

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

**November 10, 2004  
Wentworth by the Sea  
New Castle, New Hampshire**

## ATTENDANCE

### Board Members

Lew Flagg, Maine DMR  
Pat White, Maine Governor's Appointee  
John Nelson, New Hampshire Fish & Game Dep.  
G. Ritchie White, New Hampshire Governor's Apte.  
Dennis Abbott, proxy for Rep. Blanchard (NH)  
Paul Diodati, Massachusetts DMF  
William Adler, Massachusetts Governor's Appointee  
Vito Calomo, proxy for Representative Verga (MA)  
Mark Gibson, Rhode Island DFW  
Everett Petronio, Rhode Island Governor's Appointee  
Gil Pope, proxy for Representative Naughton (RI)  
Eric Smith, Connecticut DMR  
Lance Stewart, Connecticut Governor's Apte.  
Fred Frillici, proxy for Senator Gunther (CT)  
Gordon Colvin, New York DEC  
Pat Augustine, New York Governor's Appointee  
Brian Culhane, proxy for Senator Johnson (NY)  
Bruce Freeman, New Jersey DFG&W

Tom Fote, New Jersey Governor's Appointee  
Dick Herb, proxy for Senator Smith (NJ)  
Dick Snyder, PA Fish & Boat Commission  
Gene Kray, proxy for Rep. Curt Schroder (PA)  
Roy Miller, Delaware DFW  
Pete Jensen, Maryland DNR  
Bruno Vasta, Maryland Governor's Apte.  
Russell Dize, proxy for Senator Colburn (MD)  
A.C. Carpenter, PRFC  
Ira Palmer, Washington DC Fish & Wildlife  
Jack Travelstead, **Chair**, Virginia Marine Resources  
Commission  
Preston Pate, North Carolina, DMF  
Damon Tatem, North Carolina Governor's Appointee  
Anne Lange, NOAA Fisheries  
Jaime Geiger, USFWS

### Ex-Officio Members

Gary Nelson, Technical Committee Chair  
Stuart Welsh, Tagging Subcommittee Chair

Jim Gilford, Advisory Panel Chair  
Andy Kahnle, Stock Assessment Subcommittee  
Chair

### ASMFC Staff

Bob Beal  
Megan Gamble  
Tina Berger

Vince O'Shea  
Nancy Wallace

### Guests

George Lapointe, ME DMR  
Howard King, MD DNR  
Brad Burns, Stripers Forever  
George Watson, Stripers Forever  
Duncan Barnes, Stripers Forever  
Chip Lynch, NOAA  
Arnold Leo, SB AP  
Wilson Laney, US FWS  
Douglas Grout, NH F&G  
Steve Meyers, NOAA Fisheries  
Peter Whelan, CCA – ME  
Bennie Williams, US FWS  
Dave Gittens, CCA – ME  
JC Hutt PRFC  
Dick Schmachtenberg, PRFC  
Bob Fjelsted, SB AP  
Patrick Paquette, MSBA  
Gib Brogan, Oceana  
C. Louis Bassano, SB AP  
Ed Cherry, JCAA

Matt Cieri, ME DMR  
Melanie Griffin, MA DMF  
Dave Pecci, SB AP  
Don Swanson, CCA – NH  
Bill Windley, RFA, MSSA  
Michael Doebley, RFA  
Riley Williams, SB AP  
Leland Heath III, SB AP  
Chuck Casella, SB AP  
Mike Armstrong, MA DMF  
Richard Colagiovanni, SB AP

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## **MOTIONS**

**Move that the Technical Committee be tasked to provide a fishing mortality rate and SSB for striped bass using the best available information including integrated catch analysis and to determine if the fishing mortality and SSB are above or below the threshold as laid out in Amendment Six to be presented to the Management Board at the February Meeting.**  
Motion by Mr. R. White, second by Mr. Tatem. Motion fails.

**Move to accept the 2003 Stock Assessment Report.**  
Motion by Mr. Colvin, second by Mr. Fote. Motion carries.

**Move to accept the Technical Committee's consensus opinion to allow Maryland to removal of the Summer/Fall tagging program provided Maryland carry out the analyses in the Technical Committee Report.**

Motion by Mr. Jensen, second by Mr. Carpenter. Motion approved.

**Motion to accept the 2004 FMP Review.**  
Motion by Mr. Fote, second by Mr. Diodati. Motion carries.

**Move to approve the New York Proposal.**  
Motion by Mr. Colvin, second by Mr. Adler. Motion carries.

**Move to approve the Delaware Proposal.**  
Motion by Mr. Miller, second by Mr. Carpenter. Motion carries.

**Move to refer the NEFMC Letter to the TC and ask them to report back at the next Board meeting.**  
Motion by Mr. Pate, second by Mr. Colvin. Motion carries.

**Move that the Striped Bass Management Board recommends to the Service that it defer issuance of the DEIS until the 2005 Stock Assessment update is accepted.**  
Motion by Mr. R. White, second by Mr. Petronio. Motion fails (6 in favor, 7 opposed, 3 abstentions).

**Move to approve the Advisory Panel nominations of Chuck Casella, Riley Williams, Leland Heath, III, Richard Schmachtenberg and David Gittens.**  
Motion by Mr. Pate, second by Mr. Carpenter. Motion carries.

## **ATLANTIC STATES MARINE FISHERIES COMMISSION**

### **ATLANTIC STRIPED BASS MANAGEMENT BOARD**

**Wentworth by the Sea  
New Castle, New Hampshire  
November 10, 2004**

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The Atlantic Striped Bass Management Board of the Atlantic States Marine Fisheries Commission convened in the Wentworth Ballroom of the Wentworth by the Sea, New Castle, New Hampshire, on Wednesday, November 10, 2004, and was called to order at 2:30 o'clock p.m. by Chairman Jack Travelstead.

#### **BOARD CONSENT**

**CHAIRMAN JACK TRAVELSTEAD:** We'll get started early with the Striped Bass Management Board. The staff is handing out a new agenda so we want to make sure everyone gets a copy of that before we get started.

Does everyone have the new agenda? Are there any additions to the new agenda? Any changes anyone wants to make? Seeing none, the new agenda will stand.

You've been provided a copy of the proceedings of the May 25<sup>th</sup> board meeting minutes. Are there any corrections to those minutes? Seeing none, they'll stand as printed.

At this point we'll take some brief public comment. I believe staff has already or is in the process of handing out a letter of written public comment from Dr. Paul Spitzer, who was a participant in the recent Atlantic Menhaden Scientific Workshop, and that's available for your reading.

#### **PUBLIC COMMENT**

**CHAIRMAN TRAVELSTEAD:** Is there anyone in our audience who wishes to make public comment at this time? Jim, come on up.

**MR. JAMES PRICE:** My name is James Price, president of the Chesapeake Bay Ecological Foundation. I've spoken to the board a number of times on this issue, but I think the situation has

become much clearer as to what has gone wrong with the striped bass forage base in the Chesapeake Bay.

Most of this information has been given to the Menhaden Board, but I'd like to go over a little bit of it with the Striped Bass Management Board because it does involve striped bass predation.

I work with Dr. Anthony Overton, and he has reviewed this information and agrees that it's accurate. He thinks it will be enlightening to the people who read it and understand it.

Since 1992 the Atlantic Menhaden Fishery has removed approximately half of the estimated spawning stock of age three plus menhaden annually. The bait fishery and reduction fishery account for 24 and 76 percent.

In 1992 the purse seine fishery landings combined with forage demand of age eight plus striped bass totaled approximately 80 percent of the estimated population of age three menhaden. The following year menhaden recruitment in the Chesapeake Bay was the lowest in 23 years.

Even if the menhaden stock assessment is correct and overfishing is not occurring based on the established reference points, a problem of underestimating natural mortality on age three menhaden could still exist.

This could have caused the assessment to overestimate the spawning stock biomass during the 1990s while the menhaden population declined. The number of age eight plus striped bass increased from an estimated 235,000 fish in '85 to 3,491,000 in 2002 based on the data from the ASMFC stock assessment report.

The increase in striped bass predation, coupled with a three-fold increase in the percentage of age three menhaden in the reduction fishery landings since 1993, has caused the menhaden spawning stock biomass to decline below the numbers required to sustain a healthy menhaden population.

Large migratory striped bass consume older age three plus menhaden according to numerous diet studies along the Atlantic Coast. Striped bass potential forage demand of age three plus menhaden in 2002 was equal to approximately half of the purse seine reduction fishery harvest of age three plus menhaden. According to Overton, consumption averaged only 24

menhaden per striped bass, but totaled 37,100 metric tons.

Overton states that since the late '90s potential forage demand by age eight plus striped bass has been more than 100 percent higher than supply and has increased 15 fold since 1985. Managers must consider new approaches such as managing the abundance and health of prey for top predators. The total Atlantic Coast striped bass population of menhaden forage demand in 2002 was 200 percent more than the average purse seine reduction fishery harvest from '98 to 2002. That shows the significance of the forage demand for striped bass population.

Based on this concern, we are going to conduct a study this winter, probably out of North Carolina, to look at the large number of large striped bass to determine if the estimates of 24 per fish are accurate, but we think it's probably a lot higher than that.

There is a chart, if you look on the second page of this report, that shows you what has happened to the striped bass as forage base or primarily menhaden. You can see, when you plot the reduction fishery landings, that the percentage of menhaden removals are relatively low compared to when you add in the bait fishery and striped bass predation.

You can see in 1992 far too much of the spawning stock, the menhaden spawning stock was removed. And since that time, we've had poor recruitment of young menhaden and increased predation by striped bass and increased numbers of age three plus removed by the reduction fishery.

That's destroying the striped bass' main forage and certainly is going to cause problems in the future. In the bay we've already experienced serious problems, and I'm afraid the coastal stock is going to suffer the same problems. Thank you.

**CHAIRMAN TRAVELSTEAD:** Thank you, Jim. Are there any other public comments? Yes, sir.

**MR. PATRICK PAQUETTE:** My name is Patrick Paquette. I'm the government affairs chairperson for the Massachusetts Striped Bass Association. We're the largest recreational fishing club in Massachusetts.

At some point later on at the end of your agenda today you're going to be asked to look at a letter forwarded from the New England Fisheries Management Council regarding a proposal made by the environmental group Oceana regarding a recent

official revelation of excess bycatch in the waters off Massachusetts, so often do we suspect bycatch in certain fisheries and not have correct data to back it up.

This year in data collected and analyzed by the National Marine Fisheries Services' Northeast Fisheries Science Center Laboratory it is estimated that there was a bycatch of 289,000 pounds of striped bass. This number equals almost 25 percent of the Massachusetts' commercial quota.

Our club supports the Oceana petition that there eventually be some sort of cap on this amount of bycatch by the commercial drag fleet working the Great South Channel; also the area known as Statistical Area 521.

We hope that at the end of today you'll charge this to the Striped Bass Technical Committee. This is one of those cases where we actually have the data. There is a bycatch problem. It's been anecdotally noted for years, but it's finally come out in the statistics.

This year there were commercial boats that avoided that area, but one of the big reasons this year that they avoided that area was that there were boats, recreational vessels and environmental vessels, attempting to catch this bycatch on film.

I just hope that at the end of the day that you at least charge this to the Striped Bass Technical Committee, and our club urges that we have some sort of action in place next year, so that next September and October we cannot kill that many fish, especially in a fishery where we're questioning whether we're overfishing or not. Thank you.

**CHAIRMAN TRAVELSTEAD:** Thank you. Any further comments? Seeing none, we'll move on. But before we do, it is my understanding that there may be a motion or two offered today relative to the EEZ issue that you see on the agenda as Item 10.

You may also hear some comments on that subject during the technical portions of the meeting. I just want to ask that those of you who have motions planned wait until Item 10. We'll take them up at this point. I would prefer that you not make them during the technical portions of the meeting.

## **STOCK ASSESSMENT REPORT FOR 2003: TAGGING REPORT**

**CHAIRMAN TRAVELSTEAD:** Let's move on now to Agenda Item 4, the stock assessment report. Stuart, you're going to tell us the tagging report. Thank you.

**DR. STUART WELSH:** My name is Stuart Welsh. I'm the chair of the Striped Bass Tagging Committee. What I'd like to do today is to take several minutes and summarize the current tag assessment. The striped bass tagging database is a tremendous database, a tremendous amount of information very important to managers and decision makers. Just to give you an idea of the numbers that I'm talking here, as of July 2004 the striped bass tagging database maintained by the Fish and Wildlife Service includes over 426,000 tagged fish, and this also includes approximately or close to 76,000 recoveries, so it's a very large database with a lot of useful information.

There's a number of uses for these tagged data. I don't have time to go into all of them. I list ten here, and these include estimating stock-specific distributions of the harvest; looking at trends of the proportion released alive; estimating stock specific survival and also coastal and producer area survival rates; and these survival rates, of course, can be converted into fishing mortality rates; and also looking at exploitation rates.

These tag data are also useful for the VPA in that we provide information on discards. The tag data have the potential to estimate partial recruitment vectors. Tag data in the past have been used to estimate movement and migration rates, and a recent paper was published looking at growth rates of striped bass using these tag data, so there's a lot of uses for these data.

Today I'm going to restrict my summary to the top five; that is, looking at the distribution of harvest, looking at the proportion of fish released alive and estimating survival rates from stock specific rates, as well as coastal and producer areas, and I'll also discuss estimates of annual exploitation rates.

There are a number of tagging programs involved with the striped bass tagging database. For assessment purposes we typically just look at eight programs, and these can be subset into producer areas and mixed coastal stocks.

The producer areas are fish that are tagged and released on the spawning grounds, and this includes the Hudson River, Delaware River, Upper Chesapeake Bay, Maryland, and the Rappahannock River, Virginia.

Mixed coastal stocks include fish tagged and released by Massachusetts, New York, New Jersey and the winter trawl survey of North Carolina. The years in parenthesis here represent the date when these programs began.

As with any analyses, you have to make certain assumptions, and with the tag analyses we assume that the sample represents the target population. We assume no tag loss, that survival is not affected by the tags, and we assume that the recoveries are correctly tabulated.

For statistical reasons, we also assume independent multi-nomial and random fates for each fish. There are several rates that we have to assume as constant because we do not have the information to do otherwise.

These rates include reporting rate, which we assume to be 0.43; the hooking mortality rate, which is assumed to be 0.08; and the natural mortality rate, which is assumed to be 0.15. For survival analysis we use Seber type models.

We develop a candidate set of biologically reasonable models that we fit to the data, and selection of these models follows an information theoretic framework. We obtained survival estimates and these survival estimates are then converted to fishing mortality rates.

And it's certainly quantitatively complex, and I don't have the time to go into all the details here, but I will say that our methods are supported by peer review in addition to scientific publications.

In addition to survival rates, we also calculate a relatively simple method of exploitation, which involves looking at the number of recovered individuals divided by the number of marked individuals. This is often referred to as an R over M ratio.

We subdivide the number of recoveries by those that are killed and by those that are released alive. We apply an 8 percent hooking mortality rate to those released alive. And in this estimate, we also used a 0.43 reporting rate as indicated earlier.

So for results, I would like to begin looking at the distribution of the harvest. The distribution of the harvest depicts a temporal dome in relation to latitude, and in this particular graph this represents

recovers from fish tagged and released by the New York Ocean Haul Survey.

And, on the Y axis you see states from North Carolina to Maine. On the X axis are months from January through December. You can see distribution by time of the harvest. And typically what we see, especially for fish that are tagged and released in the northern part of the range, is that fish are recovered to the northern part of the range in the summer months of June, July, and August. This is consistent with what we would expect, consistent with what we know about the migratory behavior of striped bass.

Now, fish that are tagged and released in the southern part of the range are not completely consistent with what we see from the northern part of the range. This represents fish that are tagged and released by the North Carolina Winter Trawl Survey.

There is still a dome shape here, but it consists of two parts: those fish that are caught in the northern part of the range during June, July and August, but also includes a subset of fish that remain farther to the south and are recovered within state waters of Maryland and Virginia.

Next I would like to discuss the proportion released alive. This is important from a catch-and-release perspective. What we tend to see is that throughout this time series there has been a decrease in the number of fish or the proportion released alive.

It was relatively high back in the '80s, late '80s. In the mid-'90s these numbers dropped between 0.4 and 0.6; and then within the last seven or eight years, the proportion of fish released alive has generally ranged between 0.2 and 0.3.

For the fishing mortality rates, what we see is that there has been a general upward trend for producer area, the producer area average. This trend has increased slightly over time with the terminal year estimate being approximately 0.31; whereas, the coastal average has increased through the first part of the time series, but in recent years has shown a decline with a terminal year estimate here for the coastal average of 0.15.

Now it's important to emphasize that although we often tend to focus on these specific point estimates, these are estimates and there is uncertainty associated with these estimates. This is why I also plot the confidence intervals, the 95 percent confidence intervals.

So in looking at these estimates, it's also important to emphasize that there is uncertainty associated with these. So what I do here is look at the coastal tag-based F, which, again, the terminal year estimate was 0.15, but this includes a subset of several tagging programs.

Also notice the variability among these programs, ranging from a low of 0.09 for Massachusetts up to a high of 0.24 for the New York Ocean Haul Survey.

And, again, although the estimate is 0.15, it's important to emphasize that there's uncertainty here and the confidence intervals range from 0.03 up to 0.33. For the producer area, again the terminal year estimate of fishing mortality was 0.31.

The 95 percent confidence intervals is going from 0.17 up to 0.5. Again, this estimate of 0.31 comes from four tagging programs, and there is a range of values here going from a low of 0.09 for the Hudson tagging program up to 0.4 for the Maryland-Chesapeake Bay.

For exploitation rates, we see an increase through the early part of the time series, but in recent estimates, based on the tag data, the exploitation rate has declined. And, terminal year estimates here are below 0.15.

When you look at the contributors to these terminal year estimates, you see a relatively consistency. Most of these values are relatively low, ranging from 0.1 up to 0.16. And so in summary, these tag-based estimates of fishing mortality and exploitation are not excessive in terms of our reference point.

But, again, it's important to look at the amount of uncertainty associated with these estimates; that is, in terms of confidence intervals. And it's also important to look at the trends in time as opposed to taking one specific year. I think it's more important to look at several years of information.

It's also important to compare these tag-based estimates with other estimates that we have, specifically with the fishing mortality estimates from the VPA, and that's what Gary and Andy will cover for us next. Thanks.

## STOCK ASSESSMENT REPORT FOR 2003: ADAPT VPA REPORT

**CHAIRMAN TRAVELSTEAD:** I think it's best that we hear from all three gentlemen, so that you get the complete picture, and then we'll open it up for

questions at that point. Andy, you're next up. Thank you.

**MR. ANDY KAHNLE:** Thank you, Mr. Chairman. I'm Andy Kahnle, currently chair of the Striped Bass Stock Assessment Committee. We have been focused in the last few years on running and updating the VPA, the virtual population analysis. In the next few minutes, I'm going to summarize what we've done this year, which covers the fishing year 2003. The VPA basically uses information on loss at age, goes back in time and predicts population size, adjusts those by independent estimates of abundance, and then calculates fishing rates.

And so the basic inputs to this model are catches. We use length-frequency information and age-length keys to convert those catches into catch and loss at age. The second input to the model are a series of fisheries-dependent and fishery-independent indices of abundance, both for combined ages and for individual ages.

I'll start with a summary of what we have learned about losses in the fishing year 2000. The recreational landings in red were in year 2003, about 2.4 million fish; losses from discards, 1.2 million fish; for a total of 3.6 million fish, which is obviously the highest in the time series since 1982 when we began to track this for the VPA.

One thing to notice here, if you look at the lower line, the discards, and compare it to the red line in the total, it appears from these data that the proportion of fish released has declined in recent years.

This shows age structure of the losses, the landings from landings and discards. The peak year class for landings was Age 7, which is the 1996 year class, the strong year class from the Chesapeake system; and discards, of course, Age 3, younger fish, smaller fish.

Commercial harvest in '03 began to reverse a decline over the last few years in total losses. It was about 1.3 million fish were lost to both direct landings and discards in 2003.

Age structure of the harvest, landings and discards principally around Age 5, which makes sense. The commercial fishery in numbers is driven by those from the Chesapeake system, which are generally smaller fish, smaller, younger fish.

Taking a look at how the losses stack up among the various components, the recreational harvest, the landings and the discards in '03 accounted for 76

percent of the total losses, and this was the highest since we began keeping track of these numbers, the highest proportion.

Total losses, in '03 about 4.7 million fish were lost from all causes from the fishery, and this is just slightly below the high of 5 million animals that were lost in the year 2000. Age structure of the fish, the total losses, peaks for '03 at Age 5 and Age 7, which is the combined commercial at Age 5 and the recreational at Age 7.

Again, Age 7 is the '96 year class. And one thing to notice from this figure, if you look on the right side of that curve, it's clear that in '03 we began to focus our harvest on the older fishes. In particular look at Age 10, we really increased the harvest of that particular age class.

And if we look at losses of the age eight plus, we see just a continual increase since we began keeping this sort of information. It really went up in '03 to a total of about 1.4 million fish age eight and older, and these are the fully recruited fish, the mature fish in that stock, so not only are they more abundant, but we seem to be fishing them with greater intensity.

The second input to the VPA are independent estimates of abundance, and we get these from a variety of sources, fishery dependent and independent. We have 55 total, obviously not 55 sample programs.

We have certain programs, fishery-independent programs, the Maryland Gillnet, National Marine Fisheries Service Near-Shore Trawl Survey, the New York Ocean Haul Survey where we have sufficient data to break those indices up into indices at age.

Then there are a couple of indices, the trawl surveys in New Jersey and Delaware, where we just use combined ages, young of year from New York, Maryland, Virginia and New Jersey, New Jersey part of Delaware Bay and Delaware River, Age 1 indices from New York and Maryland.

And, finally, some fishery dependent indices, Connecticut Volunteer Angler, and the Massachusetts commercial fishery where we again are able to partition these indices into at-age indices. I'll get back to this in a bit.

Okay, these are the results of this year's VPA run. This slide shows mean F that is unweighted by number at age. You just take the F at each age and take a mean. This is for ages 8 through 11.

The horizontal blue line, the lower line is our target fishing rate of 0.30. The red horizontal line is our threshold value, the value we don't want to exceed of 0.41. And based on the VPA F this year, average F for the fully recruited mature fish was 0.62. The average F unweighted for Age 3 through 8 was 0.29.

Now, it's not fair to compare the unweighted fishing rates from the VPA to the tagged-based estimates because the tagged-based estimates are affected by the number of fish at age. There are more younger fish, and so the fishing rate on those fish have a greater impact on the overall mean.

So we try to mimic that by converting the F at age from the VPA to a weighted mean based on the abundance at each age, and that declines a bit because there are more younger fish which have a lower F value.

But, still, the average from Age 7 to 11 is about 0.59 or 0.53 while the smaller fish have a mean of 0.18, an F value. We used 7 through 11 on that graph, because we're beginning to learn that the fish that are 28 inches and greater tend to be Age 7 rather than Age 8, and so we feel that it's a more fair comparison to the tagging data which is split, which is broken up into below 28 inches and above 28 inches.

The VPA also outputs estimates of population size, and the final data point there is for 1 January '04. To orient you here, the purple, magenta, off color red, I guess, line is the total stock size, estimated stock size, Age 1 through 13 plus.

And, you should use the left-hand vertical axis which goes from 0 to 16 million individuals. And so the total in the start of '04 was 56 million animals, which is up from 46 million in 1 January 2003.

The caveat here is that total includes a huge '03 year class of 21-some-million animals. So abundance is extremely high, but a good part of it comes from a single-year class that's just coming into this stock.

I think more importantly, if you look at the green line and here use the right-hand axis, which goes from 0 to 4 million, the abundance that we predict of Age 8 and older, again the mature fish, has fallen from about 3.5 million in '02 down to 2.7 million in the beginning of last year, so we're fishing the Age 8s harder and the abundance is declining.

We thought it would be helpful to show a picture of what the abundance would look like without that very

strong Age 1 fish, and without that you don't see that spike at the beginning of '04.

The model also puts out an estimate of female spawning stock biomass, and for some reason we've measured it in metric tons over the years. And, so the left axis, the axis is from 0 to 20,000 metric tons of female spawning stock biomass, mature females.

And, it has declined from a high of about 19,000 metric tons in '01 down to just 13.6 in '03, in the mid-year of '03. The horizontal line is our threshold value. It's the line that we don't want to fall below.

We recalculate it each year now, and that value right now from this year's VPA is 12.7, so the female spawning stock biomass is still slightly above threshold, but it's been going down the last couple of years.

The VPA makes an estimate of abundance at age, and this slide shows the estimated huge production of the '03 year class as Age 1, January 1, '04. So, recruitment has been relatively high in recent years and continues to be high on a coast-wide average.

Now, we've done a few things with the VPA modeling. The next few slides are routine, and then after that are not routine. We thought we should give the model extra scrutiny this year because the results were somewhat discouraging.

And so we know that the most recent year's information is the least reliable; and so to get an idea of what direction that may go, we take the full data set, which is the blue line, through '03 and then drop a year off and see what it would look like compared to what we have now.

And each year you get more information, you have more confidence about what has happened in history, back in time. And so that suggests that had we not had this year's data point, the '03 data point, we would have overestimated a bit this last year's fishing mortality last year and so on back in time.

Now, with this model, the model takes the independent indices and uses them, as I said, to adjust out population estimates. When it does that routinely, it gives the greatest weight to the indices that fit the best. If we don't use that reweighting, then we get a different pattern when we look back in time.

This is a much less satisfying picture of what happens when we drop those years off, which suggests that without weighting, the model is not nearly as stable

as it is with weighting, and that gives us a bit of concern. We don't like to see this.

This suggests that in the past we have been overestimating F which, in turn, would mean we are overestimating F in this year, the last year. But before you jump on that, there is a reason to discount what we had this year.

I just compared using the model output with both weighting and unweighting, and the results are almost exactly the same. With weighting, which is the standard way of running the VPA, it is 0.62. Without weighting it's about 0.59, so either way it's high.

And we did the same thing with looking at estimates of abundance, and this suggests that in the terminal year that we're underestimating abundance, which would mean we're underestimating the female spawning stock biomass, and so the picture is probably not as bad as the model is outputting this year. This is with weighting. Without weighting, a similar pattern, not too bad.

As I said, we gave the model a bit more scrutiny this year. In the last three or four years, we have been improving the independent indices of abundance that we put into this model.

Last year we had I think 76, maybe, indices of abundance at age and combined ages. We winnowed those down to 55 last year, and that included throwing out for that particular model run the Virginia pound net data and other indices as well.

This year we further made some changes. We improved the calculation of the Massachusetts Commercial Index, the Maryland Gillnet Survey and the Northeast Trawl Survey. And so we have made changes over the years, and we were concerned that these changes might be responsible for what we were seeing in the VPA this year, so we ran through a series of sensitivity analyses.

The first line on these figures -- and there are two or three -- summarizes the results of what we call a base run. It's the model that we're most confident in and the model that we are reporting results for with the 55 indices, the average F of 0.62 and a stock size of 56-some-million animals.

Then as you go down this graph, the next line we added the Virginia pound net. If you look over on the F column in the population size, you can see almost no difference. Then to account for the

possibility that there was an increasing natural mortality in Chesapeake Bay in the young fish, we increased our input natural mortality to 0.5 for those ages.

I don't think I said before, but we input normally into the VPA a natural mortality of 0.15, which is the same one used in the tagging analysis. When we input an increased natural mortality for the young fish, again, not much change.

Then we explored what would happen if the catches were wrong. This model is based on catches, so we just took a 40 percent cut on catches at age across all ages, and that made it -- yes, in 2003, I'm sorry -- and that made a significant difference in our estimate both of fishing rate and stock size.

Then we looked at the old index series without the refinements that we made this year, without the recalculation, hardly any difference. Then we went back and we used all the indices as we calculated in '01, just to see if that would make an impact, and there was no difference; and coast-only indices, excluding Maryland, again not much of a change.

We took out the New York and the National Marine Fisheries Service Survey, not much change, and so on down to near the bottom where we only used the National Marine Fisheries Survey Index, and that definitely made a change, so it suggests to us that there is something about that index we need to look at more closely.

So, in summary, for the fully recruited age classes, F, according to the model, equals 0.62, which is above both the target and our overfishing definition. For Ages 3 through 8, it's 0.29.

Total population remains at very high levels with the caveat that it's impartially affected by the strong abundance of Age 1 fish; and abundance of Age 8-plus, the mature fish is declining.

Female spawning stock biomass has been declining since 2001. There have been several good year classes in recent years. And, finally, the model is definitely sensitive to accuracy in catch estimates and relatively insensitive to the tuning indices with the exception of the National Marine Fisheries Service Trawl Index. And that's it.

## STOCK ASSESSMENT REPORT FOR 2003

**CHAIRMAN TRAVELSTEAD:** Okay, thank you, Andy. Gary, you're going to talk to us about the

stock assessment report and then we'll take questions.

**DR. GARY NELSON:** Well, first I'm going to show you the results of when we compared the VPA F estimates to the tagging data as a way to tie the two together.

What I'm going to talk to you about first is comparing the ADAPT VPA F estimates to the tagging estimates and, as Stuart said before, we simply take our survival estimates from the tagging program and subtract natural mortality from them to get an F.

We use the analyses for the fishes 28 inches and greater, and we compare the tagging Fs to the VPA Fs for Ages 7 through 11 weighted by abundance, because these ages encompass most of the 28-inch fish.

Shown in this slide are the Fs produced by the coastal programs compared to the VPA F, which is in the white here, and this is the one that Andy showed. The New York Cooperative Winter Trawl Survey Program is here in the pink, and it basically followed the trend from the VPA although it's been quite variable, but most of the other coastal programs did not.

The New York Ocean Haul Seine, which is in blue, seemed to increase, as the VPA estimate did, and has kind of leveled off. New Jersey, Delaware Bay Tagging Program pretty much increased up until about '98 and has been level since then.

And the red, which is the Massachusetts Division of Marine Fisheries Tagging program, increased into '95 and has pretty much been stable since then. There is a slide comparing the VPA estimate to the producer area programs.

The Delaware River Tagging Study is in the purple. It generally showed a similar trend compared to the VPA up until about 2000 or so and has kind of leveled off and maybe has declined a bit.

The Chesapeake Bay Program, that has followed this same trend basically as the VPA and actually showed a slight increase in 2003 compared to 2002. And then the Hudson River Program in the yellow has always been lower than the VPA estimates and seemed to peak around '98 or so and has declined since then.

In 2003, when we compared the results, we found that five out of the eight programs were similar in magnitude in terms of the VPA, but now we're only finding three out of the eight programs are similar to the results of the VPA.

This year we've discovered that there is some model selection inconsistencies for some programs, not all, and one of the priorities I would like to make in the next tagging meeting is to try and investigate why these changes have occurred.

Now I'm going to compare the ADAPT VPA estimates to the tagging exploitation rates. As Stuart said, we calculate exploitation rates using the tagging data by taking the number of recaptured, dividing it by the number of releases in one year, but those are adjusted for hooking release and reporting rates.

We use the same 28 inches and greater fish, and what you'd do is just convert the average F for the Ages 7 to 11 into exploitation rates, using the catch equation. Shown in this graph are the exploitation rates for the VPA, which is in the white again, compared to all the coastal programs.

The blue is New Jersey. It didn't quite compare to the VPA during the early years, but increased and actually exceeded it at least in one year, in '98, I believe, but now it has dropped after that and it's been pretty flat.

The red is the New York Ocean Haul Seine Survey. It's been pretty comparable in terms of magnitude and trends in the VPA up until 2000, and that also dropped down at the same time and has been pretty level.

The NC Co-op, the magnitude has been a little bit lower than the VPA, but it has followed the same trend up until, again, '99-2000, and that one dropped also. And then the Massachusetts tagging exploitation rate has been pretty low and fairly, I guess, stable, maybe increasing a little bit.

This is for the producer areas showing the VPA again in the white. The red line is the exploitation rate from the Virginia Rappahannock Program showing that their exploitation rates have been a lot higher prior to 2000, higher than the VPA exploitation, but it has since declined.

The Maryland Chesapeake Bay Program is in the magenta squares with the dashed line. And they tended to follow the VPA again up until about 2000, and those have declined. And the Delaware River

Study, I can't tell if there is a trend there or not, but it's been kind of level since about '96 or so. And then the Hudson River increased, kind of corresponding to the trend in the VPA up until about '97, but has since declined. None of the programs, either the producer area or the coastal, really showed any significant increase in exploitation during 2003.

And just to summarize, there's about five out of the eight tagging programs that showed similar trends in magnitude to the exploitation rates calculated from the VPA, and that occurred up until 2000, and then most of them appeared to drop converse to the pattern of the VPA.

Shall we go over the status of the stock? At the last technical committee meeting in September, we reviewed the stock, both the tagging information and the VPA information. It was the conclusion of the technical committee that most of them expressed concern over the current terminal year estimate of F from the VPA and also the spawning stock biomass estimate, and hence some of the conclusions derived from these estimates.

All committee members did agree that the landings increased in 2003 compared to 2002, but were pretty skeptical that the F estimate has, I'd say, doubled or actually increased by 77 percent or so.

Most technical committee members believe that the F will likely decrease given another year's worth of data in light of the retrospective patterns we've seen. And, unfortunately, we could not say with certainty that the current F estimates has exceeded the threshold value.

However, we did all agree, most of us, anyway, that since harvest did increase in 2003 compared to 2002 and the F estimates from 2002 were around 0.35, we're pretty certain that the target is still being exceeded anyway.

The recommendations of the technical committee is that until we resolve some of these uncertainties and differences between the VPA and the tagged-based models, until we resolve some of those issues, then we recommend that no further liberalization of regulations occur at this time. And that's pretty much it.

**CHAIRMAN TRAVELSTEAD:** Thank each of you for your reports. They're very much appreciated, and all of the work you do all year long to make those reports possible. We'll now open it up for

questions and discussion from the management board. Ritchie and then John.

**MR. G. RITCHIE WHITE:** Thank you, Mr. Chairman. I have a comment that I would like a response from whomever you think appropriate, Jack, on the technical committee. As I understand the process, as laid out in Amendment 6, the technical committee, with their expertise in the science, provides a mortality rate and spawning stock biomass to the management board, so the management board can make the decisions how to implement those numbers as laid out in Amendment 6.

In this case, I feel that role has been reversed. Because we do not have a definitive number from the technical committee, the management board is stuck with making the decision of whether we're over the threshold or not; because, if we take no action, we're making the decision that we are not over the threshold; and if we take some action, we've made the decision that we're over.

So, I find it curious that — not curious, I feel that we should get an answer from the technical committee that gives us a definitive answer on mortality rate given the best information they have.

**CHAIRMAN TRAVELSTEAD:** Any response? Gary.

**DR. NELSON:** The fact is we don't know. The models are giving two different answers, and we just don't know why that's happening. I understand what you're saying, but also I would point out the terminal estimate is the estimate with the most error in it, and to say that we're over, we can't do that right now.

**MR. WHITE:** Follow up, Mr. Chairman. You don't know and we don't know either, and you know more than we know, but we're in a position where we have to make that decision. We have to decide what the mortality rate is; because, as I said, if we take no action, we have decided that it is not over the threshold.

I believe you're in a better situation to give us your best estimate, and that would include caveats and footnotes and everything else, but using all the information you have. Obviously, you feel that the mortality rate that the VPA has put out is probably too high, but you also probably have a good sense or a best-guess estimate is it over the threshold or not, which is much lower than the total mortality of the VPA.

**DR. NELSON:** As a technical committee consensus, that wasn't reached. No one could come up with a valid estimate to say whether we're over it or not. We could be right at it for all we know. But until we get another year's worth of data, we're not sure how far that current terminal year estimate is going to drop. It could drop down to the threshold for all we know.

**MR. WHITE:** All right, so your best estimate right now is that it is under the threshold; is that the consensus of the technical committee?

**DR. NELSON:** We can say that we're still over the target. That's our best guess. We can't say we're over the threshold or not.

**CHAIRMAN TRAVELSTEAD:** It seems to me there is some implication that we're not over the threshold because the technical committee is not recommending any management action in terms of reductions in harvest or things of that nature. I mean, it's implied.

**MR. WHITE:** Well, I guess I would take exception with that, Mr. Chair, where they have made a recommendation to not allow any liberalization. Certainly, I don't believe there is something in Amendment 6 that would -- without going over the threshold, I don't think there's anything in there in Amendment 6 that would create a situation of not liberalizing regulations to meet the minimum requirements of Amendment 6, which is what I think they're suggesting that we do. So to me, that in itself is a recommendation -- or their uncertainty of being above or below the threshold.

**CHAIRMAN TRAVELSTEAD:** John.

**MR. JOHN I. NELSON:** Thank you, Mr. Chairman. Well, the divergence that we're seeing between the VPA and the tagging assessment, it seems to have gone on for probably a couple of years, maybe three years.

Could you tell us what is being done or what you're thinking should be done in order to try to understand why they're diverging over the last three or four years? Well, let me leave it at that. Have we done anything to try to investigate why there is a difference; or, if we should be doing something, what is that?

**DR. NELSON:** Well, the estimates are the models are as good as the assumptions that you're making. And particularly with the tagging information, with

the addition of John Hoenig to our committee, we're going to start exploring some of the assumptions of those models, particularly the mixing assumption.

With the tagging models, it's assumed that once you release the fish, they all mix into the population. And if that's not the case, then you can have some biases in the survival estimates.

Particularly, if there is non-mixing, you will get -- in some of the simulations that John Hoenig has shown, you could potentially get a flat trajectory if there is not mixing when in fact the F estimate is actually increasing. We need to look at those, and we hopefully will get to some of that stuff at the next tagging subcommittee meeting.

**CHAIRMAN TRAVELSTEAD:** Go ahead, John.

**MR. NELSON:** And when is that scheduled?

**DR. NELSON:** I don't know.

**CHAIRMAN TRAVELSTEAD:** Megan.

**MS. MEGAN GAMBLE:** I believe written into the action plan were two tagging subcommittee meetings, and the idea was to have one -- we usually have one in about February of each year.

**MR. NELSON:** Well, I think we've already heard some concern about the process, and we've got the process set up so that the technical committees can provide the input to the management board for us to take action.

I think I appreciate the problem that you're facing, but in order for the process to work correctly, we do need to have the technical committees performing their tasks. Whatever we need to do to make sure you can do that is obviously what we need to have highlighted as quickly as possible, so that we can make sure that you've got all the information you can.

Just one other question, if I could, Mr. Chairman and I'll relinquish the mike before you shut me off. Actually, I have two points, if I may.

The first one is you thought that perhaps in '04, once we had the '04 data, that we'd probably have a better sense of the revision of the VPA. I understand the final year has always got a lot of variability, but I would submit my opinion is that where we didn't have all the states in compliance during '04, that there probably was going to be a bias associated with

the excess harvest that might have taken place, that wouldn't have taken place if they had been in compliance, and that might be a factor to keep in mind.

The second point is -- and this is a question -- do we have a sense of what does the year class structure look like? Was that one of those slides that was up, and I might have missed it?

**DR. NELSON:** Of the landings?

**MR. NELSON:** Not so much landings, but just what do we think the year class structure looks like for the overall population? Do you have a sense of that? I mean, is it a nice bell curve or is it really skewed one way or the other?

**DR. NELSON:** In terms of numbers, the only thing I can suggest is in one of the tables, Table 18, I guess, gives the raw population size estimates, and you may be able to get a sense of that. It looks to me that -- well, it seems in 2004 estimates, the peak is around Age 3, excluding Age 1s, of course, and then it kind of declines after that.

**CHAIRMAN TRAVELSTEAD:** Okay, while John is looking at that, Paul, you had your hand up, then Dennis, Gil and Gordon.

**MR. PAUL DIODATI:** Thank you, Mr. Chairman. My interpretation of what I saw, I thought that the technical report was very clear that they've done the best that they can, and they're telling us we continue to be over the target mortality rate. We may even be at or slightly over the threshold, but that's not as clear.

It's very consistent with what the fishery regulations did between 2002 and 2003, so I'm not at all perplexed by this assessment. In fact, I think it's right on. We expected a rise in fishing mortality because we did accelerate the harvest rates between those periods.

It's very consistent with that acceleration. Without an acceleration in the coming year, which they're suggesting that we don't do, we probably won't see an escalation of fishing mortality rate during the next assessment.

So, I'm very comfortable with what I see. Amendment 6 is pretty clear as to what management advice is available to us or what guidelines. It tells us the direction which to go under these circumstances.

I'm sure that staff could remind us, but I'll remind everyone here that as Massachusetts has done many times in the past, you can cut back on your fishery if you feel that's the appropriate thing to do. But we certainly don't need an action to change our regulations today.

**CHAIRMAN TRAVELSTEAD:** Thank you, Paul. Dennis.

**MR. DENNIS ABBOTT:** Thank you, Mr. Chairman. I also guess that beauty is in the eyes of the beholder when it comes to looking at these figures.

I looked at the status of the stock that Gary put up there, and I read where it said that the technical committee can't say with certainty that the F threshold has been exceeded. I mean, to me "certainty" is 100 percent.

With what probability, possibility, likelihood or whatever are we above the threshold? It seems to me it's very easy to say that you're not certain, but do you have a probability, a high possibility that we're over the threshold? I mean, we're kind of -- I mean, we want the number.

As Ritchie said earlier, we need the number. We've been living and dying with the F numbers from the VPA for several years now; and all of a sudden we don't know where we are and we've got a Hobson's choice here. I hope you can help me, Gary.

**DR. NELSON:** All I can say is the terminal year estimate is the estimate with the highest error. And based on the retrospective pattern, it should come down, but retrospective patterns are notorious for flip flopping when you least expect it.

So all I can say is it's going to come down; how far, I don't know. And if you want to look -- is there a graph in the document about the bootstrap estimates? There is a figure in the document that gives the bootstrap estimates of error around that number.

And if you just find that figure and put your finger on where 0.41 is, that would give you a sense of how far we could be over, probability-wise how far we could be over that estimate. The 80 percent confidence intervals on that estimate is between 0.51 and 0.80, giving the estimate of 0.62.

Now, again, that may come down so that brings everything down, shifts it down so a lower

confidence interval could be actually below or at the threshold for all we know.

**MR. ABBOTT:** Excuse me, a quick follow up to that. Not understanding that too fully, but with your confidence factor of 80 percent, where would that put us with the figures that were provided this year; still above the threshold?

**DR. NELSON:** Yes, above the threshold, yes.

**MR. ABBOTT:** Above the threshold.

**CHAIRMAN TRAVELSTEAD:** Thank you, Dennis. Gil, Gordon and Jaime.

**MR. GIL POPE:** Thank you, Mr. Chairman. I noticed there was no talk about possible increases in natural mortality in the smaller fish. I know that came to me earlier this year that there might be possibly some increase in the natural mortality rates. I noticed that in one of your slides, Gary, you subtract 0.15 from the exploitation rate.

I've always been curious as to why you don't use more of a curve and why you use the 0.15. I realize it's easier in some ways, but what ends up happening a lot of times I think is that it kind of overestimates the larger fish, the amount of larger fish being killed, and underestimates somewhat a lot of how many small fish are being killed.

So, was there any talk at this particular meeting in starting to use a little bit more of what the actual natural mortality rates are in a lot of your calculations, so we can get a little bit better idea as to really how we need to plan this? Thank you.

**DR. NELSON:** The 0.15 estimate was derived from some life history models. It is appropriate for the older age fish, even some of the stuff that Crecco did, where he showed that at least on the younger fish, there appears to be an increase in the natural mortality from Chesapeake Bay.

Point 15, you've got estimates of 0.15 for the older fish, so it is appropriate for those. For the younger fish, it probably is not, but if someone could give us what the estimate is, he came up with some. There are some issues with variability around those estimates and things like that.

If we incorporated that estimate into the VPA, it wouldn't change the results on the F of Age 8 through 11. What the model would do is simply give

you higher numbers of younger fish given the catches and a higher mortality rate.

It's not going to affect the F on the Ages 8 through 11. Theoretically, if the fish are dying at a higher rate now, it could down the road when those -- if those year classes get cropped by a high natural mortality rate, it could affect the abundance of the Age 8s down the road, let's say. But right at this point it would not affect the estimate, the current estimate in the model.

**MR. POPE:** The only reason I asked that is because I've seen some charts where it's as high as 0.6 in the 2 year olds or something and as low as 0.06 way up in the 15-16 year olds, and I'm just wondering if that curve is a valid curve, whether it's actually a true mortality, show of natural mortality. No?

**DR. NELSON:** The Crecco stuff, is that from Vic Crecco's stuff, because I'm not aware of that.

**MR. POPE:** I think it is. Also Mark I think had something back in the '80s that I took some of his information from as well.

**DR. NELSON:** What we didn't get a chance to do at the technical committee meeting, because we had so much to do in two days, we did -- actually, I was going to talk about that a little bit, but I can do it now.

The technical committee members are starting to raise concerns that there is a potential problem. What we can do about it, we couldn't get to that at the meeting, and we plan to have some conference calls hopefully in the near future to develop a plan of attack to see what we should be doing, although not all committee members agree that there is a problem.

**CHAIRMAN TRAVELSTEAD:** If it is the desire of the management board to take action at this meeting, it should occur under this agenda item, just to make you aware of that. And at a minimum, when you finish your fact finding, we will need a motion to approve the stock assessment report at a minimum. Gordon, you were next.

**MR. GORDON C. COLVIN:** Thank you, Mr. Chairman, you just answered one of my questions. I wondered what action would be in order here. I'll be happy, at the appropriate time, to make a motion to accept the report of the stock assessment report.

I pretty much concur with what Paul Diodati said earlier, and I'm not convinced that further action is

required at this time. I do have a couple of questions. One is I recall that last year, in the context of this general discussion at this time of the year, there was a great deal of discussion about aging issues on older fish.

I'm wondering if there is any updates on that question in terms of the information that we may have available on ages of older fish, and whether or not there is still an issue with respect to those ages in the outcome of our mortality estimates?

**DR. NELSON:** What we talked about last year was — actually, we're in the process of putting a report together to address the issue and how we would collect otoliths and use those in the assessment.

My experience has shown that most people aren't in favor of killing big fish for otoliths, and so it's going to be an issue that I don't know if we can address because we don't have the money because it's going to take processing time and things like that to process the otoliths, and it's easier to collect scales, anyway.

I don't know how fast we're going to address that, but the report, I've got to work on it when I get home, should be coming out soon, and it just addresses how many fish we would need to collect and some of the estimates of money that states would need in order to process those structures.

**MR. COLVIN:** Is it still at a point where if we had a better handle on the ages of the older fish, we might begin to narrow the gap between the estimates?

**DR. NELSON:** It's possible. I really don't know, though.

**MR. COLVIN:** Let me make a suggestion to the technical committee. You know, I think you're right, we don't want to take action from the perspective of our data collection that promotes mortality of fish that would not otherwise be killed, particularly older fish; but, obviously, there was some discussion, as I recall, about the prospect of getting access to otoliths of large fish that were killed, such that we could construct keys from them that would enhance our ability to make distinctions on ages at larger lengths. It would seem to me that some kind of a coordinated coast-wide outreach effort to get access to older striped bass that have been killed might be something that we could facilitate through the commission and perhaps do a better job of it.

Maybe that's something the committee wants to talk about and work with the commission staff and our various I&E people on. I would encourage that.

The second question I had is basically to repeat the question I think John Nelson asked, and that is are we aware that there are instances or circumstances in which state regulations were not in full compliance with the 2003 requirements or where there were quota exceedances that might have contributed to harvest levels? And if so, was there a big enough increase in the harvest that might have accounted for some measurable change in the estimated F?

**CHAIRMAN TRAVELSTEAD:** Megan can answer a portion of that question, Gordon, and then Gary or Stuart can fill in.

**MS. GAMBLE:** Further on down in the agenda we were supposed to be addressing the FMP review for the 2003 fishing year, which covers state compliance. I think what people need to keep in mind is that 2003 was a year of transition.

We approved Amendment 6 in February of that year, and at that point we allowed the states to immediately increase their commercial quotas to the level allowed under Amendment 6, so we immediately saw an increase in the commercial landings as a result of that.

Additionally, in 2003 there are three states that increased to a two-fish bag limit for their recreational fishery. The PRT found that there were not any states out of compliance in the 2003 fishing year.

**MR. COLVIN:** Part of the reason I asked that question is that I'm aware of some discussion about surprisingly high recreational catch estimates in parts of Chesapeake Bay. I don't want to put the chairman on the spot, but there is an issue there, and I'm trying to get some sense of whether or not that's playing into the catch estimates that might have influenced our F estimates.

**CHAIRMAN TRAVELSTEAD:** Yes, there definitely is an issue there. We have been in contact with the National Marine Fisheries Service about the MRFSS numbers for Wave 5 in Chesapeake Bay which show a tremendous amount of catch that is unlike all the previous trends we've seen.

That hasn't been resolved at this point in time. They've promised us an answer following their review by the first of the year, so that may be some additional information.

But even there, although the catches, from Virginia's, perspective are substantially higher than what we typically see, I don't think they're so high as to be a cause for the increased fishing rates that we're seeing, even if you were to eliminate them entirely.

Right now I have six people on the list: Jaime, Mark, A.C., Lew, Tom and Ritchie. Are there other board members who will have other fact-finding issues that they want to raise? At some point, we're going to sort of move out of fact finding and have to make some decisions.

Bruce, I'll add you to the list. Are there others? I'm going to go through that list and then we'll get into motions and things of that nature. Jaime, you were next.

**DR. JAIME GEIGER:** Thank you, Mr. Chairman. I also would like to echo Paul Diodati's comments. I thought they were well taken. I would like to ask the technical committee a question.

I noticed again that female striped bass biomass continues to decline. Can the technical committee offer any rationale or at least some hypothesis on trying to explain the continuing decline of female striped bass biomass? Thank you.

**DR. NELSON:** Dr. Geiger, I showed a couple of figures when we were talking about the VPA. One was the absolute estimate of harvest of Age 8-plus fish, the mature fish, fully recruited and mature fish, and that was increasing every year and substantially increased from '02 to '03.

Concurrently, the number of Age 8-plus fish that are estimated from the VPA has started to go down; and so if you look at the age structure in the harvest, comparing among years, it appears that we are beginning to focus our harvest on the older fish.

Part of that is that there were more older fish available for a while, but in addition to that, the fishing rates on those ages is much higher than the 0.62.

So it looks like we're focusing our harvest on the older fish, and that's one reasonable explanation for the decline in the spawning stock biomass.

**CHAIRMAN TRAVELSTEAD:** Mark.

**MR. MARK GIBSON:** Thank you. I guess I agree in part with some of the sentiments that Gordon and

Paul Diodati have put forth that it's not surprising to me that fishing mortality is rising.

The catch of eight and older fishes I think went up 51 percent, and there isn't any clear signal in the abundance indices that there was that much of a stock increase to offset it. I don't think there's any question that fishing mortality rate on the older fish is rising; how much so seems to be uncertain given the properties of the ADAPT model.

I did note in your sensitivity runs that the run that was most sensitive was when you perturbed the catch inputs and reduced the catch by a significant amount. The reason that's interesting to me is there are other results in the report that you didn't report here, and that's the ICA model.

I noted that the ICA run also has its highest fishing mortality rate in 2003. It's not as high as the ADAPT model. Just eyeballing it, it looks like it's very close to the threshold value and perhaps a little over.

I think the reason I'm interested in those is because the ICA model doesn't assume that catch is measured without error. It actually fits the catch and estimates catch in the last few years that you established that separable time block in.

I'm wondering why that sort of confirms to me that fishing mortality rate is rising, because there's an alternate model that makes different assumptions that shows that it is, and it's very close to the threshold value. I wondered why we didn't hear more on that particular exercise?

**DR. NELSON:** The reason was it wasn't a model that the stock assessment subcommittee got together and did. I did it by myself sitting at my desk one day, and it wasn't thoroughly reviewed.

I made some decision within the model, so I personally wasn't comfortable with going forward without the technical committee's approval and also the stock assessment subcommittee's approval that what we got out was the correct format for the model. That's the only reason why.

**MR. GIBSON:** If I could, Mr. Chairman, it's in the board report on the briefing materials, so I'm assuming it's for consideration by the board.

**DR. NELSON:** I didn't have a very good answer for that, then. It's a model we've been trying the last couple of years, and it seemed that the ADAPT

model has been the model that has been the chosen one to go with.

**CHAIRMAN TRAVELSTEAD:** Megan has a comment on that point.

**MS. GAMBLE:** The technical committee each year, on the side, the ICA model and the ASPIC, and that's done as a check. But those two models have not gone through peer review, so they're not acceptable models for use in the management in terms of making management decisions.

**CHAIRMAN TRAVELSTEAD:** Thank you. A.C.

**MR. A.C. CARPENTER:** I've got a question. It seems to me we've been presented two Fs today, one for the Age 8 to 11 and the other for the 3 to 8s, one of which is around I think 0.2 and the other one is around 0.6. Is that how I'm understanding this?

Doesn't the plan refer to a single population F that we are working on? I've got a question of what that would be. I can't add the two. Unless I can add the two and divide by two, I don't think that's the accurate way to do it.

The other question I have is on Figure 32 in the draft that was handed out. There is an average F of the Ages 8 to 11 with an associated 90 percent CI. That looks to me like the red line is somewhere around 0.4. Can somebody explain what this one is versus what we've been talking about?

**DR. NELSON:** Figure 32 are the results from the ICA model that Mark was just mentioning, so it's a different model and different estimates. We based our management on the F at fully -- go ahead.

**MR. CARPENTER:** Excuse me. Then I think we need to label that figure as coming from that model, because I don't see where it says what model it came from.

**DR. NELSON:** Correct.

**CHAIRMAN TRAVELSTEAD:** We will make that change. Thank you, A.C. Gary, to the question of what is the single F for the entire population -- I think that was your question, A.C.

**DR. NELSON:** The single F. We based our F estimate on the average F of Ages 8 to 11 because they're fully recruited. I don't know how to answer there. There is not a single one F because the Fs are estimated for all the ages.

**CHAIRMAN TRAVELSTEAD:** Which F is it that we measure for the control rule?

**DR. NELSON:** The F on Ages 8 to 11 is the F we use to compare to the threshold.

**CHAIRMAN TRAVELSTEAD:** Okay, and that is the 0.62?

**DR. NELSON:** The 0.62, right.

**CHAIRMAN TRAVELSTEAD:** Okay, Lew.

**MR. LEWIS FLAGG:** Thank you, Mr. Chairman. I have a question. I think it would probably be directed at Gary. In terms of the uncertainty associated with the terminal year estimate of F from the VPA, in subsequent years, as you look at that particular year again, does that number always go down? Is the probability that number could be higher, just as great as the probability that it could be lower in subsequent years analysis?

**DR. NELSON:** As you saw in the retrospective pattern, the pattern has generally been for it to come down, but there have been cases where you see one pattern and all of a sudden you add another year's worth of data, and that retrospective pattern can change.

So, by all probability, what we've seen from the retrospective, we could say it was probably going to go down, but there's always I guess a chance it could come up, depending on what we get next year.

**CHAIRMAN TRAVELSTEAD:** Tom.

**MR. THOMAS FOTE:** When Gordon spoke about collecting the heads, there's enough instances where fish come into tackle stores or shops to be weighed in; and if you need heads of larger fish, we can get you that.

I mean, there are enough clubs or organizations that actually run tournaments where some larger fish are killed; so if you want that, we will make every effort available to get you those heads. I don't think that's a problem.

It's doing the analysis on them afterwards, that's your problem. But, we can get you the heads if you need the same way we did with weakfish and tautog; so if you need that, just let us know and a couple of groups can get together and basically supply you with all the heads you need.

The second question I have, really what I was looking at, when I was looking at some of the figures -- and I really couldn't do a comparison of years -- I was looking at the catch of large fish by New Jersey and Connecticut, and it just struck me as interesting that we're catching a lot more larger fish, as I looked at this, than we were previously.

And it's not where people are targeting the fish any different than they were four or five years ago. It's just that in the Raritan Bay and the Delaware Bay, there has been a huge number of large fish show up in the last couple of years.

As a matter of fact, our number of fish have dropped in 2002 and I think 2003 -- I don't have those tables with me, and they're not in the stock assessment, but if I remember the figures right, our catch actually dropped, but the size of our fish that we're catching, the eight year old and larger fish, increased.

So even though we had a slot limit, which basically actually constrained the fishing at that time, then it seems that our catch -- so I would have liked to have seen a comparison. I saw the same big figure in Connecticut.

I don't remember hearing about all those big fish that were caught in Connecticut, but I'm looking at that large number in 2003. I would like to know how that compares to other years, and that's just so I can get a better handle on what's going on with the larger fish.

Maybe we were underestimating the larger fish. Maybe they were someplace else and now they're showing up in the mouth. I'm not sure, but it's interesting in comparison, because, again, the fishing habits haven't changed recreationally.

The areas they're fishing have not changed. It's just the availability of bigger fish, and, you know, you only catch them if they're there. I think the other problem was that menhaden were there, the large menhaden, you know, the four- and five- year-old menhaden, and those big fish are feeding on those big menhaden; so, when you have the big menhaden you have the big fish.

**DR. NELSON:** I can tell you for some states like Massachusetts, the increase in our catches was expected given that we went to a two-fish at 28, and I think most of the New England states did change their regulations in 2003 to two fish at 28, I believe. Correct me, if I'm wrong.

We did see an increase in the numbers landed for those older fish, so it's probably due to that and also availability issue, too, whether they're becoming -- at that age, the '93 year class is coming through, so Age 10 is the '93 year class.

If you look in Table 16, looking at the fishing mortality rates, the highest fishing mortality rate is on the '93 year class, so it could be that, too. Is that what you're asking?

**MR. FOTE:** I mean I looked at New Jersey. We had a slot limit so actually it makes the availability of your -- you're restricted on what you can catch. You can only catch one fish, larger fish, and yet our catch dramatically went up of the larger fish, even though the angler can only catch one fish.

But I had no years to compare it with what it was, and I would like to see if we could get some of those just so in the future we're going to look at this, the mortality on large fish, because I don't want to go through what we did in '98 and '97, so I want to be able to look back at the years and see what is going on, just to use a comparison.

**DR. NELSON:** How would you like that presented, like in a graph or something?

**MR. FOTE:** Or just in the tables, yes, by state.

**DR. NELSON:** By state, yes, we could do that.

**MR. FOTE:** And the other thing is just for a point of information, I was little confused when I saw all the references to producing areas in the technical -- I thought we did away with that, but I'll leave that as is right now.

**CHAIRMAN TRAVELSTEAD:** Okay, Ritchie and Bruce.

**MR. WHITE:** Thank you, Mr. Chairman. And as I'm the last person on your list --

**CHAIRMAN TRAVELSTEAD:** I've got one more, Bruce.

**MR. WHITE:** Okay, then I was going to follow my comment with a motion.

**CHAIRMAN TRAVELSTEAD:** Well, let me ask that you not do that yet, because what I had in mind was to move down the agenda, hear from Jim Gilford on the portion of the advisory panel meeting that occurred today relative to the discussions we're

having, and then at that point I was going to ask for a motion.

**MR. WHITE:** This would be a motion, though, that would be more in line with the process I was talking about previously.

**CHAIRMAN TRAVELSTEAD:** Can I come back to you?

**MR. WHITE:** Yes. I guess my comment is that we've been fishing over the target for three years, and there has been very little concern that I've heard expressed on the board. As I read these numbers, and I may not be reading them correctly, it looks to me like there is a high probability that we're at the threshold or above.

I don't sense any concern over that, and I find that very curious. So, I want to make a motion at the proper time to have an instruction to the technical committee. Thank you.

**CHAIRMAN TRAVELSTEAD:** All right, I'll come back to you. I'm going to go to Bruce, and he'll be the final question for the fact finding, and then we'll come back.

**MR. FREEMAN:** Thank you, Mr. Chairman. I just am trying to summarize all that we heard plus look at the technical committee reports, and I just have several statements. I just want to make certain that these are correct.

The first is that the VPA in 2002 indicated that the F fishing mortality was somewhere in the order of 0.35, which was over the target. The most recent VPA indicates that 80 percent probability that F is between 0.51 and 0.80.

On the other hand, the tagging analysis indicates that F is in the order of 0.31, which again is just over the target. The technical committee feels that F is increasing, but doesn't really know by what amount or can't tell us by what amount. I just want to make sure that is a fair representation of what we've heard today. Is there any disagreement? Okay.

And then my last is a question. There was mention made by the various reporters that there were a number of issues raised in the 2004 technical committee report that needs further examination or at least examination in more detail in order to resolve some of these discrepancies.

My question is, is it felt that this reexamination of examination will resolve any of the uncertainties, or is this something that people just feel that you don't know where it's going to lead? Is there something that you have identified that needs resolving that will bring into focus the answer to these questions?

**DR. NELSON:** We haven't identified anything, per se, but when you see two models diverging, you have to fall back on what the assumption are and to go back and look to see whether you're violating those assumptions or not.

So we need to do that, particularly that non-mixing issue assumption that I mentioned earlier. Those are just some things that are off the top of my head. That's I guess all I can say.

**MR. FREEMAN:** And one last question. In most VPAs that I'm familiar with, the terminal Fs are really the one in question, but it's usually the terminal Fs tend to be an underestimate of fishing mortality, and usually VPAs underestimate recruitment, and yet striped bass seems to be just the reverse.

It seems to be diametrically opposed. Is there any reason for that that the technical committee can offer? I mean, why is it so different than most of the VPAs that are run for other species?

**DR. NELSON:** I personally have seen it both ways. I don't think there is -- they go one way or another. This hasn't been my experience. It depends.

**CHAIRMAN TRAVELSTEAD:** Okay, that ends the fact finding. Ritchie, I'm back to you for a motion.

**MR. WHITE:** Thank you, Mr. Chair, and again this gets back to the process. My motion is to move the technical committee be tasked with providing a mortality rate and spawning stock biomass for the striped bass population, using the best available information, and to determine if the mortality and spawning stock biomass is above or below the threshold as laid out in Amendment 6, to be presented to the Striped Bass Management Board at the February meeting.

**CHAIRMAN TRAVELSTEAD:** You've heard the motion. Is there a second to the motion? Seconded by Damon Tatem. Before I take comments from the board members, I do want to go ahead and hear from Jim Gilford relative to the advisory panel's comments on these issues. Jim.

**DR. JAMES GILFORD:** The advisory panel had this same briefing this morning that you had this afternoon with respect to the stock assessment. Consensus of the advisory panel was essentially to agree or support the conclusions of the technical committee.

Basically, the consensus statement is that there should not be any changes to the management program that will increase the mortality of the coast-wide stock unless it is allowed under Amendment 6.

Let me clarify that just a little bit. Some of the advisory panel members were concerned with the phrase "no liberalization". They did not want that to be interpreted to affect the individual states prerogatives to alter state regulations as provided under the conservation equivalency provisions.

There was also some concern expressed by one or two of the panel members about one year class being so dominant and making up a very large percentage of the stock and concerned about how that would affect the overall stock assessment.

**CHAIRMAN TRAVELSTEAD:** Is that it, Jim? Thank you. Comments on the motion? I have one question for Gary. Gary, will the technical committee know any more than they already know by the February meeting?

**DR. NELSON:** No.

**CHAIRMAN TRAVELSTEAD:** Thank you. Comments on the motion? A.C.

**MR. CARPENTER:** Mr. Chairman, I'd like to offer an amendment to this motion, hopefully a friendly amendment, that in addition to what we have there, that the technical committee refer to the section of the management plan that specifies that we use the eight-plus age group to determine F.

Maybe somebody can simply show me that in the plan today, because I swear I'm under the impression that we are talking about a single F on the total population or the fishable population, which includes three to plus. And if somebody can show that to me today, then that solves my problem; otherwise, I'd like to make a motion to include that in their report back to us in February.

**CHAIRMAN TRAVELSTEAD:** Okay, they're going to have to dig through the plan to find that, A.C, and I'll come back to you when they find it.

Other comments on the motion? Eric, then Mark and Ritchie.

**MR. ERIC SMITH:** Thank you, Mr. Chairman. Much as I share Commissioner White's wish for clarity on this kind of subject, we haven't got it yet, and I think there are good reasons so I oppose the motion, and I'll say why.

I like this kind of advice, quite frankly. I've had a debate with a lot of people on this point, but I want to get a clear signal from the technical committee, if possible. But if I can't, I want them to tell us what they think, even if it's we have this method and it tells us this; we have another method and it tells us that; and there's the pros and cons.

That's what they did, and I appreciate that. It gives me as much information I can in the face of the uncertainty that they're facing with their methods.

Then we have to decide what to do as managers. And, most of what I've heard today, at least the arguments that I find compelling, there is no real reason for us to blow past the technical advice that we shouldn't liberalize the advice, and there's no real reason to adopt something that's much more restrictive in the face of the uncertainty that they're reporting.

But we could do that if we want to. That's our job. If we think that the advice is compelling enough to us that we want to disregard their advice and do something more restrictive, we always have that responsibility or opportunity to do it.

So, the motion, frankly, is to go back and do what they've tried to do for several months and came back and said they really get conflicting signals, and they can't give us any better advice. To pass this motion, I think almost has a little bit of a chilling effect that I probably would wish we wouldn't do, and that's to say go back and do it anyway.

I think that's a hard signal to send because they're working real hard for us, and we're driving them to do things that maybe they're not comfortable to do entirely. This motion would make matters worse.

It would say go back and look at the same things, and we want you to give us an answer that you've already told us you're not comfortable giving us. So for those reasons, I oppose it.

And the other point I would make, I think A.C. made a great point, and if I recall correctly, I was not here

as a board member at the time, but about five years ago we got off on -- we charged ahead on controlling fishing mortality on old fish.

Some of adopted slot limits and various things because that was the message we were getting. Come to find out, unfortunately, there was an error made and it had to be corrected and we didn't really have to do that.

But at that time it was clear, previous plan, but it was clear that we really should be talking about mortality on the stock. That's what the plan called for. Unless this new plan, Amendment 6, says we're supposed to look at mortality rate by certain age groups, I would agree with A.C. that we're really supposed to look at the mortality rate, not to select places where we have some additional concerns. Thank you.

**CHAIRMAN TRAVELSTEAD:** I have a few names on the list. Eric has spoken against the motion. Is there anyone who wishes to speak in favor of the motion other than the maker of the motion? Is there anyone who wishes to speak in favor of the motion? I don't want to drag out the discussion any longer than we need to. We've already had a lot of fact finding. Mark, do you wish to speak in favor of the motion?

**MR. GIBSON:** I support what Ritchie is trying to do here, but I'd like to offer a friendly amendment, using best available information, including integrated catch analysis. The reason I'd like to do that is the more I look at this and having spoken to some people in the back of the audience, it potentially could be the tie breaker of this conflicting information.

And, again, this integrated catch analysis doesn't assume that the catch in recent years is uncertain or they're measured without error. It actually estimates the catches. In fact, this model is estimating lower catches in 2003 than the observed data is showing.

It's generating an appreciable fishing mortality rate, but I'd like to see them go back and look at this. Apparently only a few of the people on the technical committee worked on it. If the full technical committee could look at it and endorse some of the results, it potentially could be the tie breaker for the board.

**CHAIRMAN TRAVELSTEAD:** Do the maker and seconder accept the proposed amendment to the motion?

**MR. WHITE:** Yes.

**CHAIRMAN TRAVELSTEAD:** Okay, we have a friendly amendment to the motion. It will be added. Right now I have Ritchie, Gordon, Anne and Tom. Are there others that are going to wish to speak to this motion? A.C. and Bruce, okay. We're going to hear from those, and then we'll take action. Ritchie, you were next.

**MR. WHITE:** To expand on what Eric said, I guess I'm not looking to have the technical committee go back, do the same thing and give us the same answer. What I'm looking for is the members of the technical committee have to have a sense of which of these two programs they have more confidence in and which they think is in more error.

Right now they're just presenting the two, and saying there is this difference and we don't know. But as scientists, you have to have a sense that I feel this one is more out of whack, I don't trust this one as much.

That's what I'm looking for. I'm looking for your group to get together and give us your best estimate of where you think the numbers are right and where you think they're wrong. I feel that it's an expansion of what you've already done. Thank you.

**DR. NELSON:** I can tell you that right now. You're going to have this side of the room for one model and this side of the room for the other model, so I don't know how we're going to resolve that.

**MR. WHITE:** So, half the technical committee --

**DR. NELSON:** Well, that's just a number; it's not exactly half.

**MR. WHITE:** Or a substantial portion of the technical committee feels the VPA information is correct?

**DR. NELSON:** Except that the terminal year may be an overestimate, that's the conclusion of most of the committee members. Whether it's superior to the tagging model, that's up in the air.

**MR. WHITE:** So it's possible that a majority of the technical committee, if it was put to them, not that the VPA number is correct, but that you're over the threshold, which, you know, the number is far less than the total VPA number, so if that was put to them, it is possible that a majority of the technical committee would say, yes, you're over the threshold?

**DR. NELSON:** I bet we wouldn't reach consensus on that.

**MR. WHITE:** Well, that's what I'm asking, that question be asked and we have that answer.

**DR. NELSON:** Well, actually, the conclusions we gave was the consensus conclusion. I'm not quite sure whether we can get what you want from the committee.

**MR. WHITE:** But was that question asked? Was it put to the technical committee, you know, the question, do you believe, based on all the information you have, do you feel with some certainty that we're over the threshold? Was it asked in that manner?

**DR. NELSON:** Not quite in that manner.

**MR. WHITE:** That's what I'm asking to be done and to have a report back to us.

**CHAIRMAN TRAVELSTEAD:** Okay, we're going to have to move on. I feel in a way like we're asking -- we have a tough decision in front of us, and we're trying to ask the technical committee to make it for us is the problem.

This is where the rubber meets the road here, guys. We have to make the decision based on what is dealt to us. Please keep that in mind. Gordon, you were next on the list.

**MR. COLVIN:** Thank you, Mr. Chairman, and you just made my point. The technical committee has spoken pretty clearly and after a heck of a lot of work. I don't mind suggesting to the technical committee that they consider some additional information.

Mark's suggestion is probably helpful. But the bottom line is they've made a strong effort to analyze the data that they have in different ways, and they've come back to us with as much of a consensus as they could develop on the conclusions.

I can't tell you how uninterested I am in ever hearing what the majority of the technical committee believes about something. I hope I never hear that, what they voted or what a majority of them felt, because that is just not helpful to me in any way, shape or form, and it is not how we should be making decisions. So that is certainly something I would never want a road for them to go down.

I'm struck by something that occurred to me in the course of this discussion, is this debate that is going on in the bigger world about separating the conservation and allocation decision making in fisheries management.

What a great case study this would be to the people who are going to have that debate. Many of us sitting here at this table, most of them wearing the same kind of hat I do, have said already in the course of that debate that the decisions should be made here.

Yes, there is uncertainty, and our technical and scientific advice should come to us and present to us information that characterizes that uncertainty and characterizes the risks associated with the decisions, and we are the senior fishery managers and we should make the decisions. Let's make them.

**CHAIRMAN TRAVELSTEAD:** Thank you, Gordon. Anne.

**MS. ANNE LANGE:** Mine was just a very quick comment relative to Mark's comment on using the ICA. I don't know if it was Gary or Megan or someone indicated that has not been peer reviewed, and that the assessment was being used based on what had been approved as far as the sequential use of the various models, so I'm not sure if it's appropriate to ask them to do it now.

**CHAIRMAN TRAVELSTEAD:** Keep that in mind when you vote on the motion. Tom.

**MR. FOTE:** Gordon put it really like I feel about this. I mean, I'm having this debate --

**CHAIRMAN TRAVELSTEAD:** If you agree with somebody who has already spoken, just say that and we can move on.

**MR. FOTE:** Then I'll pass; I agree with what Gordon said.

**CHAIRMAN TRAVELSTEAD:** A.C.

**MR. CARPENTER:** Megan showed me the language so I don't have to ask for the amendment. I'm still not sure I agree with the interpretation, but she showed me the language.

**CHAIRMAN TRAVELSTEAD:** Okay, thank you. Bruce.

**MR. FREEMAN:** I think the motion that Ritchie White has offered is helpful in some respects. In

looking at the detailed report of the technical committee, there were a number of suggestions made where they feel mortality is increasing.

Certainly, there is a mix of opinions, but I think it would be very helpful, if this motion passed, that the technical committee, if they can't give us an absolute answer to the questions we would like, is at least suggest areas where they think fishing mortality can be reduced.

My overall concern is this, if we find that we don't know exactly what the fishing mortality is, whether it's above or less than the threshold, although we believe it's over the target, and we continue fishing for two or three years, then finally the analysis goes to show, well, look the VPA was correct, we need to take dramatic action, which will dramatically influence the catch we have.

I would feel much more comfortable at this stage if there is uncertainty -- if there are certain actions we can take at this point rather than a dramatic reduction in the catch in order to allow us to offset any determination that the catch is increasing.

Let's take it now from the standpoint of being proactive rather than two years from now or a year from now simply cutting the catch in half or taking some dramatic action. It seems to me we can get some insight and some direction from the technical committee at least on those issues if in fact we can't get the answer that this motion is asking for.

**CHAIRMAN TRAVELSTEAD:** Last speaker is Paul.

**MR. DIODATI:** Thank you, Mr. Chairman. I just feel pretty strongly that this 100-page technical report is adequate information for me to make decisions about conservation and allocation today, and I think that this motion, which I'm not going to support, is going to create more work that is not going to give us the bang for the buck, and it's my buck that we're talking about because Dr. Nelson works for me.

He has done significant work to put this report in front of you today. If there is anything you don't understand, I'm sure that Gary Nelson will take time because I've spent time outside the meeting speaking with Gary, and I suggest that we do that with all of our technical committee members before we get to this point. Thank you, sir.

**CHAIRMAN TRAVELSTEAD:** Thank you. Is there a need for a caucus before we vote? We're going to take about a minute to caucus.

(Whereupon, a caucus was held.)

**CHAIRMAN TRAVELSTEAD:** Are we ready to vote? All right, if you will take your seats, we'll take the vote. Everyone clear on what the motion is? Ritchie, would you mind reading your motion.

**MR. WHITE:** **Move that the technical committee be tasked to provide a mortality rate and spawning stock biomass on striped bass using the best available information, including integrated catch analysis, and to determine if the mortality and spawning stock biomass is above or below the threshold as laid out in Amendment 6, to be presented to the management board at the February meeting.**

**CHAIRMAN TRAVELSTEAD:** Motion by Mr. White and seconded by Mr. Tatem. **All those in favor of the motion, please raise your right hand; all those opposed to the motion, raise your right hand; any abstentions; any null votes. The motion fails.** Gordon.

**MR. COLVIN:** **Mr. Chairman, I move that the board approve the 2004 stock assessment report.**

**MR. VITO CALOMO:** Second, Mr. Chairman.

**CHAIRMAN TRAVELSTEAD:** Seconded by this side of the room. Discussion on the motion? John.

**MR. NELSON:** Mr. Chairman, is the word "accept" or "approve"? I think it's accept.

**CHAIRMAN TRAVELSTEAD:** Well, what did the maker say?

**MR. COLVIN:** The maker says he wants to do whatever the board chair wants him to do, Mr. Chairman. Is it accept or approve?

**CHAIRMAN TRAVELSTEAD:** What do you want me to do, Mr. Chairman?

**MR. NELSON:** I'm sure that the verbiage that came out of the good brethren's mouth was accept.

**CHAIRMAN TRAVELSTEAD:** Move to accept the report. Any discussion? A.C.

**MR. CARPENTER:** Mr. Chairman, in light of the fact that the report contains numerous graphs and charts and tables based on the work of Gary, and I truly appreciate all the work that he's done, and he may very well be on the very right track, but it adds to the confusion of this issue, and I'd like to see those tables, graphs and what have you removed from the thing until that model, the ICA model is either peer reviewed or has complete technical committee backing.

**CHAIRMAN TRAVELSTEAD:** Very good. I don't think there's a problem with that. Any other comments? I don't think there is any need to caucus. **All those in favor of the motion, say aye; opposed, no; any abstentions; null votes. The motion carries.**

#### TECHNICAL COMMITTEE REPORT

**CHAIRMAN TRAVELSTEAD:** There are some additional items I believe that the technical committee has undertaken. Gary, we're going to move to Item 5.

**DR. NELSON:** At the technical committee meeting, we also had several other business items that we took care of. If you can remember to last year, the first item we addressed was Maryland's original proposal to eliminate their summer and fall tagging and use the spring R over M estimates to estimate the bay-wide F used in the harvest control model.

Back then Virginia objected to it via John Hoenig, and the board had sent back the proposal to the tech committee for re-evaluation. And what happened was we -- basically John Hoenig did some more analyses using the tagging data and recently came back, and he basically now has no issue with eliminating the summer and fall tagging program, except he objected to Maryland's use of the R over M estimates because he basically said they were too variable.

What he suggested was that the bay jurisdictions actually go back and use both Maryland and Virginia spring tagging data, and develop some other types of estimates that would replace the summer-fall tagging.

The general consensus of the technical committee was to allow Maryland to eliminate the summer-fall tagging and use the spring tagging for the estimation, but they did agree with Hoenig that they need to come up with some other methods over the basically other methods besides the R over M for which they can replace the F estimates from the summer-fall

tagging. They need to do that before dropping the summer and fall tagging. Any questions?

**CHAIRMAN TRAVELSTEAD:** Before you go to that, Pete, did you want to make -- you know, this was an issue that came up, and I'd like to just get it over with, if you want to make a motion that the board approve Maryland's eliminating the summer-fall tagging, which is now supported by the technical committee. Am I accurate in that?

**DR. NELSON:** Yes, except that the tech committee recommends that they can drop it, but they need to do all these other things before we bring to the board which estimates they're going to replace the summer and fall tagging estimates with. Does that make sense?

**CHAIRMAN TRAVELSTEAD:** Yes. I just want to make sure. I mean, it's not clear to me whether Maryland needs the approval of the board to eliminate the summer-fall tagging to begin with.

**MS. GAMBLE:** My advice is, and probably the cleanest way, is to make a motion. You guys have discussed this at least once, maybe twice before, so it might be best to just address it.

**CHAIRMAN TRAVELSTEAD:** So here is an opportunity, Pete, for you to do that.

**MR. W. PETE JENSEN:** Well, I guess we had thought all along that the board did not need to approve it as long as the technical committee approved it, and then the technical committee did approve it, but then they withdrew the approval based on Hoenig's objection.

So now we're willing to do it the way it has again been approved by the technical committee, so if you think the board needs to endorse that, then **I would move to accept the technical committee consensus opinion on eliminating one part of the tagging study in order to estimate F.**

**CHAIRMAN TRAVELSTEAD:** Is there a second to that motion? Seconded by A.C. Is there any objection to that motion? I think it really just clarifies an old issue that was sent back to the technical committee. Any objection? **The motion is approved.** Gary.

**DR. NELSON:** During the meeting, as I mentioned earlier, we had also talked about the issue of potential natural mortality increase in Chesapeake Bay via the analyses of Vic Crecco, Des Kahn and John Hoenig,

whose different techniques had shown that there has been an increase in natural mortality within the bay.

I think most of the technical committee members did agree that it's time to notify the board that's a potential occurrence, and some technical committee members did agree that the results are consistent with the rise and incidence of the micro-bacterial disease in the bay.

However, there are some other technical committee members that disagreed with that, because there are some inconsistencies between the hypothesis and some of the results like increased landings in the bay. They're still high even though their natural mortality supposedly has increased, so there is some inconsistency there.

But at the time we couldn't really resolve a plan of attack and, as I said earlier, we're going to address that in the future in conference calls, and just to point out that simply putting a higher M in the model isn't going to affect -- in the VPA model, anyway, isn't going to affect the results for the Ages 8 to 11, which we use to compare to our reference points.

Back in July we had a workshop to examine some of the indices that we used in the VPA. Basically, the intent of the workshop was to review the indices and try to identify some problems that might be occurring in some of the programs and also to come up with some procedures that would allow us to set up criteria for including or excluding future or current indices from inclusion or exclusion from the VPA.

Basically, the first day of the workshop we spent just reviewing the indices, and the participants made recommendations for each program, and there were problems identified in almost every program.

The workshop participants came up with a list of recommendations that were presented to the technical committee. The procedures that we used to include or exclude the indices from the VPA were also presented.

Essentially, the technical committee did agree with all of the workshop results which will eventually come out in a document, and so the technical committee is requesting -- let me back up and just say out of the workshop, the workshop participants made a list of recommendations that they would like to see done by each state to try and improve the results.

Most of them have to do with reanalyzing some of their data. The technical committee is requesting from the board that they have states require to conduct their self-evaluation of this study based on the recommendations from the workshop, and submit a formal write-up by March 15<sup>th</sup> of 2005, so that we can update those indices before the next VPA.

**CHAIRMAN TRAVELSTEAD:** Okay, let's stop there and note the last two bullet items on the screen, which constitute a request from the technical committee that the states perform certain evaluations of their surveys. Comments on that? I mean, this is an amount of work, and it means you're going to have to commit your staff members to do this. Pete.

**MR. JENSEN:** Not a question on that specifically, but how does this exercise relate to that discussion we just went through on the VPA?

**DR. NELSON:** If the VPAs are improved, then we could potentially get better estimates, but they may not improve.

**MR. JENSEN:** Well, on the second line there, in the workshop process, problems were identified in each program.

**DR. NELSON:** Yes, there is a list somewhere which I don't -- did they get that? No, they didn't get that list. It's program dependent. Some of them -- like Massachusetts, I just need to do a few things that I've already done to try and improve the index. I can't tell you particularly what you would have to do.

**CHAIRMAN TRAVELSTEAD:** Bruce.

**MR. FREEMAN:** A similar question. I'm just curious if the recommendations require an extensive amount of work or simply that the states could accomplish in a fairly short period of time. I'm just curious what workloads would be required.

Now I understand it's individually by state but I'm just -- was it the opinion of the technical committee that this would be an extensive amount of time required?

**MS. GAMBLE:** It is going to take some work on the part of each of the states. This VPA workshop and improving the VPA indices was a task given to us from the Stock Assessment Review Committee, so this is in response to that.

The belief is that by refining these survey estimates, we'll have a better inputs for the VPA model. So,

you know, some of the items that were to be looked at, it's basically a self-evaluation, how well is your survey capturing what's going on in your state's waters?

Is it appropriately designed to evaluate the population in your area? Some of that had to do with survey design. Some of that had to do with timing of the year, things like that.

**MR. FREEMAN:** Well, what I understand, then, Megan, that it wouldn't be an extensive amount of work. It just simply may take a day or perhaps several days for a state to complete that; is that a fair analysis?

**DR. NELSON:** If I remember correctly, at the technical committee meeting we did ask member states -- they came up with a date basically. We asked, you know, can you get these analyses done by a certain date, and most people that were going to do them said yes.

**CHAIRMAN TRAVELSTEAD:** Roy.

**MR. ROY MILLER:** Mr. Chairman, I guess I don't understand the expected result of this. Isn't it sort of self-evident that if states thought their programs could be improved, that they would in fact already do that to the best of their ability? I mean, what do we hope to gain from this further review that we wouldn't do on our own?

**DR. NELSON:** I don't know how to respond to that. Well, if we found problems with them, then there are still problems with them, so maybe they haven't been fixed yet.

**MR. MILLER:** You're requesting that the states conduct their own self-evaluation. I mean, what state is going to say, yes, we're doing something that we shouldn't be doing?

**MR. KAHNLE:** Roy, the workshop had the advantage of bringing in a wide array of folks that had more experience than any of us in a single state. So the workshop was able to point out things that we needed to evaluate or things that needed to be changed in surveys that we, within the states, weren't aware of, I guess because we've lived with it for so long, and we weren't exposed to the larger world of some of these experts such as Hoenig.

I'm sure that all of the states, New York included, are doing the best we can with what we have in hand. Now, from this wider audience and a more diverse

range of fisheries scientists, we've got some new ideas and that's what we're talking about.

We're not asking people to go back and re-evaluate our programs again. From the workshop, there were a series of specific recommendations to each program from this group of scientists, so we don't have to go back and think about what to do, we've already been given a list of tasks.

**MR. MILLER:** If I may follow up, Mr. Chairman, that puts it in a somewhat different light, because I saw no point in doing a self-evaluation, but if in fact each individual representative to the technical committee responds to peer advice from this workshop, and then reports back to the entire technical committee, then I could see where that might be worthwhile. Thank you.

**CHAIRMAN TRAVELSTEAD:** Mark.

**MR. GIBSON:** Yes, if the board chooses to take an action here that requires the states to do something, if it could be to respond to correct the deficiencies in their survey program as identified by the stock assessment review committee and the technical committee, I agree with the other sentiments.

It doesn't make any sense to conduct a self-evaluation if there is already information on deficiencies that can be readily transmitted to the states and addressed.

**CHAIRMAN TRAVELSTEAD:** I don't think I'm looking for a motion on this issue. We clearly will need the board members to ensure that their staffs undertake this work. I mean, it is going to involve some time. Is there anyone who just cannot live with this at this point? I think we all understand its importance now with the discussion. Gil, you're going to be the last. Go ahead.

**MR. POPE:** Thank you very much. I think this screen that I'm looking at and the previous screen are two very important -- there is a lot of important information on both of those screens, a lot of important things that I think it's to our -- like I said, it's getting late, toward the end of the day, I think that both of these screens, maybe we should expand on a little bit, look at.

I think that we just kind of blew through that previous screen, but I would kind of like for us to hold on to it in some fashion. I don't know how the rest of the board feels on that, but I think that these are all important issues and maybe we should -- I

don't know how to explain it either -- think about them some more, think about how we feel about them some more, rather than just saying does anybody have anything to say, without objection and we move on.

There is a lot of information in both this screen and the previous screen that I would like to have as information and have the rest of the board maybe give some comments on as well, especially the part about how we're going to replace the direct enumeration and so on. I think we need to spend just a little bit more time on that. Thank you very much.

**CHAIRMAN TRAVELSTEAD:** Well, I think the technical committee is going to spend more time on all of those items you've seen in the last two screens, so you should expect to see more information on all of these items in the future.

**MR. POPE:** Good, that answers that my concerns, but I think they're very important. I think we should expand upon them. Thank you.

**CHAIRMAN TRAVELSTEAD:** Bruce.

**MR. FREEMAN:** Jack, relative to the advice the technical committee was given, two questions. One, were all the states represented and know what they need to do? And if that's the case, then I think there could be a consensus that a letter be written by the staff to undertake that task.

I just want to make certain -- the wording of what is requested is somewhat different than what I'm hearing, and I just want to make sure it's clearly stated to the states what needs to be done or what is asked of them so we can move forward.

**CHAIRMAN TRAVELSTEAD:** Along those lines, let me just ask that the staff prepare a letter that be sent to each of the states clearly describing what the technical committee is asking each state to do.

**MR. BEAL:** We will do that.

**CHAIRMAN TRAVELSTEAD:** Great. Can we move on? Okay, Gary, do you have more?

**DR. NELSON:** That's it.

**CHAIRMAN TRAVELSTEAD:** Okay, that completes the technical committee report. Anything else from the advisory panel, Jim?

## ADVISORY PANEL REPORT

**DR. GILFORD:** Yes, thank you, Mr. Chairman. For the benefit of the board, there were 25 members of the advisory panel present this morning at the meeting and participating. Eighteen of them were recreational and seven were commercial representatives. That seven commercial is a major increase over what we've seen in the past and very happy to see it.

I won't go over the comments that were made with respect to the stock assessment. I'll go right on to the New York proposal and the Delaware proposals.

With respect to the New York proposal, the advisory panel recommended approval of all three components of the proposal. They expressed some concerns. Some advisory panel members had concerns about the marine recreational aspect of the proposal, increasing the bag limit to two fish, because of a possibility of increasing mortality in a coast-wide stock.

There was a concern over increasing the slot limit in the marine district commercial fishery because of the possibility of a result in increasing high grading. There was a concern about the minimum size limit increase in the Hudson River recreational fishery over the possibility of increasing discard mortality.

With respect to Delaware's proposal, the advisory panel recommended approval of the proposals, taking into account the same concerns expressed in the technical committee's report regarding increased potential for discard mortality.

The advisory panel also had the benefit of a report from Nancy Wallace on the menhaden workshop. There was discussion at that point in time of the possibility that there might be a multiple- species advisory panel created. The Striped Bass Advisory Panel would like to be a participant in that multi-species advisory panel if such is created.

The panel also discussed a bycatch data collection program at the specific request of one of the panel members. The advisory panel recommends that the bycatch provision of Amendment 6 be given the highest priority so that it can meet the deadlines specified by Amendment 6.

We have not had a vice chair for some time, and we did elect a vice chair for the advisory panel. That vice chair is Michael Doebley from Pennsylvania. He's a recreational fisherman. Mike, are you in the

back? You might stand up so people can recognize you. Thank you.

Mr. Chairman, I'd also like to take this opportunity, on behalf of the advisory panel, to thank the technical committee members who took their time to come down and give us a presentation on the stock assessment.

We were very pleased also to have Nancy Wallace's information on the menhaden workshop and Anne Lange's presentation with respect to the status of the DEIS on the EEZ proposal.

And, lastly, we will tell you that we think we have a tremendous liaison with the board through Megan Gamble. She has been a gem in terms of keeping the advisory panel informed and up to date on what's going on. Thank you, sir.

**CHAIRMAN TRAVELSTEAD:** Very good. Thank you, Jim. Questions of Jim? We'll move on to Item 7, the FMP review for 2003. Megan.

### FMP REVIEW FOR 2003

**MS. GAMBLE:** I'll try to make up some time here. There's copies of the FMP review on the back table. I'm going to skip over several sections of that report because they have been covered in the earlier portion of this meeting.

That means I'm going to start with Page 6 of the FMP review, and that's Section 6, status of management measures and issues. The first item under that section is status of Amendment 6, and I've already actually covered this issue as well.

It's just to report that the fishing year 2003 was a transition between Amendment 5 and Amendment 6. While we did approve the amendment in 2003, Amendment 6 was not fully implemented until January of this year.

You'll note that on Pages 13 through 15 of the report there is a summary of the state-by-state regulations for both the recreational and the commercial fishery.

As I noted before, there were three states that changed their recreational measures while the other states maintained their regulations, which either complied with Addendum V to Amendment 5 or were the more conservative measures from Addendum IV.

This table, which appears in the FMP review, is a summary of the coastal commercial allocations. You will note that the first column was the states. The second column lists the allocation provided under Amendment 6.

The 2003 quota is listed in the next column. You'll notice some differences in that column compared to the Amendment 6 column because either the state had conservation equivalency or had to take a penalty from the previous year.

So, the following column lists the 2003 harvest, and you'll note that both Massachusetts and North Carolina had a quota overage from that year, which led to a reduction in the 2004 quota.

North Carolina is kind of interesting because their quota straddles two calendar years because it's a winter fishery, so they took a penalty for this past winter fishery, and they actually are now back on track and have the full allocation of Amendment 6 for the winter fishery that's about to start.

The next slide deals with the Chesapeake Bay Spring Trophy Fishery. As you may recall, at our last annual meeting the board approved a new methodology for establishing the annual quota for the Chesapeake Bay Spring Trophy Fishery.

The Chesapeake Bay states, under this new proposal, need to submit a harvest report for the current fishery and then propose a new quota for the upcoming fishery. That quota is based on the number of Age 8-plus striped bass in the population as determined by the annual ADAPT VPA output.

So, this is a summary of what has happened the past couple of years. In 2003 they had the 30,000 cap, which is left over from prior to Amendment 6. Their harvest exceeded that by 13,900 fish, so they had to take a penalty in the 2004 spring trophy fishery. They did still exceed that reduced quota, so they will take a penalty in the 2005 fishing year to compensate for that overage.

This is more of an FYI. There is a new management plan for the Albemarle Sound/Roanoke River Management Unit, and this FMP defines the Albemarle Sound and the Roanoke River Management Areas.

It also outlines independent reference points; that is, different references points from the coast-wide population. And it sets the F target at 0.22 and the spawning stock biomass threshold at 400,000 pounds.

The TAC that is generated from that fishing mortality target is allocated between three different fisheries. Twenty-five percent of that TAC goes to the Roanoke recreational fishery; 25 percent goes to Albemarle recreational fishery, and the remaining 50 percent goes to the Albemarle commercial fishery.

The plan also addresses several other issues, and I'll just briefly highlight them. It does put in an overage penalty for future overages. It addresses habitat and environmental issues. It also addresses catch-and-release mortality, multi-species gillnet fishery discards and creel limit enforcement.

On an annual basis, the law enforcement committee submits a report to the PRT to include in our FMP review. This is just a summary of that report. The full report was included on your briefing CD.

There was an increased number of cases of fishermen targeting striped bass in the EEZ according to our law enforcement committee, and that led to a discussion at the last law enforcement committee meeting where NMFS has coordinated an effort to increase enforcement penalties and some education on that.

The states did submit independent reports of what's going on in their own state with respect to law enforcement, and that was included in the law enforcement report. Some of the items that occurred over the last fishing year was possession of undersized fish, exceeding bag or size limits, illegal use of bait, fishing during closed seasons, and license violations.

The point was made that while there is an increased number of cases, this is not due to enforceability problems associated with the management regulations, rather striped bass is a very high enforcement priority.

The next two slides address the management triggers that are outlined in Amendment 5, and one of those triggers is to annually take a look at the juvenile abundance indices. The 2003 JAIs increased in New Jersey, Maryland and Virginia.

There was a slight decrease in the Hudson River; however, you will note down at the third bullet there, the 2004 JAI or young-of-the-year indices increased slightly above the average, so that was some good news.

This is kind of moot now because we've moved on beyond this, but the Amendment 6 triggers require no

action if  $F$  is greater than the fishing mortality target but is less than the  $F$  threshold, and the spawning stock biomass is above the threshold.

We can say with some certainty that fishing mortality has been equal or greater than the  $F$  target every year since 1997, but we cannot measure the extent of that, of exceeding the target in 2003 due to the uncertainty in the assessment.

The spawning stock biomass is greater than the spawning stock biomass threshold using the re-estimated value at the 1995 female SSB, and the PRT just reiterated the technical committee's advice from their report. That concludes my summary of the FMP review.

**CHAIRMAN TRAVELSTEAD:** Thank you, Megan. Gordon and then Bruce.

**MR. COLVIN:** I have two questions, Megan. One, on the Albemarle/Roanoke, just kind of reminiscent of the discussion we had earlier today, the  $F$  target is 0.22. I assume that's applicable to fully recruited striped bass? And if so, what are the ages assumed for fully recruited in this stock?

**MS. GAMBLE:** I don't know and Pres is shaking his head.

**CHAIRMAN TRAVELSTEAD:** You've asked a good question, Gordon. I'm not sure anybody knows.

**MR. PRESTON PATE, JR.:** I don't think that is a fully recruited  $F$ . We have an 18-inch size limit. In fact, we were having a sidebar discussion about that very point as we were talking about the Amendment 6 requirements on looking at the fully recruited fish and how those two might be confounding, not just with Albemarle Sound, but with Chesapeake Bay, which is fishing on the smaller sized fish.

**MR. COLVIN:** Mr. Chairman, this is something I think we need to spend a little bit more time on in the future is the significance of these distinctions between what the target  $F$ s refer to in terms of the stock to which they're applied and how that affects availability, distribution and, frankly, equity in terms of the use of the stock coastwide. I would like to kind of suggest that we bookmark a discussion of that and a presentation by the technical committee at a future meeting.

My second question, Megan. On the law enforcement report, there was an indication of

increased non-compliance activity in the EEZ. Does the enforcement report indicate whether that was attributable primarily to commercial or recreational effort, fishing trips?

**MS. GAMBLE:** The report doesn't explicitly say that, but Mike Howard might have some more information on that.

**CHAIRMAN TRAVELSTEAD:** Mike, come on up.

**MR. MICHAEL HOWARD:** Could you please repeat the question. I heard it, but I would like it repeated.

**MR. COLVIN:** Mike, Megan's report indicated that there was a report of an increasing number of enforcement actions in the EEZ. I'm wondering whether they were predominantly recreational or commercial, if we know.

**MR. HOWARD:** Yes, primarily, most enforcement actions were recreational due to reports of and observations of significant fisheries occurring in some areas. That effort is continuing, and in the next few months we'll be following the fish down.

They've continued all this summer, too. There is a report coming out from the committee yesterday. It's not as bad as we thought this year. There have been several undercover operations where we go out on charter boats. They detected few to no violations in most areas.

However, the gathering of the fish off the DEL-MAR-VA Peninsula and North Carolina is of concern. We're trying to publicize in the fishing communities that the Coast Guard and NMFS has a plan and will be out there routinely attempting to make sure that the EEZ is enforced as far as the striped bass moratorium.

**CHAIRMAN TRAVELSTEAD:** Tom, you were next.

**MR. FOTE:** We just need to go back to the table and put in the bonus tag program in New Jersey, one of those tables, that table, the commercial. Yes, it should be included, just what the figures are.

**CHAIRMAN TRAVELSTEAD:** All right. Pres.

**MR. PATE:** I had the same question that Gordon asked about the violations. I'm satisfied with that, Jack.

**CHAIRMAN TRAVELSTEAD:** Okay, is there a motion to approve the FMP review? Motion is made by Tom Fote, seconded by Paul Diodati. Any further discussion? Roy.

**MR. MILLER:** If I could make one minor correction, Mr. Chairman, it was in Table -- bear with me just a second, please.

**CHAIRMAN TRAVELSTEAD:** While you're doing that, the motion is to accept the FMP review, not to approve.

**MR. MILLER:** I would suggest under Table 6, Megan, adjust for Delaware's 2004 fishing year where it says "28-inch minimum except for March gillnet", change that to "spring gillnet" because it's a March-April gillnet fishery, if you would, please. Thank you.

**CHAIRMAN TRAVELSTEAD:** Any further discussion on the motion? All those in favor say aye; opposed, no; any abstentions; null votes. The motion carries.

Agenda Item 8, state proposals. This is an action item. Apparently we have proposals from New York and Delaware. Megan is going to take us through the proposals.

## STATE PROPOSALS: NEW YORK

**MS. GAMBLE:** We have two proposals on the table, and I just want to preface the New York proposal by saying that many of these options have already been before the board and approved by the board.

The intent was just to keep the technical committee and the board apprised of their actions. It repackages everything under one memo, and they're just submitting it as an FYI.

There are three components to it. It addresses the Hudson River recreational fishery, the marine district recreational fishery, and then the marine district commercial fishery. So the first component -- let me just describe where they are currently.

The Hudson River recreational fishery has a one-fish creel with an 18-inch minimum size, and there is a season of March 15<sup>th</sup> to November 30<sup>th</sup> and the proposal has two options in it. The first is a step-wise approach to increasing the minimum size.

In 2005 it would be a one-fish creel limit with a 24-inch minimum size, and then in 2006 it would be a one-fish with a 28-inch minimum size limit.

The other option is in 2005 to go immediately up to the 28-inch minimum size. They are also proposing prohibiting the use of treble hooks with bait and using circle hooks with bait. They are also talking about establishing a fee'd permit for for-hire fisheries, and those individuals would be required to participate in the ACCSP for-hire survey.

The next component of the proposal addresses the marine district recreational fishery. The current measures for that fishery is one fish with 28-inch minimum size, and the season there is from April 15<sup>th</sup> to December 15<sup>th</sup>.

There is a special party/charter boat permit that allows two fish at 28 inches. They are also allowed to fillet the fish for the customers, but the captain and the crew are prohibited from possessing any striped bass.

So the proposal for this fishery is, again, one of two options. It is to increase the creel limit to two fish with a minimum size of 28 inches, using the same season; or, Option 2 is to have one fish with a minimum size of 28 inches, and then the second fish would be of a larger size, and that size is yet to be determined. And a little note on that Option 2 is that if Option 2 is selected, the party/charter boat measures may also change.

The last component of the New York proposal is the marine district commercial fishery. In the current measures the cap on this commercial fishery is 828,293 pounds, and I will note that is less than the allowed quota under Amendment 6.

That is because they sought and were approved for a conservation equivalency, because they have a slot limit of 24 inches to 36 inches total length. The season there is from July 1<sup>st</sup> to December 15<sup>th</sup>.

New York has a series of gear restrictions associated with that fishery. The proposal is to change that slot limit to be 28 inches to 39 inches total length, and that in turn allows them to harvest more pounds, so it results in a quota of 877,100 pounds. The season will remain the same.

And, again, there's gear restrictions that are associated with that fishery. The technical committee did review this proposal at their last meeting, and I'm

sure Gary Nelson can update us on their input. The AP also reviewed this proposal this morning.

**CHAIRMAN TRAVELSTEAD:** Any further comments, Gary?

**DR. NELSON:** No, the technical committee did review it, and they saw really no problems with this. All of it was conservationaly equivalent to two fish at 28 inches.

**CHAIRMAN TRAVELSTEAD:** Okay, thank you. Jim, any further comments?

**DR. GILFORD:** None other than what I have given initially.

**CHAIRMAN TRAVELSTEAD:** I think you've given them once. I think there was no problem. Gordon.

**MR. COLVIN:** Thank you, Mr. Chairman. As is noted, there are a couple of options in the proposal, the option on the Hudson River, as to whether we go in two steps or one step to 28, and in the marine district whether we go flat with two at 28 or whether we go with something. I think it's a little like New Hampshire's with two fish, 28-inch minimum, but only one fish can exceed probably 40 inches is the number that has been under discussion.

Assuming this is approved by the board, we'll get into rulemaking in New York and select based on the public comment that we get. **That said, Mr. Chairman, I'd like to move approval of the proposal.**

**CHAIRMAN TRAVELSTEAD:** Is there a second to the motion?

**MR. WILLIAM A. ADLER: Second.**

**CHAIRMAN TRAVELSTEAD:** Seconded by Bill Adler. Comments on the motion? Roy.

**MR. MILLER:** Mr. Chairman, I approve of New York's proposal to increase their recreational size limit in the Hudson River. I'm curious, however, how they received retroactive approval for an 18-inch size limit in the Hudson River when other jurisdictions that are considered or were formerly considered producer areas did not get approval for a minimum size for recreational fisheries of less than 28 inches. Perhaps, Mr. Chair, you can refresh my memory how that came about. Thank you.

**CHAIRMAN TRAVELSTEAD:** Gordon, do you want to respond?

**MR. COLVIN:** In fact, shortly after the Amendment 6 was passed, New York prepared, submitted and received approval of the board of a conservation equivalency proposal that established an 18-inch size limit and a one-fish creel limit for the Hudson River recreational fishery. The question was asked and answered.

At the same time, there was comment expressed, I believe primarily by the technical committee during its review of the proposal, that cognizant of the fact that much of the Hudson River recreational fishery does take place during the overall spawning season, perhaps something more than simply one at 18 should be considered.

And in the interval of time since that approval, we've conducted extensive dialogue with stakeholders in the Hudson fishery to review a whole series of options, many of which are off the table as a result of the dialogue, and we've boiled it down to what we're proposing now, but we considered a number of other things.

Again, this is all driven by the advice of the technical committee that even though what we have is equivalent, perhaps we should consider doing more. I think that's kind of grounded in the FMP content regarding spawning area fisheries.

**CHAIRMAN TRAVELSTEAD:** Gil.

**MR. POPE:** Thank you, Mr. Chairman, two small technical questions here. One, is the use of bait with circle hooks; is it live, frozen, artificial, all types of bait?

**MR. COLVIN:** Yes.

**MR. POPE:** Yes. And, Number 2, I noticed that it's going to go from up to 39 inches on the striped bass. Was there PCB -- has that issue gone away with the PCBs?

**MR. COLVIN:** Technically based on the last PCB data we had, 39 inches is an option for us, above that isn't. You know, the history of our commercial fishery in New York is interwoven with the history of the regulation of the fishery in response to information we've received over time about PCB concentrations.

It is literally interwoven to the point where even I and Byron can't really mentally reconstruct it accurately all the time, but the fact is that the 36 inch as present is actually a relic of the 36-inch size limit that was imposed through the commission for management purposes at one time.

So all along we probably could have gone to 39 based on PCB data, but we've never done that. There has also been a desire on our part to look at what the slot size is that we have because of the way we manage the fishery through the pre-allocation of an individual quota of tags, which is a management system that is very good at maintaining accountability, but is vulnerable to high grading.

And by having a low-end slot at 24 and a high-end slot at 36, we've been able to be pretty good in predicting the average size of the fish and maintaining our quota within limits.

The bigger we get that top end, the tougher you can be, but now if we raise the bottom end to 28, raise the top to 39 where we can be because of PCBs, we're still confident that we can keep the high grading from getting out of control.

**CHAIRMAN TRAVELSTEAD:** Mark.

**MR. GIBSON:** I just wanted to hear from the technical committee how their recommendation for no liberalization squares with the increase in commercial quota.

I'm assuming it's because what Gordon was just talking around, that the average weight of the fish in the catch is going to go up, so the numbers of fish that are going to be caught and added to the VPA catch at age are going to be comparable to what they were before; is that essentially the arithmetic?

**DR. NELSON:** I'm trying to remember it. The analyses that were done were based on assuming an F, a target value of 0.3, so the weight went up because the fish are a little bigger, but I don't think the numbers were going to increase dramatically to increase F. Does that make sense?

**CHAIRMAN TRAVELSTEAD:** Tom.

**MR. FOTE:** I just might have misheard something going back and forth between Gil. You were talking about bait on the circle hook and treble hooks. You were not talking about jigs or sassy shads that have circle hooks. I got confused here and I want to make sure I'm clear.

**MR. COLVIN:** Yes, pieces of animals that are or once were alive.

**CHAIRMAN TRAVELSTEAD:** Got it. Mr. Leo, do you want to make a brief comment. Come right on up.

**MR. ARNOLD LEO:** Thanks. Mr. Graham, for your benefit, Arnold Leo from New York. I'm on the Striped Bass Advisory Panel. Thanks for recognizing me. I'll be very brief.

You know, it seems to me, from what I've been told, that when you are dealing with statistics, that if you have a set of statistics which suddenly become wildly variant from what you previously had with that set of statistics, you should be very suspicious of their validity.

Under the circumstances, it looks as though the striped bass board ought to be relying a little more on the tagging data than on the VPA presently. You know, it may turn out in a few years that VPA gains more consistency again.

But having said that, with uncertainty with the data before us, I'm wondering if it's really wise to permit New York to double its recreational landings in a single stroke, one fish going up to two fish a day for the recreational fishery.

I know this is not something that the striped bass board ever liked to concern itself with, but there is also a question of equity. You know, historically the sports fishery and the commercial fishery each had about 50 percent of the landings in New York state.

Presently the sports fishery has 90 percent of the landings; and if they now go from one fish to two fish a day, I think the commercial guys will be down to about a 3 percent share of landings in New York state, and there is just no equity in that. Unless we're going to address the commercial landings as well, I'm not sure that we should be increasing the recreational to such an extent. Thanks.

**CHAIRMAN TRAVELSTEAD:** Thank you. Are we ready to vote on the motion? Is there a need to caucus? Apparently not. **All those in favor of the motion, please raise your right hand; opposed, like sign; any abstentions, two abstentions, the services; any null votes. Seeing none, the motion carries.** Delaware.

## STATE PROPOSAL: DELAWARE

**MS. GAMBLE:** Delaware's proposal also has two components. The first addresses mandatory circle hooks for the bait fishery that occurs in the spawning areas during the spawning season.

There's three areas. The first is in the Delaware River from Reedy Point to the Delaware-Pennsylvania border. The second area is the Chesapeake and Delaware Canal, and then the third is the Nanticoke River and its tributaries.

The seasonal closure occurs from April 1<sup>st</sup> to May 31<sup>st</sup> and take and retention of striped bass is prohibited during that time. But during that time, a hook-and-line catch and release fishery is acceptable.

It's not prohibited. They would like to require the use of non-offset circle hooks with any natural bait, and it specifies what that non -- it specifies the size of that non-offset circle hook.

The reason they're proposing this is because there has been an increasing hook-and-line fishery for striped bass and other anadromous fish species, so the intent is to reduce the mortality on the striped bass.

The second component deals with Delaware's commercial fishery. Currently, Delaware splits their commercial fishery cap of 193,447 pounds between their gillnet fishery and their hook-and-line fishery. Ninety percent of that quota goes to their gillnet fishery and 10 percent goes to the hook-and-line fishery.

There is a closure on their spawning grounds from April to May, and there is a gillnet season from March to April. If the fishery has greater than 2 percent of their quota at the end of that season, then the season can reopen after November 15<sup>th</sup>.

There is a hook-and-line season from September to December with a minimum size of 28 inches. The proposal is to change the seasons for each of these fisheries. For the gillnet fishery, it would start on February 15<sup>th</sup> and go until May 31<sup>st</sup>.

Drift gillnets with greater than or equal 4-inch mesh only will occur from February 15<sup>th</sup> to May 9<sup>th</sup>. That is the first portion of that gillnet season. The second half of that gillnet season any mesh size would be acceptable.

The hook-and-line season would also change from April 1<sup>st</sup> to December 31<sup>st</sup>. No hook-and-line tags

would be issued until after the gillnet season and their catch reports have been received by the state of Delaware.

**CHAIRMAN TRAVELSTEAD:** Gary, any update on that?

**DR. NELSON:** The tech committee voted to – not voted but had consensus to approve the proposal because it's a quota-monitored fishery, but they did have — did you mention this, Megan, about the concerns that there is a potential for an increase in discards due to the fishing in the summer. So they had suggestions of potentially maybe closing the fishery during the summer and allowing fishing around that season.

**MS. GAMBLE:** And circle hooks.

**DR. NELSON:** And also to use things such as circle hooks to help that potential discard increase. That's pretty much it.

**CHAIRMAN TRAVELSTEAD:** Thank you. Roy.

**MR. MILLER:** Thank you, Mr. Chairman. I'd like to correct the graphic in one minor aspect, and that concerns the gillnet season with regard to drift nets only.

What we're proposing is that instead of opening on March the 1<sup>st</sup> for spring gillnets, we would open on February the 15<sup>th</sup> but for those two additional weeks at the beginning of the season, only drift nets may be used.

The purpose for that was to make it as bycatch neutral as possible. After May 10<sup>th</sup>, Delaware law specifies only drift nets may be used, so there is no change with regard to drift nets or anchored nets at the tail end of the season.

Concerning the technical committee's suggestions for the hook- and-line season, I wanted to frame our harvest fishery so you understand what we're talking about. Basically the hook-and- line fishery historically has accounted for about 5,000 total pounds.

They want to make this season change just so each fisherman has a very small quota, typically on the order of 150 pounds, so no one is making a living off of the hook-and-line commercial fishery in Delaware.

They just want a longer opportunity in order to be able to take their 150 pounds. I really don't

anticipate that there will be any increase in discard mortality because these people are basically recreational fishermen who also do a little hook-and-line commercial fishing, so they're going to keep fishing anyway, so I don't really see there being a discard problem as a result of this season extension. Thank you.

**CHAIRMAN TRAVELSTEAD:** Do you want to make a motion, Roy?

**MR. MILLER:** I move that the Delaware proposal be accepted with the change noted that I specified for the spring drift net fishery.

**CHAIRMAN TRAVELSTEAD:** Is there a second to the motion? In this case it's to approve the proposal. A.C. is seconding the motion. Comments on the motion? Pete.

**MR. JENSEN:** I may have missed this, but under the current measures, the spawning area is closed March and April or April and May, but it was not listed under the proposal. Does that mean that the spawning areas are now open to gillnetting?

**MR. MILLER:** No. I meant there was no change with regard to the spawning area closure.

**CHAIRMAN TRAVELSTEAD:** Dennis.

**MR. ABBOTT:** Yes, on the proposal on the hook-and-line fishery, I didn't see the size limit listed, but I assume the size limit remains at 28 inches?

**MR. MILLER:** That's correct.

**CHAIRMAN TRAVELSTEAD:** Anyone wish to speak against the proposal? Are we ready to vote? Is there a need to caucus? **All those in favor of the motion, please say aye; opposed, like sign; any abstentions, three abstentions; any null votes. The motion carries.**

#### **NEFMC REQUEST FOR A REVIEW OF STRIPED BASS BYCATCH**

**CHAIRMAN TRAVELSTEAD:** Item 9 is a request for a review of the striped bass bycatch issue. You have a package relative to this item that was submitted to you.

I think staff is suggesting this might be something you want to task the technical committee with. I assume you've had a chance to read through this material. Is there any discussion on this item? Pete.

**MR. JENSEN:** I'm not sure what the package is. Is this the package with the Oceana letter on top of it?

**CHAIRMAN TRAVELSTEAD:** That is correct. Pres, then Gordon.

**MR. PATE:** Jack, do you need a motion to refer it to the technical committee for review?

**CHAIRMAN TRAVELSTEAD:** Please.

**MR. PATE:** And report back to us at our next meeting.

**CHAIRMAN TRAVELSTEAD:** That would be fine.

**MR. PATE:** So moved.

**CHAIRMAN TRAVELSTEAD:** We have a motion made and seconded to refer it to the technical committee, made by Preston Pate, seconded by Gordon Colvin, to report back at the February meeting. Is there any discussion on that motion? Pete, then Gordon.

**MR. JENSEN:** A question of Massachusetts, are we to assume that this bycatch is not being counted now or is it being counted? I mean, the context of the complaint is that it's outside the rules of not being counted.

**CHAIRMAN TRAVELSTEAD:** Go ahead, Paul.

**MR. DIODATI:** I can't say for sure that this bycatch is even being attributed to Massachusetts, but I think this is bycatch that has occurred in commercial net fisheries in the EEZ that was highlighted in the annual report from the National Marine Fisheries Service, and Oceana sent a letter of concern to the New England Fisheries Management Council.

They, in turn, are appropriately referring it back to the commission. But it is being counted, because it's the discard that was identified in a report that was sent to the technical committee already. That's my understanding at least.

**DR. NELSON:** We don't directly incorporate that estimate. We actually estimate discards based on tagging information from the different commercial fisheries, so it's kind of incorporated. It's not directly -- we don't have direct estimates from each fishery.

**CHAIRMAN TRAVELSTEAD:** Paul.

**MR. DIODATI:** Then I guess I would ask Gary is the amount of commercial discards that is incorporated within the VPA higher than the discards that were in the report estimated by the National Marine Fisheries Service?

**DR. NELSON:** Oh, yes, I could give you a number.

**MR. DIODATI:** No, I don't need the numbers.

**CHAIRMAN TRAVELSTEAD:** No, we don't need the numbers.

**DR. NELSON:** It's two hundred and something thousand in terms of fish, not pounds.

**CHAIRMAN TRAVELSTEAD:** Gordon.

**MR. COLVIN:** Yes, maybe in referring this, it would be useful for the technical committee to consider other ways of maybe improving the precision of the bycatch estimates. Maybe the observer data is getting better to the point where it can be more helpful in that regard.

It would probably be a good thing to review. I wanted to ask a somewhat broader question -- I don't have Amendment 6 in front of me, but I seem to recall that we are kind of obligated under Amendment 6 to do something more specific about developing and implementing I think mandatory compliance monitoring and -- I'm sorry, discard monitoring and reduction programs, and I'm wondering if somebody can confirm that for me and lay out what the status of that is.

**MS. GAMBLE:** Yes, that is true. There is a handout on the back table that I had left over from the advisory panel meeting this morning, because they requested an update on that progress.

Amendment 6 requires, within the first two years of implementation, that a bycatch data collection program be developed and implemented through an addendum, so that gives us until the end of 2005 to have this addendum in place.

While the technical committee's plate is very full, one of the things that we will be doing after this meeting is getting together to talk about what kind of information we currently have available on bycatch data, also to talk about areas where we need to get more information on bycatch.

And then once we have collected all of that information, we'll sit down and identify what kind of issues will be covered in this bycatch data collection program in the next addendum.

Then the next step in that process, after we have that addendum in place, is two years following that addendum a bycatch reduction program is to be implemented through another addendum. And it's supposed to -- I can't say what would be covered in that addendum, because it would be dependent on what we find from the bycatch data collection program.

**MR. COLVIN:** Thank you. That all kind of ties together, Mr. Chairman, and I would hope that the report that the technical committee comes back to us with addresses all of this material, including the plan's assessment.

And I don't think, frankly, it needs to be at the next meeting. I think at some meeting at an appropriate time during 2005 that's consistent with their plans and what is scheduled under the action plan would give time to do it.

**MS. GAMBLE:** The next meeting was suggested because that is what is requested by the New England Fishery Management Council, because they've been asked to take emergency action, so that's where it originated from.

**CHAIRMAN TRAVELSTEAD:** Any further comments on the motion? **Any objection to the motion? The motion is approved.** Anything further on this item?

#### **NOAA FISHERIES UPDATE ON RULEMAKING FOR THE RECOMMENDATION TO REOPEN THE EEZ**

**CHAIRMAN TRAVELSTEAD:** Item 10, NOAA Fisheries update on the rulemaking for recommendations to reopen the EEZ. Anne.

**MS. ANNE LANGE:** Thank you, Mr. Chairman. When I originally was put on the agenda for an update, I had a very simple update to provide, but I think once I sort of go over where we're at right now, we'll have a couple of questions to ask.

Basically, we are just about finished with the draft EIS. We've incorporated the analyses that we've

been conducting over the last year or so, including socio-economic analyses as well as the stock information through the previous assessment.

That document is going through final review by myself to make sure that it's internally consistent from chapter to chapter before it goes up through the internal review process through NOAA.

The next step, once the DEIS is cleared and ready to go out, would be that we would put a notification in the Federal Register that the DEIS was available for comment. And as I've mentioned before, we have an e-mail list that we're getting from the people who want a copy of the DEIS, and we'll continue to do that.

Once we have comments, we'll have public hearings and discussion on the DEIS, at which point we'd make a decision whether to go forward with the proposed rule. That's what I was prepared a few weeks ago to present.

Based on the technical committee's review, I'm sort of in a quandary. When we were drafting the DEIS, we were assuming that the stock would be in sort of a constant state, that the assessment that would be completed -- that was just recently completed would be comparable to what was available from the assessment in the previous year, in which case there would be no reason to modify the DEIS to account for the current stock assessment, because there was no change.

With the report from the technical committee and the stock assessment committee and the uncertainty that's currently in their assessment and the recommendation that they have relative to liberalizing regulations in the current fishing year, I'm not quite certain where I should be right now as far as going forward.

My inclination is to wait until the next assessment is completed so the stock assessment and technical committee can determine whether or not the uncertainty in the current estimate is in fact an uncertainty in the estimates or uncertainty in the modeling.

So, I guess I'm not sure what the board would prefer that we do, to go forward with an incomplete, uncertain assessment in the DEIS, or wait until there is more certainty by the technical committee; and, again, finalizing the DEIS based on the data or the analyses next year.

**CHAIRMAN TRAVELSTEAD:** Okay, thank you. Ritchie.

**MR. WHITE:** Thank you, Mr. Chairman. Based on the technical committee's recommendation as to not having any regulations liberalized, I'd make the following motion: **Move that the Striped Bass Management Board recommend that the ISFMP Policy Board request National Marine Fisheries Service put on hold any decision in regards to opening the EEZ to the harvest of striped bass.**

**CHAIRMAN TRAVELSTEAD:** You have a motion. Is there a second to the motion?

**MR. PETRONIO:** Second.

**CHAIRMAN TRAVELSTEAD:** Seconded by Everett. I had a number of hands go up. I assume they're for comments. Paul.

**MR. DIODATI:** Mr. Chairman, I'm very, very, very disappointed with this motion. This motion goes much further than the question that was just raised by the National Marine Fisheries Service.

This in fact I view as a very opportunistic action that completely goes around the process that we've been a part of. The request to the National Marine Fisheries Service from this board, which came after many board meetings, many public hearings, was incorporated in Amendment 6.

The National Marine Fisheries Service subsequently has done their scoping work on the issue of reopening the EEZ. They've done, according to Anne, and nearly finished a draft EIS. And at this late hour, after 5:30 in the evening, we attempt to derail this initiative that's a part of Amendment 6, I question whether this is even an appropriate motion. I think it may be out of order.

**CHAIRMAN TRAVELSTEAD:** Gordon, then I think Gene you had your hand up, then Pete.

**MR. COLVIN:** Thank you, Mr. Chairman. I understand the dilemma that the service faces. Anne described it very well. I appreciate the fact that if the service was to go forward and complete the draft EIS with the current status information and the advice, it would be difficult for the service to conclude that the fishery should be reopened.

And yet at the same time, as we've spent so much time discussing today the uncertainty about the most recent year's fishing mortality and biomass estimates

is such that it doesn't seem appropriate after all this effort -- and Paul described it well -- that the whole thing should just come down to that.

It seems to me appropriate to provide advice to the service that suggests that it would be useful to defer completion of the EIS until we have an opportunity to complete the work that the technical committee will be engaged in in refining the models and updating the models with the 2004 data sometime into 2005.

**For that reason, I can't support the motion as it's written, but I would like to propose an amendment to the motion that indicates that the board would request that the service defer issuance of the draft EIS until it has received the output of the 2005 technical committee stock assessment update.**

**MR. WHITE:** I would accept that as a friendly amendment.

**CHAIRMAN TRAVELSTEAD:** And the seconder was Everett. Do you accept that as a friendly amendment?

**MR. PETRONIO:** Yes, I do.

**CHAIRMAN TRAVELSTEAD:** Gordon, you might have to help the staff with the wording of that motion so they can get it on the screen. I would appreciate it. I think you have the gist of what Gordon's amendment is. Is there anyone who wishes to speak against the amendment? Pete.

**MR. JENSEN:** I'm bothered, Mr. Chairman, by setting up a standard based on uncertainty, because as we all know, uncertainty is the norm in this business, and so to set that up as a reason to not complete the DEIS is not a good standard.

This board has talked about this for a long time and I think it needs to come to a conclusion. If the DEIS goes out and there's comments on it, there are provisions in the guidelines to do supplemental work on the DEIS, so I don't think this is a good standard to hold it up.

**CHAIRMAN TRAVELSTEAD:** Paul, then Tom.

**MR. DIODATI:** To approve this motion or any motion that is similar to it would be very presumptive of this board to assume immediately that opening the EEZ would be a liberalization of our fishery, that's what we're doing.

I think we're being a little bit presumptive in doing that. If we're concerned about mortality rates, then we deal with the existing fisheries. There are no weapons of mass destruction in the EEZ.

There are existing fisheries going on today that have been going on that are driving the mortality rates. We're talking about a future action that we're trying to basically delay, and I cannot go along with that.

I'll be very disappointed if this motion or any motion like it that suggests a stalling of the initiative to reopen the EEZ should go forward. I would like the staff to go on the record and explain to me whether this is in order. I want to know whether we need an addendum to Amendment 6 and I want that on the record.

**CHAIRMAN TRAVELSTEAD:** All right, let's hold off on further comments, and see if Bob or Vince can comment on that, whether or not the motion is in order, particularly relative to Amendment 6. While the staff is thinking about that, we'll take a few more comments. Tom, then Pres, then Ira.

**MR. FOTE:** My concern all along -- and I disagree with Paul, I think opening up the EEZ is a bomb that's waiting to happen. Yes, there is a certain amount of illegal fishery going on. There is a targeting of large fish in there.

But, as most of the fishermen want to stay legal, they stay within their state waters because they know that's the rules, and most fishermen want to be legal. If we open up the EEZ, it opens up a whole new opportunity.

That will be fine if we knew we weren't close to the target or to the threshold. I'm not sure where we are, and we spent a long time discussing that for almost an hour. I basically have a hard time justifying this.

I think if we went out in any kind of hearings right now with everybody worrying about what is actually happening with the stocks, I can pretty much basically tell you the negative outpouring would be from the recreational would be concern.

I think, Paul, truly to wait until we actually see what the VPA has and see where we are with the stock and see what happens when we fully implement Amendment 5, -- Amendment 6, excuse me, because we have not seen the results of the full implementation of Amendment 6.

We will see it this year. I mean, this is the first year, and truly not in New Jersey because we're still -- we will see that in 2005 what the implications are in 2005. I know dramatically that our catch will go up this year and even our trophy tag program will go from where it was, 100,000, it might go up to 327,000, or we're allowed.

So, there is going to be an increase in the fishery. Some states have gone to two fish already. We don't know what the long term of that is.

And if we're questioning that we're so near the target or the threshold, I think we need a realization before we go out to the public because I can hear the screams and I can see the letters already coming into this commission. And, you know, remember the vote on this. Only four states voted for it. Five states voted against it.

**CHAIRMAN TRAVELSTEAD:** Pres.

**MR. PATE:** Thank you, Jack. I have the same concerns in thinking about this throughout the day, because I knew it was going to come up, that Paul voiced; that in asking for the delay, we wouldn't be tacitly signaling that the opening of the EEZ was going to increase mortality, and that is an argument that someone could use later on once the DEIS does actually get on the street for review against the final decision for approval.

That was my comment, and then my question to Anne is, just as a matter of clarification, that you really don't need this action by the board, correct? You can make the decision of delaying it on your own initiative.

**MS. LANGE:** Yes, we could, but, again, I'm looking for the states' input on this. And to clarify something else, Paul, I cannot use the current DEIS. It will have to be modified to incorporate the most recent stock assessment which says that we are at 0.62, because that's the most recent data.

And, again, my personal preference would be, with all the uncertainty with that current estimate of F, that we delay until we are certain. If in fact we are at 0.62, then that's where we are a year from now when the assessment is revisited with another year of data.

But my NEPA coordinator has told me that if there is new information that's contrary to what you've got in your draft, that has to be incorporated into the document before it goes out. That's where my

concern is, that we might be giving misinformation to the public in their evaluation of the DEIS.

**CHAIRMAN TRAVELSTEAD:** I now have a number of names on this list, and I don't want you all to do to me what you did the last time. We had about 45 minutes of debate and the motion was real lopsided, and we probably could have cut it off and saved a lot of time. I've got four names on the list at this point: Ira, Roy, Lew and Mark. Ira.

**MR. IRA PALMER:** Anne answered my question. I wanted to know what the service's position was.

**CHAIRMAN TRAVELSTEAD:** Okay. Vince, do you have an answer to the earlier question?

**EXECUTIVE DIRECTOR JOHN V. O'SHEA:** I do, Mr. Chairman. In passing Amendment 6, the commission recommends that the federal government promulgate all necessary regulations to implement complementary measures and essentially to allow harvest of striped bass in the EEZ.

That was incorporated into Amendment 6. With regard to this motion, it's simply a decision to write a letter to the National Marine Fisheries Service commenting on the speed with which that action be taken.

Now, if somewhere down the road there was an interest of reversing the recommendation to open up the EEZ, the process to consider would be a two-thirds vote to amend or rescind a previous decision, and then enact an addendum to modify Amendment 6.

**CHAIRMAN TRAVELSTEAD:** Therefore, the motion is in order.

**EXECUTIVE DIRECTOR O'SHEA:** Correct. I guess the other thing I would offer, if there is disagreement about that interpretation, certainly, the body could certainly deal with that by how they vote on this. Thank you.

**CHAIRMAN TRAVELSTEAD:** Certainly. Roy.

**MR. MILLER:** Thank you, Mr. Chairman. A quick question for the maker of the motion. Does the term "2005 stock assessment" mean in fact when the 2004 stock assessment is finalized, or are you specifically suggesting that the stock assessment that includes the 2004 fishing year; in other words, that particular stock assessment would not be available to us until

late next summer, so which stock assessment are we talking about?

**MR. COLVIN:** The next update, the one that the technical committee will prepare and deliver during 2005.

**CHAIRMAN TRAVELSTEAD:** Lew.

**MR. FLAGG:** Thank you, Mr. Chairman, two points I'd like to make. One is in response to a question that was asked of the service about whether or not they could just unilaterally decide not to proceed.

I think the commission has given direction to the service relative to this issue; and if we want that to be changed, I think we owe it to the service to provide them additional information, which is reflected in this motion, which I support because I do believe that if the EEZ is opened, it will increase mortality on the stock.

And as we've heard earlier, the technical committee has given us a pretty strong recommendation that in fact until we resolve some of the issues associated with the 2003 fishing mortality rates by SSB estimates, that we should not liberalize fishing on this resource.

**CHAIRMAN TRAVELSTEAD:** Thank you. Mark and then Paul.

**MR. GIBSON:** I agree with what Paul said earlier, that to do this sends a presumptive message that we believe it's a liberalization. I don't see any evidence that's in fact the case.

Commercial catches being taken out there are already being counted against commercial quotas. Recreational catches made and brought to shore are being intercepted and estimated by the MRFSS, so I don't think there's any likelihood or little likelihood that this is a liberalization.

I agree with Pete Jensen as well, that waiting one year isn't going to clear up uncertainty. I've been the chairman of the technical committee before, and I cut my teeth on striped bass stock assessment and management and the uncertainty never goes away. There will always be uncertainty, retrospective biases popping up, unforeseen events, so that's not going to go away. I don't support the motion.

**CHAIRMAN TRAVELSTEAD:** Thank you. Paul.

**MR. DIODATI:** Again, Mr. Chairman, I'm very disappointed if you're going to let this motion even go forward, but nevertheless if it passes, I can assure you that the damage between the commonwealth and this commission would be irreparable. I'll be disappointed.

It will be at that extent. My disappointment will reach that level. First of all, the commission does not need to weigh in at this time. This is clearly in the hands of NOAA Fisheries, and I'm completely confident that Dr. Hogarth can make the appropriate decision as to when to release the draft environmental impact statement.

I've been here in this state since Sunday night. No one has approached me with any premeditated motions to derail — and I say derail — an initiative that we've worked extremely hard at. This commission has made very difficult decisions to get it to this point, and I'm proud of those decisions. Thank you.

**CHAIRMAN TRAVELSTEAD:** Let me ask this, will anyone's mind on this issue be changed by further debate? This is a very important issue and I don't want to cut it off, but I think we've heard good arguments on both sides of the issue, and it's a tough issue but perhaps it's time to vote.

All right, seeing no further hands, we'll take a minute to caucus.

(Whereupon, a caucus was held.)

**CHAIRMAN TRAVELSTEAD:** Okay, let's come back to order. I've had two requests for a roll call vote, which I will honor. Megan, can you call the vote.

**MS. GAMBLE:** The state of Maine.

**MAINE:** Yes.

**MS. GAMBLE:** New Hampshire.

**NEW HAMPSHIRE:** Yes.

**MS. GAMBLE:** The commonwealth of Massachusetts.

**MASSACHUSETTS:** No.

**MS. GAMBLE:** Rhode Island.

**RHODE ISLAND:** No.

**MS. GAMBLE:** Connecticut.

**CONNECTICUT:** No.

**MS. GAMBLE:** New York.

**NEW YORK:** Yes.

**MS. GAMBLE:** New Jersey.

**NEW JERSEY:** Yes.

**MS. GAMBLE:** Delaware.

**DELAWARE:** No.

**MS. GAMBLE:** The Commonwealth of Pennsylvania.

**PENNSYLVANIA:** Yes.

**MS. GAMBLE:** Maryland.

**MARYLAND:** No.

**MS. GAMBLE:** Washington, D.C.

**WASHINGTON, D.C.:** Abstain.

**MS. GAMBLE:** Potomac River Fisheries Commission.

**POTOMAC RIVER FISHERIES COMMISSION:** No.

**MS. GAMBLE:** North Carolina.

**NORTH CAROLINA:** No.

**MS. GAMBLE:** National Marine Fisheries Service.

**NATIONAL MARINE FISHERIES SERVICE:** Abstain.

**MS. GAMBLE:** U. S. Fish and Wildlife Service.

**U.S. FISH AND WILDLIFE SERVICE:** Yes.

**MS. GAMBLE:** Commonwealth of Virginia.

**VIRGINIA:** Abstain.

**CHAIRMAN TRAVELSTEAD:** There are seven nos, six yeses and three abstentions. The motion fails. Did everybody get the same vote? The

**motion fails.** Is there any other action on this item? John.

**MR. NELSON:** Yes, thank you, Mr. Chairman. Obviously, we've had a problem coming to grips with this for a long time, so can the service give us some time line as far as a determination to be made? I understand that they're going to use the latest stock assessment information, but how long would it take them to assimilate that and make a determination?

**CHAIRMAN TRAVELSTEAD:** Anne.

**MS. LANGE:** I'm going to have to go back and decide whether or not we -- we were looking from support from the commission. I'm not sure we'll be able to do this, anyway. I mean, we need to use the best available science, and I don't see that we have it right now, so we may in fact delay until the next assessment anyway, but I'll have to discuss that with staff and others. Thank you.

**CHAIRMAN TRAVELSTEAD:** Eric.

**MR. SMITH:** Could I make a suggestion that might help Anne and the service. I have a slightly different view of your last comment, with all due respect. I think you do have the best science available in front of you now.

It's highly uncertain. There always is a point in any of these debates where you have the best available that you're going to have, and in my view you can write the EIS to — your NEPA coordinator is right, write the EIS that describes the two points of view, the uncertainty with each, the pros and cons, the scientific basis for the uncertainty, and that's the best you can do.

I don't think there is a need to wait until you get absolute clarity between the two models. It just means when the public comments, they're confronted with the same thing the scientific community is confronted with. I would suggest — you've got to go back and rethink, I understand that. I would just commend that thought to you to think about it in that term. Thank you.

**CHAIRMAN TRAVELSTEAD:** Anne.

**MS. LANGE:** Thank you, Eric. I agree to an extent. Although we always have uncertainty relative to the range and the number, that's not what I've heard from the technical committee.

What I've heard from the technical committee is that they have uncertainty in the models, in the conflict between the two models, and they feel strongly that they need time to reconcile those concerns.

It's not just a matter of whether the F is 0.4 or 0.8 or whatever or what the variance is amongst those. It's an actual concern they have with the model itself and what they're getting out as results. That's where my additional concern comes in. If it were just uncertainty in the estimates, then there would be no question, in my mind.

**CHAIRMAN TRAVELSTEAD:** Anne, I think the best advice you're going to get out of this board tonight is that they're equally divided on the issue, and I just don't see anything else coming forward. I realize it doesn't help you one way or the other, but that's where we are, unless someone wishes to make another motion on the issue. Gil.

**MR. POPE:** Thank you. Just real quick, I just think it needs time for that best available data to turn into best available knowledge. In other words, you can temper a little bit of that and I think you'll get the answer. Thank you.

**CHAIRMAN TRAVELSTEAD:** All right, we're going to move on to Item 11, advisory panel nominations. There are five of those for your consideration. Megan.

## ADVISORY PANEL NOMINATIONS

**MS. GAMBLE:** There was a packet included in the briefing CD with several AP nominations. The packet that staff is handing out now has been revised to include a few more AP nominations. I'm happy to report that all of these AP nominees were able to attend this morning's advisory panel meeting. We had a terrific turnout this morning.

The five nominees are: Chuck Casella from the commonwealth of Massachusetts, who is a recreational fisherman and a charter boat operator; the second person is Richard Schmachtenberg. He is a recreational fisherman and he has been nominated by the Potomac River Fisheries Commission.

The next two individuals are from North Carolina. The first is Riley Williams. He is a commercial gillnetter. The second is Leland Heath, III. He is a recreational fisherman. The last individual was nominated by the state of Maine, and that is David Gittins, and he is a charter boat fisherman.

**CHAIRMAN TRAVELSTEAD:** Pres.

**MR. PATE:** Mr. Chairman, I move approval of the nominees.

**CHAIRMAN TRAVELSTEAD:** Thank you, is there a second? **Seconded by Mr. Carpenter.** Comments on the motion? Is there any objection to the — A.C.

**MR. CARPENTER:** I'd just like to make one clarification. Dick Schmachtenberg is representing the PRFC. He is a member of our Finfish Advisory Committee and represents all fisheries in the Potomac, not just the recreational fishery.

**CHAIRMAN TRAVELSTEAD:** Very good. Thank you for that clarification. Is there any objection to the motion? **Seeing none the motion is approved. The five panel members are approved.** That takes us to other business. Is there any other business to come before the board? Pat.

#### **OTHER BUSINESS**

**MR. AUGUSTINE:** Thank you, Mr. Chairman. The technical committee did make a mention early on that we have a lack of otoliths for Age 8 and older striped bass. It would just seem to me, with the number of kill tournaments for striped bass up and down the coast, I quite frankly don't understand why we don't get hooked up through the technical committee or through the states that are having those tournaments take place in their states, to try to get a hold of those otoliths because those fish are going to be dead anyway.

There are a lot of them in each one of those tournaments, and it would seem to me they're sacrificed already, so I think it would be an excellent source that you might want to consider. Thank you, Mr. Chairman. Motion to adjourn.

**CHAIRMAN TRAVELSTEAD:** Any other business? Is there a motion to adjourn? We are adjourned. Thank you.

(Whereupon, the meeting was adjourned at 6:100 o'clock p.m. November 10, 2004.)

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