to fishing mortality if there was a 15 percent quota increase, and that compares to the 7 to 15 percent increase in quota that I just showed in the previous slides.

The technical committee did state that the risk of that increase on fishing mortality depends on what your terminal F estimate is. The statistical catch-at-age model estimated the F in 2006 to be 0.31. However, there is uncertainty in this estimate and we don’t have a more recent estimate of fishing mortality.

At that point, when the technical committee was looking at the quota increase analysis, they stated a preference to have the update assessment done before assessing the impact of this type of increase. The technical committee, as I stated earlier, also had a conference call to look at the addendum and several points from that call are included in the document.

These include, first, that the potential effect of rollover on the stock increases if underages occur due to a population decline and the fishers are still able to harvest the underage-adjusted quotas. Second, that large fluctuations in recreational harvest, which are

not regulated by quota, present a greater risk of exceeding the  $F_{target}$  or threshold than the commercial quota rollover would.

Third, there may be a two- to three-year lag in reporting the fishing mortality rate estimate for any given year due to the one-year data lag and the biennial stock assessment schedule for striped bass. Fourth, permitting rollover could create an incentive to underreport harvest in order to increase the quota the following year. Thus, state commercial monitoring programs become critical. Consequently, an appendix summarizing the state commercial monitoring programs was added to the draft addendum.

Fifth and lastly, that three other ASMFC-managed species do allow some type of rollover of unused commercial quota, two of which have quotas based on abundance and one on historical harvest.

To the management options, the first is how unused coastal commercial quota would be treated. First, status quo, meaning no rollover of underages; and, second, to allow rollover; and there are another three issues in which the restrictions would be specified if this Option 2 were selected; the first of which is state eligibility.

Option 1 is that all states in the management unit would be eligible for coastal commercial quota rollover. Option 2, eligibility would be restricted to states with active coastal commercial fisheries; those being Massachusetts, Rhode Island, New York, Delaware, Maryland, Virginia and North Carolina. Option 3, eligibility being restricted to states that allocate their coastal quotas whether commercially or recreationally, so that would be all the states I just listed plus New Jersey.

The next issue is the amount of rollover. The first option is no restriction. The second option would be rollover amount based on the state quota. That is, up to a certain percent of the state quota could be rolled over if it were not harvested. Based on the motion that was made, the largest percent that would be considered is 50 percent. It was the PDT's understanding that this Option 2 was the intent of the maker of the motion.

However, Option 3 is included because it was also discussed this way at the last board meeting when the motion was made, and that is to have rollovers based on the underage amount; meaning that up to X-percent of the underage itself could be rolled over,

and again 50 percent would be the highest level considered there.

The next issue is the rollover term or how many years an underage could be rolled forward. The first option, no restriction; the second option, a one-year term on the rollover so if a state does not harvest the adjusted quota the next year, then it disappears from the system and they resort back to the original Amendment 6 baseline quota.

The third option would be a two-year term on rollover with a limit on the second year; meaning that underage from the previous year could be rolled over plus a portion of unused quota from two years' prior. Based on the way this was discussed at the board meeting, 50 percent would be the limit for much could be rolled over from the two years' prior.

The document spells out what would be included for compliance. States would be required to notify the commission if they plan to allow rollover prior to the start of the first year that regulations would be effective; and then later on when they're available, to provide the regulations to the commission. Then if any state decides to suspend rollover for one or more years, the PRT should be notified through the compliance report.

Implementation would first be allowed in 2010, meaning that unused quota from 2009 could be rolled into the 2010 quotas. For North Carolina, because of its December to November fishing year, this would mean that the commission would need to be notified prior to December 1, 2009, that North Carolina wanted to roll over its December 2008 to November 2009 quota to 2010; and for the other states notification by January 1, 2010, that they wanted to roll over any underage from 2009 to 2010.

Here this gets back to the discussion previously, the document states that initial rollover amounts are likely to be determined by the states based on preliminary harvest data. States must revise their underage-adjusted quotas mid-year to reflect final harvest data when it become available.

In terms of monitoring, the plan review team would be responsible for monitoring the quotas and the harvests and providing the information in the FMP Review. The technical committee would monitor the effect of rollover on the population via the biennial stock assessments and also their annual review of the indices.

Lastly, the document states, “In the event that any state or the commission deems that continuation of rollover would unduly jeopardize the stocks, the state or the commission, through board action, can decide to preclude rollover in a given year on the stocks in question. Again, following the document is the appendix on the coastal monitoring programs. Thank you.

### **ADVISORY PANEL REPORT**

**CHAIRMAN GIBSON:** Thank you, Nichola. Let’s get the advisory panel first and then technical committee comments on this draft, and then we will move into board discussion and modification of the addendum; hopefully, with the objective of moving a modified package out for public comment. Kelly.

**MR. KELLY PLACE:** The advisory panel met in a conference call on July 1<sup>st</sup>. You can see the attendance on your sheet. In the interest of time, since there is so little I’m just going to essentially read a couple of these short paragraphs here since they’re pretty concise, just to give you a feel of what the AP thought.

The AP was happy enough with the document and thought it was well put. Most of the recreational fishery was essentially against rolling over the quotas and the commercial was for that. There weren’t real strong opinions on that. However, there was the question of whether the statement of the problem that you see appears biased toward allowing the rollover.

One of their other issues was that they wanted to see additional reasons stated that could cause these quota underages and review whether it sounds from the statement of the problem that rollover would only be allowed when adverse environmental factors cause a quota overage. I would add to adverse environmental factors other metadata that could easily cause underages. I think that’s in the statement of the problem, too, fish abundance, distribution, fishing effort and regulatory measures among other metadata that could cause these underages.

The AP did not have any additional options to add to the draft addendum. However, the addendum in its entirety was questioned from several perspectives. The timing of it given the report of declines especially in the northern sector and the recreational catch rates and the fact that we are due to have an updated stock assessment soon, some of the recreational people thought that those reasons were sufficient to refrain from considering this now.

One AP member commented that the coastal commercial quota should be re-evaluated more comprehensively in that the quotas were based on historically landings rather than abundance. I believe that was a commercial perspective.

Thirdly, there was a discussion whether underages shouldn’t be dealt with at the state level if they result from regulatory matters. There was discussion especially of New York’s situation and their underage, and some felt and others felt opposite that that underage was in fact a result of state regulatory situations and consequently should be addressed by the state. But like I said, there was no unanimity on that. It was a fairly short meeting. It was productive.

One thing, though, that I’ve been getting from all the AP members is the dearth of meetings that we’ve had. Since I was drafted to be Chair a couple of years ago, we haven’t had a face-to-face meeting. Consequently, I noticed at the last meeting that we did have not only did people not know each other but quite often we were reinventing the wheel, having the same discussions and arguments and coming to essentially the same conclusions as we had in years past. The AP is grateful, I’m sure, that we have a meeting scheduled face to face at the annual meeting, but I think it is pretty much unanimous the AP would like to see more meetings on this.

Lastly, during the call the AP members expressed interest in discussing or reviewing these following items at the meeting, and this is verbatim from your packet: trends in average weight of striped bass caught; slot limits; discard mortality; and coast-wide regulations.

To finish this, I just would mention I’ve talked to a good number of both recreational and commercial people in Virginia. One can of worms that I strongly suggested to the Virginia Watermen’s Association shouldn’t be opened was they were wondering why there was consideration of rolling over the underage in the coastal when there was not the consideration of rolling over the underages in the Bay or other producer areas.

I gave them a plethora of reasons and suggested it was a can of worms best not opened, and we settled it with that I would ask if in fact the technical committee can do this, which time and money may prohibit, to get calculations for the impact on F if in fact sometime in the distant future, if ever, the underages in the Bay were rolled over.

One other issue that came up in some of my meetings both with commercial and recreational with regard to why the recreational landings have fallen especially in the northern tier of the states; it is pretty obvious from the public comment what most recreational AP members and stakeholders in the north feel that there is obviously something wrong with the stock and many blame it maybe on the Mid-Atlantic states.

I don't know; I did find, though, that explanations for the recreational underages in the southern sector tended to focus more on the bad economy and why people weren't fishing. I suspect all the reasons may well play into each other. I don't know about that. If anyone wants to assess that, that is great. I will leave it at that unless anyone has any questions. I think we'll have a much more robust report to give you at the end of the AP meeting at the annual meeting this year. Thank you.

CHAIRMAN GIBSON: Thank you, Kelly. Des, do you want to go the technical committee comments.

#### **TECHNICAL COMMITTEE REPORT**

DR. KAHN: Mr. Chairman, I will just summarize; there is about a page I believe you have. The take-home message we wanted to give to the board is that as proposed, even if there were a hundred percent underage allowed to be harvested the following year, based on the last five or six years' figures as presented by Nichola a little while ago, any increase in the fishing mortality due to that would be undetectable.

What we estimated in the report I presented to you I believe at our last meeting is if there were a 25 percent increase or a 15 percent increase in commercial quota, at most that would be 0.01 and we would have a hard time detecting that. So, the technical committee sees this as primarily an allocation issue for the board to determine as opposed to something that could threaten or change the status of the stock. Thank you.

CHAIRMAN GIBSON: Okay, to the board, Tom McCloy.

#### **BOARD DISCUSSION OF DRAFT ADDENDUM II**

MR. TOM McCLOY: A question for Des; in the analysis it is going to make it an undetectable increase in fishing mortality. Was New Jersey's rollover included in that?

DR. KAHN: Even if New Jersey is included, that applies as we understood it and analyzed it.

CHAIRMAN GIBSON: Any other questions for Nichola on the addendum or the advisor and the technical committee reports? If not, where we need to get to again is a draft modified for public comment, recognizing that there was a motion made by Michelle that was tabled at the request of Paul, but I guess needs to be incorporated into this draft at some point. Paul.

MR. DIODATI: I guess the concept of deducting overages from the next year is easily grasped by me. I'm having a little trouble in having an understanding of why we want to do a carryover for an underage. When I looked at the chart up there of the states that had underages, it was pretty consistent over the past five years or so which states were experiencing that. Even the degree of underage was somewhat similar, the percent, from year to year.

It doesn't appear to be the regulations or the management program that is preventing those fish from being landed. It is something else that is preventing access to the resource. Either the fish are not available, they've redistributed, they're not in the waters that they commonly are, so I don't understand how increasing the next year's quota for a state that is not capable of landing it makes any sense, and how does that improve our management program? It just seems to complicate it.

If anything, we should be increasing the quotas of those states that achieve their quotas every year, because that's apparently where the fish are, in Massachusetts. But that aside, I just don't see the benefits of this at all other than complicating the accounting system which Michelle's motion actually addresses. I just don't understand the benefits of this. I was not supportive of this going forward.

If it is to increase coastal quotas because the technical committee has indicated that these increases will not have a significant effect on mortality, then so be it, we should address that directly and increase commercial quotas. That is what the addendum should be. But to get into this of applying underages into future years is complicated and I think nonsensical.

CHAIRMAN GIBSON: Thank you, Paul. Are there any board members from states who are advocating rollover capabilities want to address Paul's question as to why we should be doing this? Roy Miller.

MR. ROY MILLER: I'm not going to speak as an advocate for doing this, but I did want to point out that in a state such as Delaware where the total commercial quota has been split up prior to the year and each fisherman receives a poundage allocation. Even though that poundage allocation – even though there is a mechanism for a transfer process among participants in the fishery, not all fishermen choose to transfer their quota, and so those fishermen who don't fish very much for whatever reason fail to catch their quota, and consequently there is an underage each and every year.

Now, we have other fishermen who always catch their quota who would more than welcome an opportunity to catch a little more if quota could be rolled over to the following year. Annually Delaware receives a lot of complaints from fishermen about how come we never see an increase, our quota hasn't increased in years and years and years, and yet the recreational fishery fluctuates with the abundance of stocks without constraint virtually other than our size limit, season and bag limit regime. That's the reason for our particular case of why our commercial fishermen would like to see quota rollover. Thank you.

DR. DUVAL: I believe at the last board meeting we did try to have a discussion to address Paul's question about increasing commercial coast-wide quotas. As everyone recalls, we split that into two motions and the motion to initiate an addendum that would have increased commercial coast-wide quotas failed, so here we are with an addendum that addresses rollover of underages.

I think from our perspective if the fish were to be available within state waters we would certainly like to have the use of this as a tool for future years when the fish are available. I think a tool like this is certainly important to some of our constituents.

MR. GILMORE: I echo what Michelle said; I think we talked about increasing the quota. I agree with you, Paul, I think we'd like to get more fish, but that failed I guess earlier this year when we tried to increase the quota. From New York's perspective, I think this would be valuable for us because we still have – well, we've had the contaminant issue which has restricted part of the areas we can harvest from.

I believe a lot of the commercial guys aren't hitting the quota just because those areas aren't available to them. We're hoping in the next year that the data that we got back indicates the contaminant issue might be gone, and we might be able to open up

some of those areas that were closed down, including the Hudson. This would allow us to actually use some of that underage that we could roll over and maybe expand the fishery. If somebody wants to try to get more fish, we would agree to that, too. Thank you.

MR. AUGUSTINE: Mr. Chairman, as you recall, Michelle had a two-part motion on the table last year. I thought if we split it we could probably pass each one of them individually. Unfortunately, the one that is up there is the one that I didn't want, and I'm not sure Michelle wanted this one either.

But, again, having made this decision to go this way, it does tie our hands. As Jim said, on the one hand it would help our New York anglers. We do have fishermen who aren't catching their quota. We have a tagging system. Folks are grandfathered into it. Some folks haven't fished in four or five years so they have to be on the vessels so their tags can be used.

If they're not and they get caught out there with someone else using their tags, they're fined. There is a utilization that could be improved. On the other hand, if I had my choice I would substitute the motion and go back to increasing the commercial quota by 25 percent and make it a clear-cut issue. I'm not sure I can take and put that back on the table, Mr. Chairman. If I said 30 percent, would it make a difference?

CHAIRMAN GIBSON: I think the board has already dealt with that question. Paul.

MR. DIODATI: What I'm hearing from at least two states is really related to flaws in your management programs; that the way you're managing the fishery isn't allowing those fishermen that are capable of catching fish to catch more fish during the year. This gets at what we're going to talk about, I hope, in some detail at the Policy Board, which is who owns these resources. It sounds to me like because you're given a commercial quota in Year A you expect to own that same quota in Year B even though you haven't caught it in Year A.

I think that is something for further discussion. As Terry points out, his recreational fishery has been experiencing very low catch rates for the past few years. Would we do the same thing and in 2010 increase Maine's recreational limits to eight fish per day in order to compensate for the loss of recreational catch that they had this year or last year? I don't

think so. I think we have to be consistent in the way we manage the resource and move forward.

REPRESENTATIVE DENNIS ABBOTT: My concerns about this is I heard from Des and I've heard this so many times every time we have an effort that increases the exploitation on the species we hear that it is not a significant amount. I think I said it at a previous board meeting it is like death by a thousand cuts. I don't know where we stop doing this.

We see declining trends in biomass; and instead of looking at stabilizing or changing that trend, we take these small measures that have an adverse effect no matter how you look at it on the resource. As Paul said, the examples by Delaware and New York, I think that they are capable within their own states to get back to harvesting their commercial quota if they change things that they do in the state rather than us allowing a state to build up a bank account that they're not cashing in every year. That's their problem, so I have significant problems with going ahead with this.

MR. R. WHITE: A question and then I have a motion. The question is in Amendment 6 can commercial quota be transferred from state to state?

MS. MESERVE: The plan does not address transfers, so, no.

MR. R. WHITE: **I have a motion.** I haven't decided yet whether I'm going to support this or not, but if this addendum goes forward I would like to see this included.

CHAIRMAN GIBSON: Is this going to be a modification to the addendum?

MR. R. WHITE: Yes.

CHAIRMAN GIBSON: We don't even have – my suggestion is if we're going to move an addendum 15 minutes before the Horseshoe Crab Board is supposed to start, and we have an EEZ issue on the table; it seems to me we need a motion to take this addendum out to public hearing and then make adjustments to it. There is a tabled motion which relates to that at this point.

MR. A.C. CARPENTER: **I so move the draft addendum for public hearing.**

CHAIRMAN GIBSON: Is there a second to that? James Gilmore seconds. Okay, is it appropriate now, Ritchie; does your motion fit now?

MR. R. WHITE: Yes, thank you. **I move to include a provision in the draft addendum that prohibits commercial quota rollovers if the striped bass fishery fishing mortality rate exceeds the plan target or if the spawning stock biomass is below the plan target.**

CHAIRMAN GIBSON: Board discussion on that amendment. A.C. Carpenter.

MR. CARPENTER: Would you even know that information before the rollover would be effective? I don't think we would.

CHAIRMAN GIBSON: We would have an estimate of terminal fishing mortality and spawning stock biomass from whatever assessment relevant to the day. The assessment updates are done every two years. You might have a stale measure of it, and that would be replaced at some point with an update or a new benchmark assessment. Pat Augustine.

MR. AUGUSTINE: Mr. Chairman, to the motion, wouldn't it be much clearer – because we're concerned about spawning stock biomass being above that threshold, wouldn't it be just more clear to say as long as – I would say, "rollovers if the spawning stock biomass" --

EXECUTIVE DIRECTOR O'SHEA: Mr. Chairman, you don't have a second for the motion and you're already debating and modifying –

CHAIRMAN GIBSON: It is a motion to amend only. Ritchie made the motion; is there a second to that motion?

MR. AUGUSTINE: I'll second it.

CHAIRMAN GIBSON: Okay, Pat Augustine seconded it.

MR. AUGUSTINE: All right, only if the motion said – to take the section out "if the striped bass fishing mortality rate exceeds the plan target"; I would say, "that if the spawning stock biomass is below the plan target", because if single-species management were significantly above the spawning stock biomass threshold up here, the range, and with single-species management no one has been able to answer for me what effect does a surplus above that threshold have

on the rest of the stock, because we are doing single-species management.

If in fact it is a predator-prey relationship, they're eating down the food chain, so it would seem to be clearer that until that SSB goes below that, that we should allow the overage to be taken care of.

CHAIRMAN GIBSON: Do you want to respond to that, Ritchie?

MR. R. WHITE: No.

CHAIRMAN GIBSON: Okay, his motion stands as it is.

MR. AUGUSTINE: Move to amend.

CHAIRMAN GIBSON: We already have a motion to amend. Paul.

MR. DIODATI: I guess we have to take an action on the motion to amend before we can address the main motion? Okay, I'll wait, but I'd like a point of clarification. Because Amendment 6 is silent on transfer of quota between states, that doesn't necessarily mean that you can't do it. It is silent on it. That would also suggest that you can do it.

CHAIRMAN GIBSON: It is my understanding that there has been no precedent for that to happen.

MR. DIODATI: I agree that there is no precedent, but it doesn't mean that you cannot.

CHAIRMAN GIBSON: Well, I don't if there is any – Bob.

MR. ROBERT E. BEAL: As has been mentioned, Amendment 6 is silent on quota transfers, but as was mentioned there are a lot of other fishery management plans at the commission that do provide guidance on how exactly transfers are to occur and what accepting states and donor states and those sorts of things and letters that have to go back and forth. There are a number of descriptions on how that transfer is to occur. If this board wanted to, a provision on setting up state transfers or initiating that or putting sideboards on that could be included in this addendum as well.

MR. PLACE: Following what A.C. and Mark said earlier with regard to whether we would even have the information to make such a decision and applauding the conservation risk-averse intent of this motion, I would point out that even if we did, which

is unlikely, have the updated F or SSB or anything else, given the huge pattern of retrospective bias we've always seen to varying degrees of degrees of magnitude, we could almost be certain that even if we had the data, that the data won't be accurate. So with the intent of trying to be conservation risk averse, I think it is great but I think we need a different metric than things that we know are going to have a retrospective bias and throw everything off.

CHAIRMAN GIBSON: Any other board discussion on the motion? Ritchie.

MR. R. WHITE: It doesn't say "updated data" so it is the last data that we have, so it is the best science that we presently have would be used.

CHAIRMAN GIBSON: Okay, just so the audience knows, I'm not taking comment on the motions to amend but on whatever the final motion ends up being. Anybody else on the motion to amend? Seeing none, why don't you caucus and then we'll call this question.

(Whereupon, a caucus was held.)

CHAIRMAN GIBSON: Do you want to speak to this before we vote? Okay, Vince.

EXECUTIVE DIRECTOR O'SHEA: I'm responding a bit to the noise around the table just to clarify. My understanding of what you're thinking of doing here is to simply put in this provision, include it in an addendum that you have yet to decide whether you're going to send out to public review, and then you're still going to decide, after you get public comment and other comment, whether you're going to take any action here. So, do you want to think about doing this; that is what the question is in front of you.

CHAIRMAN GIBSON: Dave, do you need to comment?

MR. SIMPSON: No, just a quick question on whether the maker intended to say "target" or did he mean "threshold"?

MR. R. WHITE: I meant "target".

CHAIRMAN GIBSON: One more question and then we're going to call the question.

MS. HUNT: Real quick; did I understand Vince to say this is just one more option that would be in



there. It would be the original motion and then this, with this criteria?

CHAIRMAN GIBSON: This is a motion to amend the draft to include an element relative to this topic, and then there would have to be final motion to move the whole – there may be additional motions to amend with other elements coming. I'll call the question on that. All in favor please raise your right hand; any opposed, I opposed; abstentions, I abstention; null votes. **The motion carries.** Doug.

MR. GROUT: Mark, this is just a clarification of what I think is inherently obvious after the passing of this motion. There is a sentence at the end of the document that says, "In the event that any state or the commission deems that the continuation of rollover would unduly jeopardize the stock, the commission, through board action, can decide to preclude rollover in a given year on the stocks in question." This is being added on top of that? Thank you.

MR. DIODATI: Mr. Chairman, **I would like to make another amendment to the motion to add a provision to Addendum II to create transfer provisions of commercial quota between states.**

CHAIRMAN GIBSON: I think he said "transfer provisions" and not "allowance".

MR. DIODATI: That's fine the way it's written.

CHAIRMAN GIBSON: Okay, Paul has moved to add transfer provisions to the addendum. Is there a second to that? Seconded by Dave Simpson. Discussion on the motion? Vince.

EXECUTIVE DIRECTOR O'SHEA: We have two sets of quota here. We have bay quota and coastal quota.

MR. DIODATI: Coastal. I'll clarify my motion to define it as coastal quota.

CHAIRMAN GIBSON: David, are you okay with that?

MR. SIMPSON: Yes.

CHAIRMAN GIBSON: Okay, board discussion on the transfer provision? Yes, Bill.

MR. WILLIAM GOLDSBOROUGH: It seems to me that sometime in past when we discussed this, there was consideration of how in different seasons in the life history of the fish along the coast you'd be

talking about trading apples for oranges. If, say, Massachusetts gave some quota to North Carolina, very distant at a different time of the season, different time of the migration; and in view of that, I seem to recall discussion that this provision might only apply to neighboring states, and I wonder if that is the intent or if we ought to be thinking about that.

CHAIRMAN GIBSON: Paul, do you want to respond to that?

MR. DIODATI: It wasn't my intent. I think the only differences that we make between any portion of the coast is relative to the mortality rate targets within the bay and the coast. Since the coast is being applied the same mortality rate throughout the whole range, I wouldn't make a distinguishing difference between them. It would just be poundage.

MR. STOCKWELL: My whole support for the main motion is rapidly eroding. At the spring meeting I had supported the splitting of the amendment. I'm vehemently opposed to increasing commercial quota at this point, but this main motion was a compromise in deference to the commercial fisheries in the mid-area that we're struggling like the other fishermen. We're adding on one thing after another right now. It is a creeping F, and for that reason I'm going to vote against everything else that has to go on with this amendment until the end of the day.

REPRESENTATIVE ABBOTT: As we talk about transferring coastal quota, am I correct in assuming that the Albemarle Sound Striped Bass Stock is a different stock? Could we be transferring stock from that into a Massachusetts commercial fishery?

CHAIRMAN GIBSON: No, that is a separate stock under a different management program.

REPRESENTATIVE ABBOTT: Then how would that be shown in what we're – that doesn't include the – and that's not part of the Albemarle? Thank you.

MR. FOTE: I have the same as the Terry over there. My problem with this is when the original motion started out it was if the availability of fish in an area that wasn't available the year before, then that area should be able to catch those fish. When you start talking about transferability, you're now talking about because maybe there is fish left in the northern range and now we're transferring the quota down to the southern of unused northern range.

I have a problem with that where we transfer quota out of – and, you know, part of my concern is the same thing I said at the last meeting is that because – and I will pick out illegal fisheries that are going on, both recreational and commercial of unreported stock coming in right now that hasn't been charged against anybody that we know in illegal fisheries, that haven't been taken off quotas.

My concern is that this is far more reaching than it is, and I look at areas that I fish and I see illegal catches going on, and I go into fish stores in certain states and I see those same fish being sold. My concern is unreported landings going on, both recreational and commercial, and some of those are being sold. You know, where I was uncertain on maybe supporting the motion, this transferability basically makes me not support the motion.

MR. CRAIG SHIREY: Mr. Chairman, for those states who take monitoring their commercial landings seriously and tag every striped bass that comes in, we have to go through a rather lengthy process that takes months and months to order tags with the right codes on them, having something all of a sudden come in from left field where we're getting a transfer from another state, which I doubt would be realistic in the first place, I think it would create a nightmare for us, and I wouldn't be in favor of this motion.

CHAIRMAN GIBSON: Other comments on the motion before we caucus? Vince.

EXECUTIVE DIRECTOR O'SHEA: Maybe a question to the maker of the motion; does this require transfers or is this an option to do transfers?

MR. DIODATI: This would clarify that there is an option to transfer quota in a year between states.

MR. AUGUSTINE: We can't support this either. This is Pandora's Box all over again. If it starts here, what other fishery is coming up next and next and next and next? I think we would be destroying the integrity of this plan, so we cannot support this part of the amendment.

CHAIRMAN GIBSON: I'm going to ask the states to caucus now. Paul, this is your motion and I'll give you the last word on this before we caucus.

MR. DIODATI: I was just going to ask staff if there are any other management plans that we allow the transfer of quota between states and how many might those be; how many in Pandora's Box?

MR. BEAL: I think all the FMPs where we have state-by-state quotas allow transfers between states.

CHAIRMAN GIBSON: That's the last word on that. I'm going to ask the states to caucus now and we're going to dispense with this motion. I would caution the board about trying to hang too many more bells and whistles on this addendum.

MR. AUGUSTINE: Mr. Chairman, Pandora's Box is comparing striped bass to mako sharks and comparing them to mackerel and commercial fishing and porgies where we're really talking about a highly prized specie that has taken many, many years to rebuild to where it is. Why risk it?

CHAIRMAN GIBSON: Thirty seconds to caucus and then dispense with this. The motion is to add a provision to create transfer allowances of the coastal commercial quota between states. Motion by Mr. Diodati; seconded by Mr. Simpson.

(Whereupon, a caucus was held.)

CHAIRMAN GIBSON: Okay, is the board ready to proceed? On the motion to amend to add the transferability provision to Addendum II, all those in favor, raise your right hand, 4 in favor; all opposed, 9; abstentions, 2; null votes. **The motion fails.** Okay, Tom, McCloy.

MR. McCLOY: Unfortunately, Mr. Chairman, I have another motion. **I move that Option 2 under state eligibility be stricken from the draft.**

CHAIRMAN GIBSON: Okay, for the board's benefit I will read that: "Eligibility restricted to states with active coastal commercial striped bass fisheries. Under this option states currently eligible to roll over unused coastal commercial quota will be Massachusetts, Rhode Island, New York, Delaware, Maryland, Virginia and North Carolina. Major regulatory changes; for example, introducing or terminating a commercial ban, could change a state's eligibility for rollover." We have a motion by Tom McCloy; is there a second to that? Seconded by Dave Simpson. Tom, did you want to speak to the motion and the rationale for that?

MR. McCLOY: Yes, I would, thank you. As you all know, New Jersey uses its commercial quota which is historically driven for the recreational fishery. As most of you also know, if you look at Nichola's graph she put up there from 2003, we've returned between 62 and 98 percent of that quota back to the resource for everybody's benefit since 2003.

Also, as the technical committee reported, there is no scientific basis to discourage or eliminating New Jersey from any rollovers should we want to take advantage of that; not that we have any plans at this point in time. Therefore, in my opinion, it is solely arbitrary to exclude New Jersey from any rollover that may be approved by this board.

Therefore, I would request your support to eliminate that option from the draft document. I realize it is a draft. I can tell you what the public comment will be in New Jersey. I can tell you what the public comment is going to be every other state. With that, I'll ask for your support and hope for the best.

EXECUTIVE DIRECTOR O'SHEA: I guess my question is would New Jersey's concerns be addressed with Option 1?

MR. McCLOY: I don't have a problem with Option 1 or Option 3 as it relates to going out for public comment. Option Number 2 is a direct shot at the state of New Jersey, period, nobody else. We're used to that, by the way.

MR. R. WHITE: Well, just to correct the record a little bit, it is a small shot to New Hampshire, too, because we have a small commercial quota that we also would like to maintain and have the ability to roll over even though we don't use it. The state of Maine also has a very small commercial quota. We will support this motion.

MR. FOTE: It is just the point that this argument has gone up in 2001 when we basically did Amendment 6 and wound up when we did the slot limit back in '98; and with the new head of NOAA basically pushing catch shares, we might need that to get summer flounder quota to sell it out to pay for the division to actually run maybe three years from now. I'm not about to give anything away that we don't have to, and we want to be treated the same as every other state. We have been playing by the rules and we should be part of the rules.

CHAIRMAN GIBSON: Anyone else on this proposed amendment? Seeing none, we will move to caucus on this motion.

(Whereupon, a caucus was held.)

CHAIRMAN GIBSON: All right, is the board ready? Okay, on the motion to amend to drop Option 2 under state eligibility, call the question. All those

in favor, 13; those against, 2; any abstentions, null votes. **The motion passes.** Paul.

MR. DIODATI: Mr. Chairman, I think there is going to be a discussion at the Policy Board relative to how we deal with especially a quota that is not harvested by a state in the future, and it has to do with ITQs and rollover and transfers and other issues. That discussion will take place later this week. We also have a stock assessment that will be out at the annual meeting in a few months.

I'm interested in seeing certain things addressed, especially the constriction of the fishery from the north and south range of the fish, which appears at least anecdotally to have happened. I want to see what the stock assessment says about that. I think you will address that, Des, I hope. Given all that, **I would like to make a motion to table this addendum until the annual meeting, until after we hear the next stock assessment.**

CHAIRMAN GIBSON: There is a motion to postpone until the annual meeting consideration of the addendum. Okay, we have a motion to postpone to a time certain. Is there a second?

REPRESENTATIVE ABBOTT: Was the motion to postpone or to table?

CHAIRMAN GIBSON: Well, I think the proper –

MR. DIODATI: It was a motion to table to a date certain, which is the annual meeting.

EXECUTIVE DIRECTOR O'SHEA: I would suggest that you use the term "motion to postpone". It has implications on debatability, reconsideration, so on and so forth.

CHAIRMAN GIBSON: So I understand it is a motion to postpone until the annual meeting consideration of the addendum, at which point it is debatable in terms of the timing of postponement. Was that seconded by Representative Abbott? It was. Is there any debate on the timing of postponement? Mike Johnson.

MR. MIKE JOHNSON: Mr. Chairman, the last meeting and before, particularly the last meeting we debated this issue of timing. Knowing the stock assessment was coming, this board said, well, let's go ahead and put the addendum out, let it go through the process, and the process should be completing at about the time of stock assessment completion, and then we can make a decision then.

The idea was to have everything in progress, moving forward and not to stall this any longer in case that the stock assessment came out in favor and we might be able to help the people that were concerned. It was discussed in detail to do it that way, if I recall.

REPRESENTATIVE ABBOTT: Agreeing with what was just said, but it was surely proven during the discussion today that there were a lot of issues surrounding this addendum raised, and I think that leads us to a position of wanting to postpone this and giving this some more thought and handling it again in November.

CHAIRMAN GIBSON: A.C., on the motion to postpone to the annual meeting and restrict it to the timing of when it should be postponed to. I'm sorry, but that's the nature of Robert's Rules. I was supposed to narrow the discussion of this motion to postpone. The only thing we're debating here is whether the appropriate time for postponement is the annual meeting. Okay, seeing that we can't have any other substantive comments on the motion, we should caucus on the motion to postpone.

(Whereupon, a caucus was held.)

CHAIRMAN GIBSON: Okay, is the board ready to vote? Okay, on the motion is to postpone the addendum until the annual meeting, after the stock assessment update is presented. Motion by Mr. Diodati; seconded by Representative Abbott. Okay, on the motion to postpone, all in favor, 5; all opposed, 10; any abstentions; null votes. **The motion to postpone fails.**

Okay, we have a motion to advance the draft that has been amended several times. We also have hanging out there a motion that we tabled action on earlier relating – what was that on? It was Michelle's motion and Paul asked that we postpone it until we were dealing with Addendum II. I think it was on the basis by which we would set states' quotas and overages and so forth. That has to be dealt with. Doug Grout.

MR. GROUT: My question to the states, particularly North Carolina that wants this; is it critical that you have an Option 3 under the rollover time period provisions, because from my personal standpoint I have a lot of discomfort with rollover rolling over mortality into a second year, but I have real discomfort with rolling even a portion of it two years over.

To the extent that it will affect my personal vote here with my delegation here as to whether I support this going out to public hearing or not. If this Option 3 was not in it, I would lobby my state delegates to let this go out to public hearing. If it is still in there, I'm going to lobby the opposite. So, is this really important to have a two-year rollover option?

DR. DUVAL: I mean, we are not in favor of carrying over an underage more than one year. This is an option that was included, but it was not included at North Carolina's request.

MR. GROUT: **I'd like to make a motion to remove Option 3 from Section 2.3.4,** rollover term.

CHAIRMAN GIBSON: We have a motion on the table right now from a past motion that was requested that we deal with. You're moving to amend this? I can't have another motion before we deal with this one.

MR. GROUT: Yes, this is a motion to amend to remove Option 3 from the addendum.

CHAIRMAN GIBSON: Well, you're not amending the motion that Michelle made earlier, which we postponed action on. That is my point. We have a motion that has been brought back to the table to be addressed, and it doesn't have anything to do with Option 3. It is my understanding that they made this motion earlier.

Paul requested that we deal with it in Addendum II, and now we're attempting to do that. The motion on the table is the one from earlier. If it passes, then it has to be incorporated into Addendum II before we advance it further.

EXECUTIVE DIRECTOR O'SHEA: Maybe I can help a bit. You might want to consider it out of order at this point. What I thought Nichola explained to us with the intent of this motion was to refine or clarify what we've been doing all along within the plan, and the timing of when the states are to consider sort of finalizing their catch reports and adjusting their quota in the fishing year.

I'm thinking there may be some confusion that that is somehow creating a new carryover policy. My understanding is that's not what this is doing. This was just simply to clarify the timing of when the states would be required to sort of finalize their last year's catch report and adjust their next fishing season. I might be wrong on that, Mr. Chairman, but

that is what I thought the intention of this motion was.

CHAIRMAN GIBSON: My understanding it was the intent as well, and it was simply because of Paul's suggestion that this be placed in Addendum II as an element of it that we withheld action on it at that time. Michelle, do you want to address this?

DR. DUVAL: Mr. Chairman, absolutely; the intent was to use the best information available, the most up-to-date harvest statistics available. However, the verbiage of that motion needs to be made or needs to be changed, then let's change it. It wasn't meant to alter Addendum II in any way. It was just a technicality to use the most up-to-date information.

MS. MESERVE: I'll just note that the current draft of the addendum states that states must revise their underage-adjusted quotas mid-year to reflect final harvest data when it becomes available. This issue may already be addressed in the language of the draft addendum. Maybe we just need to further explain what that means in the document.

CHAIRMAN GIBSON: Tom, will you speak to this while Michelle looks at that language and see if that satisfies North Carolina. If that's the case, perhaps that motion could be withdrawn with the understanding that staff would incorporate those elements into that discussion that is already there.

MR. FOTE: That's exactly what I was going to say, Mark, consider this as a friendly amendment and it is merely a matter of editing what the addendum says, and I don't think we need to vote on a motion on this.

DR. DUVAL: **I would like to withdraw that motion, please.**

CHAIRMAN GIBSON: Thank you. Okay, the seconder agrees. That leaves us with several amendments and the main motion that needs to be dealt with. Are there any other modifications that are requested to be made to the draft addendum at this time? Doug Grout.

MR. GROUT: Is it appropriate for my motion right now to make the amendment to the document? My motion was to amend to remove Option 3 from Section 3.2.4 of the rollover term section of the document.

CHAIRMAN GIBSON: I think that's an appropriate motion at this time. Motion by Doug –

MS. MESERVE: It is on Page 9 of the addendum, mid-page.

REPRESENTATIVE SARAH K. PEAKE: 2.3.4 for clarification, I believe.

MR. GROUT: I'll accept that as a friendly amendment.

CHAIRMAN GIBSON: **Motion to remove Option 3 from Section 2.3.4. Is there a second? Seconded by David Simpson.** Okay, discussion on that motion? Doug, did you want to offer rationale for that?

MR. GROUT: Well, as I stated before when I was questioning why it was in there, I have big concerns about any rollovers into future years because of transferring mortality from one year to the next. I have a bigger problem with having a two-year rollover period. If that is taken out of the addendum, I'm willing to caucus with my commissioners to have them support moving this forward.

CHAIRMAN GIBSON: Any discussion on the motion to remove Option 3, the two-year rollover possibility? Craig.

MR. SHIREY: Just a clarification, Doug; if we're reporting on 2008 landings in 2009 of which there would be an underage and then we would apply that underage to 2010 landings; would that be considered two years or one year?

MR. GROUT: The way I see this amendment occurring is if you have an underage in 2008, then that would be applied to 2009, and that would be the one year that you could apply whatever percentage we decide on, but not going all the way over into the following year.

MR. SHIREY: A followup, Mr. Chairman, if our fishery occurs in the springtime, I don't see how we would be able to apply it to the next year's harvest without a year in between.

MR. SIMPSON: I had the same concerns Doug had seeing that multi-year rollover. I was a little bit surprised that the technical committee didn't jump on that and comment because you're two years out talking about what could be a very different fishing mortality rate based on recruitment, what is coming through. It is a little bit reminiscent of scallops where there is quota that gets to be three, four, five years old and they still want to fish it, and the resource just isn't there anymore. I think it is a very

dangerous thing and that is why I seconded the motion and support it.

MR. GILMORE: Doug, removing the option I think I agree with. If you take out that whole section, then we're kind of silent on the duration. I mean, is the other way to look at this and just say that Option 2 would essentially – it wouldn't be an option. That would be the Section 2.3.4 because that specifies one year.

MR. GROUT: I saw it as we have two options there. We have Option 1 which is no restrictions, which, of course, I have heartburn with, too, but Option 2 would be a one-year term rollover. I'm giving the flexibility there, but I'm trying to take away that two-year one there. I know that may seem a little – I should be opposed to everything, but I'm trying to get an amendment out here for at least public consideration. Am I misunderstanding what this is saying, Nichola, that Option 1 there are no restrictions on rollover terms; and Option 2 we only have a one-year term on rollovers?

MS. MESERVE: That is correct.

MR. GILMORE: But is the document then silent on a duration at all? If you're trying to get it to be one year, you would take one year instead of like saying just removing the whole section because then it is silent on it.

CHAIRMAN GIBSON: Doug's motion is to remove Option 3. If you do that, what you're left with is Option 1, which allows rollovers for multiple years, no limit on them; and then you have Option 2, which is a one-year limit on it.

MR. SIMPSON: That I missed; that is unworkable; that is absolutely unworkable, and I'm shocked that the technical committee didn't jump all over that. You could carry quota forward for ten years and then harvest it; that would destroy the plan.

MR. AUGUSTINE: It is a public document.

MR. SIMPSON: That is ridiculous to bring to public, so **I would offer to amend or perfect your motion to remove Option 1 and 3, which effectively says this is for a one-year term; to specify in the addendum that rollovers are for one year.** Jim makes a very good point. That escaped me in all the thousands of pages of reading that we have to do for this week.

MR. GROUT: I'm okay with that.

CHAIRMAN GIBSON: How about the seconder? You are the seconder; very good. Okay, the perfected motion is now to remove both Options 1 and 3. Board discussion on that perfected motion? Des Kahn.

DR. KAHN: I think regarding Dave's comment about the technical committee should have jumped on something, part of this, as you look at the final section in this draft and it discusses that, you know, if there is some kind of evaluation that the continuation of rollover would unduly jeopardize the stock, the board or a state can preclude rollover in a given year, so we thought that kind of covered it.

In addition, there are many options in here, and it's possible that we missed some possibility. I would just point out there that under that section on rollover terms, Option 1 is the most unrestricted. Option 2 is a one-year restriction, but Option 3 is more restrictive than Option 1. I would think if you wanted to be more restrictive you would target Option 1 myself, because if you take out Option 3 you've still got Option 1, no limits. I just wanted to point that out.

CHAIRMAN GIBSON: Anything else on the motion? I would point out that we're 15 minutes into the Horseshoe Crab Board and there is another agenda item on the Striped Bass Board. Are you ready to caucus on this?

(Whereupon, a caucus was held.)

CHAIRMAN GIBSON: I will read the motion into the record: motion to amend to remove **Options 1 and 3 from Section 2.3.4 of the rollover term section of Addendum II.** Motion by Mr. Grout; seconded by Mr. Simpson. We will call the question on that. All those in favor, 12; opposed, same sign, none; abstentions, 1; null votes. **5The motion passes.** Okay, I hope there are no other amendments at this point on the draft addendum. I need a motion to move Addendum II forward for public hearing as amended today. Any board comments on this motion? Ritchie White.

MR. R. WHITE: When would the public hearings be scheduled for this? Would it be prior to the annual meeting?

MS. MESERVE: We could hold the public hearings in September/October and provide the public comment to the board in November.

CHAIRMAN GIBSON: Anything else from the board? I will read the motion into the record: move to approve Draft Addendum II for public hearing as amended today. Motion by Mr. Carpenter; seconded by Mr. Gilmore. Okay, Arnold Leo.

MR. ARNOLD LEO: Mark, I realize how much we're under a time constraint, but I did want to point out that in New York, even though we've had these underages, there is a reason not yet mentioned. There were some good ones already brought up. First of all, the principal method of catching striped bass commercially in New York was the haul seine, and that is actually forbidden to be used now to catch striped bass.

That radically altered the traditional striped bass commercial fishery in New York. The further problem for the commercial guys is that with the quota being relatively low they are not directing as much attention to it in effort and expense as they would if the quota were larger. I speak from firsthand knowledge of how the commercial fishermen perceived this situation. To get your gill nets of the right mesh ready to fish and then they have 240 fish per man means that this is going to be a kind of like a secondary type fishery that you do; and if the quota were increased the effort would definitely increase. Thanks.

CHAIRMAN GIBSON: Anyone else from the public wishing to comment on the draft addendum as modified today? Seeing none, anything else from the board? Need to caucus? Okay, I'll call the question. All those in favor, 14; all opposed, 1; any abstentions; any null votes. **The motion carries.** Next is EEZ Closure; is it necessary for the board to deal with this today? How long will this take?

#### DISCUSSION OF EEZ CLOSURE

DR. DUVAL: It doesn't have to take long at all (laughter), but it depends on how much you all agree with me. I have to say that Paul's remark about the flawed management programs must be in place in those states that are not harvesting their coastal commercial quota provided a nice segue for this conversation.

As everyone is aware, we have had difficulty harvesting our full commercial coast-wide quota in the past few years. Anecdotally what we're hearing is that the distribution of the striped bass stock has changed somewhat, the fish are not available within state waters due to warmer water temperatures, other environmental factors.

Even if this board votes in favor after public comment on Addendum II for a quota rollover provision, if those fish are not available in state waters, that's a great tool and it is one we would like to have, but we still don't have access to our quota. Short of actually opening the EEZ, which, you know, we've thrown some ideas around about that in North Carolina, which I'd be happy to give some examples of, I would pose the question to those states and around the board who have successful management regimes, you know, are there tools that we have not considered that we should be considering to allow access to the coast-wide quota that we do have. We're looking for suggestions.

MR. DIODATI: Well, if the proposal is to reopen the EEZ, then I support that. Furthermore, under Section 4.9 of the current amendment it says that the Secretary of Commerce would need to establish for the EEZ a program to complement the state management programs and to ensure that the goals and objections of this striped bass amendment are being met. That's hasn't been done.

We have made recommendations to the Secretary of Commerce in the past, and those recommendations have fallen by the wayside I believe for political reasons because there has been no biological or conservation benefits demonstrated. In fact, if anything, the Commonwealth can now prove through acoustic tagging that the fish that reside in the EEZ are the same fish that are caught in our coastal waters. They do move freely back and forth.

It really makes no sense why there is no fishery being conducted in the EEZ. I think consistent with 4.9 of the management plan I think that the Secretary of Commerce has a commitment to the Atlantic States Marine Fisheries Commission to complement the states' management programs.

If they are not going to do that, whether it is because of an old executive order or other reasons, then I think those reasons at least should be made clear to this body. Honestly, I haven't seen clarification on that. I would like to see that, though, in writing. Then I think once we have that clarification on why there is not a fishery in the EEZ, then perhaps we might find our way back to those productive waters.

MR. AUGUSTINE: Mr. Chairman, it is late in the day so I'll make it very short and sweet. I'll be as subtle as a meat cleaver. Maybe we should suggest that our staff go back and review that section of our FMP and then prepare a document with the statistical

information that has been developed over the years and respond to the executive order of the president.

We should consider writing a letter to the Secretary of Commerce and highlighting that point that we have been detailed, if you will, to manage striped bass, and our recommendation in the past was to consider opening the EEZ as a part of our management area. Short of doing that, I think we're just spending time spinning wheels unless we're willing to go forward and countermand or request that the executive order be changed. Thank you, Mr. Chairman.

MR. STOCKWELL: Maine, like many other states, including North Carolina, has a resource availability problem, but my solution isn't to consider reopening the EEZ. I consider that fishing on the principal of our account. If there is a coast-wide issue and a redistribution issue, so be it, I can live with that, but the potential to fish down what may well be a robust fishery that provides the brood stock for the rest of our coastal fisheries is not a viable option for me at this time.

CHAIRMAN GIBSON: I don't think we're in the position to open the whole debate about the EEZ. I understood North Carolina is not asking us to do that but asking for thoughts and ideas as to how they could better prosecute their commercial fishery. Michelle.

DR. DUVAL: Well, first of all, you know, the executive order absolutely complicates anything that might be considered with regard to the EEZ, and so there would need to be support from this body to alert the president requesting that be lifted. Second of all, I think when we've had some internal discussions about this, we focused on what we could do with a limited opening of the EEZ.

If we could have the EEZ opened, say, out to twelve miles for January and February from the Virginia Line to Bogue Inlet, I think that would allow us access to our coast-wide quota. Those are the kind of ideas that we have tossed around. I understand in the past that similar considerations with regard to fishing in the EEZ have been considered for opening the entire EEZ or opening entirely out to twelve miles.

Those are the kinds of tools that we're looking for would be a limited opening of the EEZ. But again, I would see this as being a stepwise process. I think lifting of the executive order and requesting that ASMFC be returned the flexibility that it needs to

carry out its mandate in managing this stock would be the first step.

CHAIRMAN GIBSON: We don't have the time today to revisit this body's advice relative to the EEZ closure. That probably took us a day to do that to generate – it wasn't consensus advice either. Tom, you want to speak to this?

MR. FOTE: Yes, I mean, 1990, 1996, 2001, 2006 we've gone through this process. We spent a lot of hours and a lot of time to go nowhere. The executive order just complicates the matter and a lot of us have supported the executive order. I don't think you can basically get support for a letter to go out of this commission with most of the states being supportive.

If I remember the last vote on the EEZ, the only reason it got voted out was that agencies voted for it. Otherwise, it would never have gotten the support from a number of states that were involved in the process. This is a dead issue, and I make a motion we adjourn.

CHAIRMAN GIBSON: I'm going to let Representative Abbott speak on this. He has the last word on this.

REPRESENTATIVE ABBOTT: An anecdotal comment; my recollection of the vote on the opening of the EEZ was the fact that I was having heart surgery and wasn't here to cast a vote. I have had a question in my mind regarding that vote that was taken six-plus years ago – thinking of my heart surgery – how long is that vote binding – not binding but how long is that vote our position as a board; does that have a shelf life? This management board has change drastically over the years, and it may come out the same way as it did the last time, but I don't know how long the management board holds that position that was taken six years ago.

CHAIRMAN GIBSON: I think it stands until such time as someone makes a motion that passes alternative advice and it carries. Vince.

EXECUTIVE DIRECTOR O'SHEA: Well, keep in mind, I believe it was a four-year process to develop Amendment 6 with an awful lot of public comment, and the notion to write that letter with that position was embedded as a provision in Amendment 6. It was fully vetted before the public, and, quite frankly, hotly debated through 30 public hearings.

What you might consider if you were going to craft a new position is that you would want to go through at



least some sort of public process that would at least put some transparency on that. The way you typically change an amendment is through an addendum. Thank you.

### **ADJOURNMENT**

CHAIRMAN GIBSON: Thank you, Vince, I agree entirely with that. To change a position that was so hotly contested and took so long to develop, we would have to have a significant management action to embed it, and we're not going to start that today. I have a motion to adjourn and it has been seconded. We stand adjourned. Thank you.