

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

**May 9, 2005
Radisson Hotel Old Towne
Alexandria, Virginia**

Approved August 18, 2005

ATTENDANCE

Board Members

Lew Flagg, Maine DMR.
Sen. Dennis Damon, Maine Leg. Apptee.
Doug Grout, New Hampshire DFG
Dennis Abbott, proxy for Rep. Blanchard (NH)
G. Ritchie White, New Hampshire Gov. Appte.
Paul Diodati, Massachusetts DMF
Vito Calomo, proxy for Rep. Verga (MA)
Bill Adler, Massachusetts Gov. Appte.
Mark Gibson, Rhode Island DFW
Everett Petronio, Jr., Rhode Island Gov. Appte.
Eric Smith, Connecticut DEP
Fred Frillici, proxy for Sen. Gunther (CT)
Lance Stewart, Connecticut Gov. Appte.
Gordon Colvin, New York DEC
Pat Augustine, New York Gov. Appte.

Ed Goldman, proxy for Assemblyman Smith (NJ)
Tom Fote, New Jersey Gov. Appte.
Roy Miller, Delaware DFW
Bernard Pankowski, proxy for Sen. Venables (DE)
Michael Kaufmann, Pennsylvania FBC
Gene Kray, proxy for Rep. Schroeder (PA)
Howard King, Maryland DNR
Bruno Vasta, Maryland Gov. Appte.
Ira Palmer, District of Columbia FWD
A.C. Carpenter, PRFC
Jack Travelstead, **Chair**, Virginia MRC
Kelly Place, proxy for Sen. Chichester (VA)
Preston Pate, North Carolina DMF
Damon Tatem, North Carolina Gov. Appte.
Jaime Geiger, US FWS
Anne Lange, NMFS

Ex-Officio Members

Gary Nelson, Technical Committee Chair
Jim Gilford, Advisory Panel Chair

Kurt Blanchard, LEC Representatives

ASMFC Staff

Bob Beal
Vince O'Shea

Lydia Munger
Nancy Wallace

Guests

Dan McKiernan, Massachusetts DMF
David Pierce, Massachusetts DMF
Daniel Dugan, RFA
Chris Salp
Dick Brame, CCA

Carol Forthman, ASA
Harley Speir, Maryland DNR
Wilson Laney, USFWS
Kenny Keen, Maryland DNR

There may have been others in attendance who did not sign the attendance sheet.

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MOTIONS

Move to postpone action on Addendum I until the next Striped Bass Management Board meeting.

Motion made by Mr. Diodati, second by Mr. Augustine. Motion carries without objection.

Main Motion as Amended:

Move that the Technical Committee develop a strategic plan to identify and quantify striped bass bycatch in areas and fisheries of significant concern on the Atlantic coast and include cost estimates for the states to implement monitoring programs. The Technical Committee analysis should also include a cost estimate of the MRFSS “add-ons”.

Motion made by Mr. Diodati, second by Mr. Augustine. Motion carries.

Move to amend to also include in the Technical Committee analysis a cost estimate of the MRFSS “add-ons”.

Motion made by Mr. Fote, second by Mr. Augustine. Motion carries.

**ATLANTIC STATES MARINE
FISHERIES COMMISSION**

**ATLANTIC STRIPED BASS
MANAGEMENT BOARD**

**Radisson Hotel, Old Towne
Alexandria, Virginia**

May 9, 2005

The meeting of the Atlantic Striped Bass Management Board of the Atlantic States Marine Fisheries Commission convened in the Presidential Ballroom of the Radisson Hotel, Old Towne, Alexandria, Virginia, on Monday, May 9, 2005, and was called to order at 10:50 o'clock, a.m., by Chairman Jack Travelstead.

WELCOME & INTRODUCTIONS

CHAIRMAN JACK TRAVELSTEAD: The Striped Bass Management Board is called to order. I assume all of you have an agenda in front of you. Are there any changes to the agenda? Yes, Mark.

BOARD CONSENT

MR. MARK GIBSON: Mr. Chairman, is there a need for a discussion about the implications of these large Wave 1 North Carolina catches with respect to the lack of action we took in response to past stock status reviews?

I mean, do we need to have a discussion about that? That's just something that has recently come to my attention. It seems to me there might be major revisions to the fishing mortality rates were those catches to be included in the assessment of record. But, I don't know how much the board

knows about this or whether there has been discussions by the technical committee.

CHAIRMAN TRAVELSTEAD: Let's add that to Other Business, Item 6, and we'll talk very briefly about it and perhaps send something over to the technical committee for further discussion. Any other changes? Okay, the agenda stands as amended. You have the minutes of the February 8th board meeting. Are there any changes to those minutes? Yes.

DR. EUGENE KRAY: **Move for approval.**

PUBLIC COMMENT

CHAIRMAN TRAVELSTEAD: Is there any objection to their approval? Seeing none they will stand as printed. Thank you. Public comment. Is there anyone who wishes to make public comment pertaining to striped bass at this time? Seeing none we're going to move on.

**REVIEW AND CONSIDER APPROVAL
OF DRAFT ADDENDUM I FOR
PUBLIC COMMENT**

Item 4, review and consider approval of Draft Addendum I for public comment. I assume everyone has a copy of that. Lydia is going to take us through a presentation and then we will open it up for discussion. Lydia

MS. LYDIA MUNGER: Thank you, Mr. Chairman. Copies of Draft Addendum I were just distributed to the board so you should have a copy in front of you. Amendment 6 requires development of a mandatory data collection program through an addendum to the amendment.

The purpose of this addendum is to increase

accuracy of data on striped bass discards and the addendum is to address discards in both the commercial and recreational fisheries.

Discard mortality is estimated to account for nearly 35 percent of the overall fishing related removals in 2002. And due to concerns over impacts of discard mortality on the striped bass population the Amendment 6 requires an addendum to establish a data collection program.

Addendum I is to address discards in all sectors. And discards are defined for the purposes of this addendum as striped bass discarded while targeting striped bass as well as striped bass discarded while targeting another species.

The goals of Addendum I are as follows: for the commercial fishery the goals are to cover at-sea observer coverage on commercial vessels including vessels targeting striped bass as well as vessels that may encounter striped bass while targeting other species. And another goal is to determine discard mortality associated with all commercial gear types currently encountering striped bass.

For the recreational fishery the goals of Addendum I are to determine the proportional use of gear types and fishing practices used in the recreational fishery, to determine fishing mortality associated with each gear type and fishing practice, and to document the level of bycatch in problem fisheries in annual state reports.

The bycatch data collection program has three major components: mandatory data collection for states, studies needed to determine post-release mortality rates, and analyses that will be conducted by the technical committee.

I'm going to go through each of these components for the commercial, recreational and for-hire sectors. So for the commercial data collection program for data collection and elements the addendum discusses or lays out at-sea observer coverage on 5 percent of total trips in state waters which is the ACCSP standard.

This would be implemented by all states that have commercial fisheries that encounter striped bass. And states would coordinate with NMFS to ensure or the commission would coordinate with NMFS to ensure coverage in federal waters not state waters.

For discard mortality studies under the commercial data collection program these studies would be conducted to reflect the fishing activities that encounter striped bass and it would be studies to determine the mortality associated with various gear types including trawl, gill net, fixed nets such as pound nets, fyke nets and floating traps, and hook and line.

And then the last component under the commercial data collection program is the technical committee analyses and the analyses that should be done here including analyzing existing NMFS observer data to identify any discarding hot spots.

For the recreational data program again the same three components are involved in the draft addendum so for data collection and elements this includes continuing collecting data on finfish bycatch as reported by interviewed fishermen through the existing recreational intercept surveys. And this again is the ACCSP standard.

In addition to this data collection would include developing add-on questions for interview surveys to collect information on gear and terminal tackle used. And this

would be working along with the technical committee and ACCSP.

For recreational collection again under data collection and elements another component to this would be developing a survey to estimate size composition of discarded fish, again working with the technical committee.

And things to consider here include volunteer angler surveys, additional questions for intercept surveys, and expansion of data collected in for-hire fisheries, discard mortality studies for the recreational data collection program, conducting additional studies on post-release mortality at a range of temperatures, salinity and gear types and also doing an analysis of existing studies to determine what information is already in the literature, technical committee analyses for the recreational data collection program, develop estimates of proportion of discards based on water temperature and salinity and applying existing post-release mortality rates to determine the effects on estimated discard mortality.

And the last component of the draft addendum includes the for-hire data collection program. Data collection elements here include continuing collecting quantitative data on finfish bycatch as reported by interviewed fishermen through existing recreational intercept surveys, again, the ACCSP standard, and developing add-on questions to collect information on terminal tackle used in conjunction with the technical committee and ACCSP.

CHAIRMAN TRAVELSTEAD: Questions of Lydia on the proposal. Yes, Tom.

MR. THOMAS FOTE: It's an ambitious list to basically look at. My

concern, you said "mandatory" so it means they're going to be compliance issues for this. I'm looking at New Jersey right now.

We went out of compliance last year on weakfish because we didn't have the necessary sample size, number of samples on length frequency data. If we're going to do all these programs there I'm trying to figure out where to get the money since in New Jersey there was a 10 percent cut in budget and I think other states at least have a freeze or whatever.

When we passed the Striped Bass Conservation Act there was a lot of federal money that went in to basically help us do the monitoring and everything else. Is there any cost estimates? I mean when you do 5 percent of the total number of trips on gill nets and druggers in state waters and pound nets, observed trips, is there any cost estimate of what this will cost each of the states?

CHAIRMAN TRAVELSTEAD: There are certainly none printed in the addendum. I don't know if staff has any estimates along those lines. Bob, do you have comment?

MR. ROBERT E. BEAL: Jack is right, obviously. There is no estimate in there. The comment beyond that is that the really one new data requirement or data collection requirement would be the at-sea observer coverage for the states.

The other studies that are recommended such as the MRFSS add-ons or some type of survey to get at terminal tackle, circle hooks, treble hooks, whatever it is would most likely not be directly funded by the individual states but would be more of a coast-wide initiative, as would some of the post-release mortality studies, some of the

commercial gear release mortality rate studies and those sorts of things.

So the majority of the work in this document is actually going to be finding ways to fund academic type research on mortality rates associated with commercial gear types, trawls, gill nets and those sorts of things on the commercial side and continue the study of post-release mortality from the recreational fishery and the different gear types such as circle hooks and treble hooks and live bait and warm water/cold water, those sorts of things.

But I think the majority of this work is, again, a one-time type study that can be applied to the stock assessment. The at-sea observer coverage is the new data requirement that would be a substantial burden to the states and should be considered prior to taking this out to public hearing or considered during the public hearing period.

CHAIRMAN TRAVELSTEAD:
Tom, a follow up.

MR. FOTE: Yes. I'm trying to think what the federal guidelines are to put an observer on the boat and I can't remember even the cost of it and I don't have Bruce here to give me that information but I know it's pretty expensive.

And if we're looking at 5 percent of the gill trips in New Jersey, that's a substantial number of trips. And can somebody give me an idea of the price of an observer on a boat for a day?

MR. PRESTON PATE JR.: Three hundred dollars.

CHAIRMAN TRAVELSTEAD:
Mark.

MR. GIBSON: Yes, my question was when would this program need to be in place, the 5 percent state waters observed trips? It doesn't say in here. There is no schedule.

MR. BEAL: Want me to try it again, Jack? Amendment 6 requires an addendum to be developed and implemented for the 2006 calendar year so you know if the board is able to complete this document it would have a 2006 implementation date to be consistent with Amendment 6.

CHAIRMAN TRAVELSTEAD:
Any other questions? Pres.

MR. PATE: Well, a comment on the same point that Tom has raised, Mr. Chairman. We've talked before in this committee and in this board and other boards about needing to be a little bit more sensitive to the economic burden that is placed on the states with these compliance measures.

And this one from North Carolina's perspective certainly has a very high potential of having some significant economic ramifications to us. We have a very active observer program going on now in our estuarine waters that we are funding by cobbling together sources of funding from different places, costing us between \$250,000 and \$300,000 a year at 5 percent coverage.

If we add the ocean intercept fisheries for striped bass then we are probably looking at another half a million dollars. That's the financial problem. I think that most of the discards that take place in our fishery take place during the directed striped bass season which is very short-term and very intense for three different gear types that we allow

harvest of striped bass in the ocean.

We split our quota up between gill net harvest, beach seine and trawls and traditionally they only last two or three days each for those three fisheries. And to try and get 5 percent coverage of those short-term intense fisheries where most of the discards are occurring just creates a practical problem created by the availability of observers let alone the cost that is going to be associated with it.

So, I think we need to look very seriously at this requirement both in terms of its practicality and what we're getting out of it relative to the cost that each one of the states are going to have to incur. It would cause me to have to make a major shift in dedication of funding within my organization that I might not be able to make.

CHAIRMAN TRAVELSTEAD: I suspect a lot of us would be in that same situation, Pres. A.C.

MR. CARPENTER: Yes, I have the same concerns and express the same reservation about this particular issue. In my case I'd either be out of compliance with this one or out of compliance with the eel plan because I'd have to scrap the young of the year eel survey to come up with the money for it so it puts us in a very bad situation.

CHAIRMAN TRAVELSTEAD: Anne then Gordon.

MS. ANNE LANGE: Thank you. I'm just wondering, does the order in which the items are listed here mean anything? For instance, there is a technical analysis for both the recreational and commercial sectors.

Wouldn't it be more appropriate to do some of those analyses first which would address, you know, how best to get the most bang for the buck for the sampling and other parts of the analyses that are being asked to be done?

For instance, if hot spots are identified, well, it doesn't really help Pres' situation where a large number of samplers would be required but it may help focus on where the most sampling needs to be done or the types of sampling that need to be done.

CHAIRMAN TRAVELSTEAD: Bob, do you want to respond?

MR. BEAL: Sure. The way it's drafted now, Anne, there is no priority as far as or sequencing to the issues that are listed here. I guess the point really to keep in mind is that the technical committee and staff were asked to go back and put together a document that said in the perfect world without fiscal constraints what would it take to give a very robust estimation of discards in the striped bass fishery and this is what the plan development team and technical committee have come up with.

The fiscal realities are obviously something that the states and the federal government have to deal with. And if there are modifications or an ordering or some other way that the management board wants to look at getting a handle on discards from the striped bass fishery then that's, in my opinion anyway that's consistent with Amendment 6.

And the whole purpose of this addendum is to try to identify areas that may or may not have striped bass discard problems. And the way Amendment 6 is set up is you have, the board has two years to do that essentially.

And then after they evaluate discards for two years there will be another addendum initiated at that time to deal with any hot spots or bycatch problems that have been identified.

So, any interim steps that this board wants to take to move us toward having a better handle on striped bass discards in my opinion anyway is consistent with Amendment 6. It's just the way this document is drafted now it's the ideal bycatch data collection program for striped bass and therefore it's not cheap to do it.

CHAIRMAN TRAVELSTEAD:
Gordon.

MR. GORDON C. COLVIN: Well, one of the things that I observed is that in several different places, including here where we address commercial discard observation, I believe that the proposed addendum appropriately incorporates the ACCSP standard.

And I'm pleased to see that and I'm pleased to see that it appears to be the technical advice and that of the plan development team that that standard gets us hopefully where we need to go in a couple of years in terms of having enough information to develop a management strategy.

Just having sat here earlier and discussed the scup situation fairly intensely and recognizing before the week is over we might have discussions of similar intensity with respect to other species like weakfish, it seems to me that there is a big picture that goes beyond this particular addendum and this particular species and that is just how the heck do we guarantee that we get where we need to with meeting the ACCSP standard, both in state waters and in the EEZ.

And maybe that needs to be the focus of, you know, how we come to resolution of the issue. I share the concerns of other board members about a single species-based mandate to do something that, by the way, I wouldn't be able to support in any way, shape or form without a very clear estimate of the cost at a minimum so that we know what we're getting into and so does the public.

But we still need to step back and take a look at the big picture and how we get this job done on an overall basis. Perhaps what we're -- and I hate to get wishy-washy with this and make it a recommendation but maybe the addendum needs to be framed in terms of a proactive strategy to develop and execute a funding strategy individually and collectively as states to fund full implementation and execute full implementation of the ACCSP observer standard. Thank you.

CHAIRMAN TRAVELSTEAD:
Thank you, Gordon. Paul.

MR. PAUL DIODATI: I guess it's not clear to me that Amendment 6 actually requires an addendum be drafted in order to identify and quantify bycatch or is the language such that the work needs to be done within two years and we've added this addendum process to that?

CHAIRMAN TRAVELSTEAD:
Bob, do you want to respond to that?

MR. BEAL: Sure. Actually, Paul, the word "addendum" or the requirement to develop an addendum does occur in Amendment 6 and also the language for a subsequent addendum in two years to address any bycatch issues that are identified is included in Amendment 6.

But, again, that said it can be, it's up to the discretion of the board what that addendum looks like. You know if it's recommendations to, based on fiscal or financial availability within the states, accelerate the implementation of ACCSP while the technical committee does some analysis or those sorts of things it's really up to the discretion of this board how aggressively and what the financial limitations are to their approach to collecting bycatch information on striped bass.

CHAIRMAN TRAVELSTEAD:
Other comments. Pat.

MR. PATRICK AUGUSTINE:
Thank you, Mr. Chairman. I stepped out for a minute. I may have missed this part that I'm about ready to ask. Has there or will there be a thorough study and review of the existing studies that have been completed in the last four or five, eight years, on various mortality releases temperature-wise and so on?

I seem to recall that there are two that have been floating around, a New Jersey one and I think a Maryland one, that talked about temperature variances and using treble hooks and so on. A part of this is going to be to research all of those documents?

CHAIRMAN TRAVELSTEAD:
Yes, I think the answer to your question is yes. But in addition to the existing studies there is a need for additional work to be done more specifically to the issue.

MR. AUGUSTINE: Okay, although it's probably stated in here as I quickly scanned through it, it left me with the feeling that we're almost starting from Day 1, we have none of those surveys done and maybe I misinterpreted it but there may be

clarification to that one part.

It seems to me using existing or reviewing existing studies that have been conducted -- pick a time, technical, by state and so on -- on the following issues will be reviewed. And maybe again it's in here but I haven't read it thorough enough to determine that so just a point of information.

CHAIRMAN TRAVELSTEAD:
Thank you. Any other comments on the addendum? I guess we need to give staff some guidance as to what we want them to do with the document. There have been two suggestions so far.

One is to provide some cost estimates of the mandatory portions of the addendum and Pat has just suggested that we mention the need for a review of prior work. It's up to the board what they want to do today. I'm not sure we're ready to go out to public hearing but we need to give staff some further guidance. Tom.

MR. FOTE: I also remember some of the discussions before we voted on Amendment 6 that we would address a couple of the concerns that went on, I think some with gills and some with New Jersey's producing area status if we're going out with an addendum because that was promised under the first addendum to the plan. Are we going to look at those issues or not? Because we have that on the record going back.

CHAIRMAN TRAVELSTEAD:
That's certainly not a part of this addendum.

MR. FOTE: Oh, because it was promised that we would look at this at the first addendum that came up. I remember those promises being made.

CHAIRMAN TRAVELSTEAD: I don't recall making that promise but maybe it's -- we'll need to research the record to see if it's there. A.C.

MR. CARPENTER: Mr. Chairman, I think there was a third option that was offered and that was that this be a guidance document and a voluntary tone to collecting that data as available and quite honestly I think that's the direction I'd like to see it go in.

CHAIRMAN TRAVELSTEAD: What's the pleasure of the board? Paul.

MR. DIODATI: Yes, I'm honestly very uncomfortable with adopting this addendum to go to public hearing. I think we all are. The question is how do we move forward. I'm of the mind that you know we're going to kill the patient just to find out if it's sick or he's sick. And I'm not sure that this addendum is going to accomplish very much.

I don't think it's going to have any major benefits. I'm somewhat surprised that we're not already identifying all the state water areas where bycatch is occurring. That's something that the technical committees are working on, on a yearly basis.

I'd prefer if possible to table this addendum today and perhaps have the technical committee report back with something more strategic as to areas of concern in state waters. I think we've already determined that most of the bycatch mortality in this fishery takes place in the EEZ.

So, it doesn't make sense at all to me to develop an unfunded mandate for the states that is not going to be beneficial in terms of managing this fishery so I guess I'd like to make a **motion to table this addendum**

today.

CHAIRMAN TRAVELSTEAD: All right, we have a motion to table. Is there a second? Pat, you're seconding the motion?

MR. AUGUSTINE: Yes, I'll second that motion, Mr. Chairman. Could we do it to a date certain by the maker of the motion?

MR. DIODATI: Certainly, until the next board meeting.

MR. AUGUSTINE: Thank you, if you would add that please.

CHAIRMAN TRAVELSTEAD: Okay, there is a motion to postpone consideration of the addendum until the next board meeting which is debatable, correct? Okay, discussion on the motion. Tom, you had your hand up.

MR. FOTE: Well, I just was going to say to Paul my concern is I think a lot of bycatch does happen in state waters, particularly in states that do not have a net fishery or even a commercial fishery so there could be a substantial number of bycatch in those state waters so I'm not sure it all takes place in the EEZ so we need to look at both areas very intensively.

CHAIRMAN TRAVELSTEAD: Vince reminds me a motion to table to time certain is debatable only as to when you're postponing it to so you can comment on whether you want to take it up again in August or some other time period, not to the content of the addendum. So are there any comments along those lines? Howard.

MR. HOWARD KING: What will we know in August that we don't know today?

CHAIRMAN TRAVELSTEAD:
Well, Paul, do you want to respond?

MR. DIODATI: Yes, I would follow up with a charge to the technical committee to report back to the board something a little bit more strategic as to the fisheries and the areas in state waters along the coast that are of particular concern. But right now to put this blanket mandate out there to all the states the way this addendum is written, I think it's you know a fatal flaw in our judgment to do that.

CHAIRMAN TRAVELSTEAD:
Anne and then Pat.

MS. LANGE: Well, I think I have the same concern that Paul has. Right now the document is sort of all out there. How well does this or what does this inform the public? What would be intended to happen were the addendum in its current version to be passed? I'm not sure that the public has anything really to comment on because it doesn't have anything, a plan or specifics.

CHAIRMAN TRAVELSTEAD: I think that's the idea behind Paul's motion is to develop that. Pat then Gordon.

MR. AUGUSTINE: Thank you, Mr. Chairman. That covered it.

CHAIRMAN TRAVELSTEAD:
Gordon.

MR. COLVIN: Would it be your intention, the mover of the motion, that that review also include identification of costs for disclosure in the redeveloped addendum?

MR. DIODATI: Yes, I'll include that.

CHAIRMAN TRAVELSTEAD: All

right, on the motion any further comments? Is there a need to caucus? I don't think so. Ready to vote? **All those in favor of the motion to table until the August board meeting** please raise your right hand; opposed, same sign; any abstentions; null votes. The motion carries 16 to 0. Paul.

MR. DIODATI: I'd like to make a **motion for the technical committee to develop a strategic plan to identify and quantify the striped bass bycatch in areas of significant concern and in fisheries of significant concern, in areas and fisheries of significant concern along the Atlantic Coast including cost estimates to the states to implement monitoring programs of these particular fisheries.**

MR. COLVIN: Second.

CHAIRMAN TRAVELSTEAD:
Okay, second to the motion. Can we get that on the screen. Comments to the motion while we're putting it up. Yes, Ritchie.

MR. G. RITCHIE WHITE: A question, will the technical committee be meeting between now and August?

CHAIRMAN TRAVELSTEAD:
Gary, will the technical committee be meeting?

MR. GARY NELSON: Yes.

CHAIRMAN TRAVELSTEAD:
Very good. Other comments or questions. A.C.

MR. CARPENTER: Yes, Bob mentioned the idea that the recreational add-ons and the additions to the MRFSS surveys would probably be on a regional basis. Is there any estimate or is the intent of the maker of the motion to get us an estimate of

what those costs are going to be as well and how that is going to be funded?

CHAIRMAN TRAVELSTEAD: Cost of add-ons or surveys, is that what you're asking for?

MR. CARPENTER: For the recreational and charter boat fisheries.

CHAIRMAN TRAVELSTEAD: Is that included in your motion, Paul?

MR. DIODATI: It wasn't. I think that the add-ons are particularly for the MRFSS study and I think those are best left outside of this board given that there is a number of other ongoing activities that deal more specifically with the MRFSS including our ACCSP board meeting or council meeting later this week. I'm certainly not opposed to a friendly amendment, however, if that's something that you're interested in.

CHAIRMAN TRAVELSTEAD: Tom.

MR. FOTE: Yes, add-ons aren't free so we basically should be looking at the cost of that, too. I mean I would offer that as a friendly amendment just to add what it would cost to put add-ons of the necessary data that they're requiring.

CHAIRMAN TRAVELSTEAD: So you've made a motion to request the technical committee to also look at cost estimates of add-ons to MRSS.

MR. FOTE: Yes.

CHAIRMAN TRAVELSTEAD: Is there a second to the amendment? Seconded by Pat Augustine. Comments on the proposed amendment. Yes, Mark.

MR. GIBSON: When would the board intend for this report to come forward and how would that relate to the tabled, the previous tabled addendum? Would it be the intent that this information would come forward and the addendum would be revised in some way to reflect these findings?

CHAIRMAN TRAVELSTEAD: My impression is that the technical committee would be asked to comment on these things at the August meeting and that we would use that information to direct staff to revise the addendum in some manner. Anne and then Pat.

MS. LANGE: Relative to the add-ons I think Paul made a valid point that the ACCSP is probably the best forum and especially since the Coordinating Council is meeting later this week to discuss options about add-ons. I mean it is really a data issue and we have the ACCSP to do that.

CHAIRMAN TRAVELSTEAD: Pat Augustine.

MR. AUGUSTINE: Thank you, Mr. Chairman. That will still, even though this is done for the August meeting if there is a carry over that takes us into October will it still give us sufficient time to put this together for public hearing and back for implementation in 2006, Bob?

MR. BEAL: It may be difficult. If the document isn't approved until the Annual Meeting for public comment it probably won't be, you know you won't be able to finally approve the document until early 2006 so the ideal situation is getting it done, having the document refined so that the board is comfortable and then the board approves it for public comment at the August meeting is the ideal.

MR. AUGUSTINE: Thank you for that clarification.

CHAIRMAN TRAVELSTEAD:
Other comments on the amendment. Paul.

MR. DIODATI: I just want to remind the board that add-on questions to the MRFSS don't necessarily cost anything. Every state is allowed some flexibility to modify the questionnaire for particular add-on questions.

And so that might not cost anything. I think this addendum talks about add-on questions. It's not adding intercepts, numbers of intercepts which would definitely cost more money, so just another piece of information.

CHAIRMAN TRAVELSTEAD:
Thank you. Any other comments? Are we ready to vote on the amendment? Was there a hand? Vince.

EXECUTIVE DIRECTOR JOHN V. O'SHEA: I just had a question to say that we need clarification that the request here is for the technical committee to look at add-on questions. That's what you're asking to do here with this motion?

CHAIRMAN TRAVELSTEAD:
Tom, that was your proposed motion.

MR. FOTE: Yes, I always thought they were going to besides adding question were also going to add intercepts so that was my concern so it would just be add-ons to it. It was just going to be to add questions and not add on.

And if as Paul says there is no problem, there is no extra cost of adding add-on questions then this motion is not necessary. See, what's what I'm trying to figure out. If we're going to do add-ons are we doing add-

ons to intercepts and questions or are we just doing add-ons to questions, just asking more questions?

And is there a cost with adding questions? Now, Paul says there is no cost with adding questions but I'm not positive and Bruce isn't here to guide me on this and I'm just trying to figure this out for myself.

But I know when I'm talking about firing 55 people at the division, laying off 55 people at the Division of Fish and Wildlife this year in New Jersey if we don't find some budget money I've got to look at very carefully how we spend dollars.

CHAIRMAN TRAVELSTEAD:
Vince.

EXECUTIVE DIRECTOR O'SHEA: I think the last speaker just made my point. The issue is not only cost but just clear direction to the technical committee about what you all want to have them do. I'm not advocating one way or the other. Bob might be able to talk about what the intent of the addendum was.

MR. BEAL: The addendum intended to have add-on questions included in the MRFSS survey, not increasing the coverage of MRFSS but actually increasing or modifying questions to get a handle on the terminal tackle that is being used by striped bass recreational fishermen. So, my understanding is that obviously Paul is correct.

There is some ability for the states to modify questions but the part I don't know is if there is a limit to the number of questions that the MRFSS surveyors will ask under the current contract and if we exceed that number of questions are there additional costs and those sorts of things. And that's

something we can ask the technical committee and staff to look at.

CHAIRMAN TRAVELSTEAD: And that's, I assume, what the intent of the motion is. Paul.

MR. DIODATI: I think what would be most valuable is if we go with add-on questions that all the states are asking the same question so that would then extend our benefit somewhat.

So I think the charge to the technical committee needs to be, to specify the priority of what the questioning should be and how would that benefit us and what would, if anything, be the cost of adding those questions to the survey.

CHAIRMAN TRAVELSTEAD: Okay, I think that's a good clarification for everyone. Gene.

DR. KRAY: Thank you, Mr. Chairman. I'm looking down here at the technical committee analyses and they're talking about water temperature and salinity. And I think that's important because as we all know the warmer the water their ability to withstand being caught is, to still live after being caught and released.

The question I'm asking is will they be able to infer from any of the MRFSS without MRFSS asking a specific question as to where these fish were caught? Back Bay is significantly warmer than out in the ocean or out in the Rips -- I wouldn't call it warm water but I wouldn't call it and I wouldn't even call it brackish water -- as opposed to somewhere up the Delaware River.

Would that require additional questions to be asked or will the technical committee be able to look at the MRFSS data in terms of

locations of where the fishing occurred?

CHAIRMAN TRAVELSTEAD: I think they already ask anglers where they caught the fish.

DR. KRAY: Oh, I know they do. But will they be able to infer that to get at this issue of mortality. I know we're talking about 35 percent mortality in the striped bass fishery for recreational fishermen. I question that myself as a recreational fisherman. I think that's way too high and I'm just trying to get at that issue.

CHAIRMAN TRAVELSTEAD: Yes, I think that's the kind of clarification we're seeking from the technical committee. Any other comments? Ready to vote on the amendment? Need to caucus? Ready to vote? All those in favor of the amendment say aye; opposed, no. The motion carries.

Back to the main motion. Any comments on the main motion as amended? Seeing none is there a need to caucus? Ready to vote? All those in favor of the motion as amended please say aye; opposed, like sign. The motion carries.

Anything further on the draft addendum? I guess that has been tabled now until August and we'll hear from the technical committee at that meeting on their charge that was just given to them.

TECHNICAL COMMITTEE REPORT

Moving on to Item 5, the technical committee report, we have a couple of issues that we had asked the technical committee to take a look at. Gary, you have a presentation.

UPDATE ON REVIEW OF STATE INDICES

MR. NELSON: Thank you, Mr. Chairman. We had a technical committee meeting on March 29th and it was a one-day meeting. We had a lot on our plate so I'm just going to touch on the three main discussions that we had that day.

The first was a review of the VPA indices after people had time to address recommendations made by workshop participants. If you don't remember, back in July of 2004 the ASMFC sponsored a workshop so that we could look at, develop some criteria to include or exclude a particular survey index from the assessment.

And the reason to do that is because some of the indices may be imprecise and they can severely affect the estimation of the abundance in F, particularly in a terminal year in that model.

So the workshop participants developed a set of criteria and also made recommendations to the particular states on their surveys, on improving their surveys and I think last December we came to the board and asked the board to approve the requirement that states had to address these workshop recommendations and the board approved them.

So, as due dates for certain components of the analysis, the states had to hand in a write-up of a survey description before any of the recommendations were addressed. This is to basically describe what the surveys did and that was in February.

And then in March they had to hand in a write-up or additional analyses addressing the comments and recommendations by the

workshop. So we spent about three hours going over what surveys were handed in.

And we made some additional recommendations for some of the states but we got through a handful of them. Unfortunately not all the states addressed the recommendations and some provided only partial analyses.

There are still some groups working on theirs and hopefully we'll get those soon. We did not make any decisions at the meeting whether to include or exclude these indices yet because we had so much to do that day.

We decided we didn't have enough time to address those so via e-mail I sent around a summary of all the comments that were made at the meeting addressing those surveys that were addressed. And the next steps will be for the states themselves to be honest and rank their index and maybe suggest some alternative ways of using their index.

For an example if one state has high variation around some of the survey, the mean abundance estimates for the older ages one particular thing you could do is group those older ages into maybe a plus group to reduce the variation. And so we asked people to do that.

And then the technical committee's response will be to give their opinion of the indices and then at the next meeting we will vote on whether to include or exclude some of those indices.

And at this point I didn't really see many that would be totally excluded but there will probably be some modifications to some of the age groupings and things like that in order to improve the variation around some

of the mean estimates. So that was about three hours there.

CHAIRMAN TRAVELSTEAD: Okay, wait a minute, before you go on let's see if there are any comments or questions on that issue, on the prior issue. Paul.

MR. DIODATI: I imagine, Gary, we're talking about all the CPUE indices that are used as tuners in the VPA and are there any new indices that have been developed that are being used, you know, for instance, the tagging work that is being done.

I was wondering if the tagging effort itself, the catching of those fish, could now be used as an index of abundance in some way. You know for instance in Massachusetts we've been doing that study since 1991 or something like that and we use the same techniques and there is staff onboard and so it might be somewhat standardized in terms of where we catch those fish. Could that itself become an index?

MR. NELSON: I guess it could. There are some indices available that haven't been included in the VPA. For instance, Pennsylvania and Delaware's electro-shocking survey of spawning stock on the Delaware River isn't included yet. I don't know why it has never been included. So there are a bunch on the plate that could be potentially included.

CHAIRMAN TRAVELSTEAD: Gary, when are the states required to do this ranking that they're working on?

MR. NELSON: We have to get it done by the next meeting because we need to know for the stock assessment what indices to include or exclude.

CHAIRMAN TRAVELSTEAD: And at the August board meeting you will have the results of your recommendations as to whether or not certain indices can be dropped or not?

MR. NELSON: Right.

CHAIRMAN TRAVELSTEAD: Okay. Any other comments or questions on that issue? Okay, move on, otoliths.

UPDATE ON DISCUSSION OF OTOLITH COLLECTION

MR. NELSON: At the last board meeting there were basically two questions asked by the board with the discussion of the number of samples that would be required for the states to develop these regional age-length keys.

And we developed in the technical committee seven regions, combining different state efforts, which we'd have to collect otoliths from those different regions. Some people asked whether we could actually reduce the number of regions to reduce the amount of samples we would need to take and we talked a bit about this at technical committee and basically the answer was no.

All the regions were created based on people's opinions of migration patterns and issues of mixed stock so they didn't really think that we could reduce these regions any further so that's where it ended there.

Another question asked at the last board is what is the breaking point between the number of samples and the usefulness of the data, could we reduce those numbers any lower and if we did would the data actually be useful?

And what we talked about a little bit at the technical committee meeting was that this basically comes down to a trade-off between precision of the estimates and sample size. And the question is what are you willing to give up in terms of information if you reduce the sample sizes.

And so what I wanted to go over a little bit is how we came up with those numbers so that I can show it to you that we came up with the best amount of, level of samples that we would need so let me progress with that.

Let me explain about what this slide is. When we tried to, what we use the otolith ages for is to basically divide the total catch up into the catch that contributed to different age classes.

And the way we do that is to take generally a measure of total catch and then we go and subsample catch for age composition. When we make an estimate the variation in that estimate would be dependent upon sample size.

And what I'm going to talk to you a little bit about is what precision is. And precision is basically how the estimates would vary if sampling were repeated many times. And what do I mean by that?

The way we would estimate age composition would be to go like say to a fish house and randomly pick a number of fish from whatever catch was there, take the age samples back to the lab, age them, and we would get a proportion basically at age.

And then we take that proportion and multiply it by total catch to break up the catch into age classes. Well, because it is a sample it is subject to random error and this error can be great depending on the sample

size you take.

And what I've done up on this slide here is I've basically created an age composition, a true age composition, which is this black line here. And I went in and I sampled 50 fish from that age composition. We know what it has to be. It's that black line.

And so I went in and sampled 50 fish 50 times. So you would go in, pick 50 fish, put them back in and pick another 50 fish. Each time you would age the composition, you would age that sample to get the composition.

And the resulting variation of the samples are basically the precision. And in this case using only 50 fish you can see for like Age 7 here the estimate and proportions could range from around .15 or so up to almost .43 for a sample size of only 50 fish. And that has some implications.

If you went out there and basically we only sampled once — this is actually 50 different times but we really only do it once, so your estimates of your proportions could actually range from about .15 up to .43.

The implication here is if you're sampling and one time you go out you get an estimate of .43 up here this means that you're actually overestimating the importance of that Age 7 age class to the catches.

And if it's down here at .15 you're actually really underestimating the importance of the Age 7 year class. The only way to reduce this variation is to increase the number of samples.

Here is for 100 fish. You can see the variation is starting to drop. This graph is for 200 fish and it's dropping even farther. And then when you get to 500 fish the

variation really drops.

And so what this says, if you went out there and sampled once the variation in your sample will actually be a lot lower at 500 fish than it would be at 50 and you're getting closer to what the true value is.

Now for our analyses with the otolith data, we actually had some real data so we could generate what the relationship between precision and the sample size was. And up in this graph here on the left is a measure of precision.

The higher the value the lower the precision and the more error; and the lower you get the more precision. You can see that a sample size increases the precision. It rapidly drops for those lower, increasing sample sizes.

But then it kind of levels off for these higher sample sizes. There is not much more gain in going let's say from 400 to 600. And so how we pick the number of samples is based on this relationship.

And where we picked it was what we call the coefficient variation, around .2 and that lies around here, between 200 and 300. And for an age length key to have this precision we'd have to collect 225 otoliths per age length key per region.

And if you went any lower than this than the precision rapidly starts to decline. And what does this all mean? Well, what I did was I did another simulation -- I did several simulations sitting at my desk -- of trying to look at what the effect of precision on the estimation of F would be.

And here I created a population that had a specific catch and specific F rates and the true estimate for that population is in black

here. So this is what we're likely to get if we went out and collected the true age composition based on our samples.

Now starting again with 50 fish I only took two of those realizations. You can see that the estimate of the F with only sampling 50 fish really is quite variable. You can get, I got values of .3 based on this particular collection of fish and then a 3 here. And we're missing a lot of the older ages. This is age here on the bottom here and this is F here on the vertical axis.

If you start increasing the sample size you can see that that variability starts cutting down. But you can also see we're still missing some of those older age classes but as the age samples increase we're getting a better description of what that F would be based on higher sample size.

So if we cut the sample size that we came up with then you may have a situation like this where you're starting, you're not able to estimate some of the true Fs on some of the less abundant age classes. Any questions on that? So that's why we picked what we did and we don't think we can reduce those numbers any more.

CHAIRMAN TRAVELSTEAD: Any comments? Did you have anything else, Gary?

MR. NELSON: I've got one more slide.

CHAIRMAN TRAVELSTEAD: Go ahead.

MR. NELSON: We basically a couple of technical meetings before March came up with a list of ideas on how to improve the stock assessment, the tagging program. And so at the last meeting we went through a list of these items and the

technical committee assigned the stock assessment subcommittee and the tagging committee some tasks.

And for the stock assessment subcommittee -- and these have been prioritized so these are the top three -- Task 1 will be to explore development of a more coast wide CPUE index using the MRFSS data.

Most of our indices now are kind of regional specific so we wanted to try and develop an index that could encompass the whole stock area. Two is to explore the possibility of doing some forward projecting models. This will help us with our plus-group problem.

And then Task 3 will be to look at other statistical catch at age models like the ICA model again to see if we can improve our estimates of F. And then for the tagging data, one thing people wondered is why aren't we connecting the tagging data with our VPA model.

And we've tasked the tagging committee to explore ways of developing abundance estimates from the tagging data so we can compare them to the VPA anyway. And then the Task 2 would be to look at the tagging model assumptions and document whether some of those programs are violating the assumptions or not and then to try and combine some of the estimates for the different groups into one estimate.

Right now we have eight or nine programs and we compare them all separately and some people wondered why are we doing that, why can't we combine them into one and so there are some techniques to do that so the tagging committee was asked to do that. That's it.

CHAIRMAN TRAVELSTEAD:

Okay, thank you. Any questions or comments for Gary? Vito then Paul.

MR. VITO CALOMO: Let Paul go first.

CHAIRMAN TRAVELSTEAD:
Paul.

MR. DIODATI: Gary, I'm glad to see that the committee is doing more work with the tagging information. But after 15 to 20 years of doing that tagging it still seems that the stock assessment parameters that you get from the tagging information continue to be subordinate to the VPA. I suspect that that will continue. You know is that true? And if it is true, well, I have another comment.

MR. NELSON: Do you mean people favor the VPA over the tagging? Is that what you're saying?

MR. DIODATI: Yes. It seems as though we have a lengthy time series of tagging data and you've done an extraordinary job I think in trying to evaluate what it all means and you continue to do that.

We still never put much weight into it. We continue to look at the VPA or any other modeling, quantitative modeling technique that we have and subordinate the tagging estimates. Isn't that true? And do you suspect that will continue?

MR. NELSON: I'm not sure that's the opinion of the committee. It seems to be here that one is favored over the other but depending on who you talk to in the technical committee there is definitely, some people favor the tagging over the VPA and vice versa so I don't see that as being an issue for us anyway.

We're trying to keep an open mind for both programs. But the point of doing some of these, documentation of the assumptions, is they haven't been done for some of the tagging programs like the non-mixing assumption.

You assume as soon as you place a fish in the water they all randomly mix and that has never been addressed. And if that is not addressed you can get pretty biased estimates of what the fishing mortality or the total survival would be.

And I've been pushing people to do this because it hasn't been documented. They keep saying, "We've done it" but no one has shown me any analyses that would otherwise prove to me that they have.

CHAIRMAN TRAVELSTEAD:
Vito.

MR. CALOMO: Thank you, Mr. Chairman. Mine is just a comment and not a question if that's all right, Mr. Chairman.

CHAIRMAN TRAVELSTEAD:
Certainly.

MR. CALOMO: Most of the time I see these graphs put up and it reminds me of just spaghetti, maybe because I'm Italian and I like spaghetti or something. But I'll be quite frank that Gary Nelson did a very good job here with these graphs.

I got a very clear understanding that with the less we get less, with more we get a much, much clearer picture and I found it to be very enlightening. I'll tell you the truth, I understood it 100 percent so I appreciate what he has done. Thank you.

CHAIRMAN TRAVELSTEAD:

Thank you, Vito. Any other questions for the technical committee? Ready to move on? Thank you, Gary, for your report. We appreciate it. Moving to Other Business there was the matter of I guess the MRFSS estimates of catches in the EEZ off of North Carolina. Mark, you raised that issue. Do you want to make any comments?

DISCUSSION OF NORTH CAROLINA WAVE 1 RECREATIONAL STRIPED BASS LANDINGS

MR. GIBSON: Well, I'd like to know more about it. I mean it came as somewhat of a revelation to me and I haven't seen anything official on it and I don't know what the technical committee's position is. I mean it's not hard to get the input file for the VPA of record and put in a bunch more catch in 2003 and see what happens.

It's not a good answer that comes out of it and it seems to me there needs to be some discussion about this and perhaps a referral to the technical committee for what are the implications to this relative to the last assessment advice they gave us.

CHAIRMAN TRAVELSTEAD:
Gary, is there any plan for the technical committee to look at that information?

MR. NELSON: Yes, at the next stock assessment meeting. North Carolina, Joe Grist, did present us with the current estimates which we were all shocked at and we talked about potentially what we might do with it.

The problem is we only have two years and they believe the fishery was going on since like '99-2000 and what do we do with those missing years. And we talked about potentially using the tagging information to

back calculate what those catches might be based on recoveries, tag recoveries.

So we could incorporate that information into the assessment. And I'm sure by adding the latest estimates I'm sure F is probably going to be a lot higher than what it was estimated as.

CHAIRMAN TRAVELSTEAD:
Pres, did you want to add anything to the discussion?

MR. PATE: Just some clarifying comments. Jack, the landings were from state waters not the EEZ I assume.

CHAIRMAN TRAVELSTEAD:
That's right. My mistake.

MR. PATE: That's fine. And the increased estimates came as a result of adding Wave 1 to the MRFSS survey which has not been done prior to 2003. When we realized that the winter fishery for striped bass off Oregon Inlet had continued to grow to unprecedented levels we at state expense added Wave 1 to the MRFSS survey beginning in 2003 and continued into the -- no, I'm sorry.

I've got my years wrong. We added it in 2004 and then we did it in 2005 as well. What resulted from that was an increase in our estimated annual landings of 880,000 I think to about 5.5 million.

And part of that increase came as a result of the missed effort extended in Wave 1 but we also saw a dramatic increase in landings during Wave 6 which has been traditionally captured.

We're trying now to get some information that can help us hind test how the growth in effort has progressed over a period of years

and hopefully maybe assist in the retrospective look at the landings as well.

Very little access points, very few access points support that fishery. One of those is the Oregon Inlet Fishing Center which is owned by the Fish and Wildlife Service and managed by a concessionaire. And I asked my staff last week to go to the Fishing Center and see if they kept records about launching of boats there.

The growth in that fishery has occurred in the private boat sector and not in the party/charter boats so we should be able to get some indication of ramp use in that area and judge whether or not that's a valid indicator of effort throughout time.

But it's a tremendous fishery. It developed to the point in 2004 that the highway patrol actually had to direct traffic around the Oregon Inlet Fishing Center because the congestion was so bad and it's just remarkable what has happened down there, the big fish, plenty of fish, they're easy to catch and everybody knows it and they all come at the same time.

CHAIRMAN TRAVELSTEAD:
Pres, do you recall what the cost of the MRFSS add-ons for the Wave 1 were?

MR. PATE: No, I don't, Jack. I could easily find out and report at this meeting. It's just a matter of a phone call away.

CHAIRMAN TRAVELSTEAD: I'd be interested in knowing that. Virginia in some years has a fishery off the Cape Charles/Cape Henry area in Wave 1 that we're not now catching through MRFSS and I think we might need to do what you've been doing. I don't think it's to the degree that the North Carolina fishery is but there is

you know some harvest that occurs there. Gordon.

MR. COLVIN: This discussion prompts me to a couple of thoughts. One is the issue of the addition of the Wave 1 intercept effort in North Carolina and potentially elsewhere as winter fisheries develop that did not previously exist prompts me to think of the fact that I believe kind of harkening back to our discussion on the tabled addendum there is a requirement now that states develop reliable estimates of recreational removals and commercial removals from the striped bass population utilizing MRFSS to the extent that it produces a complete such estimate within specified confidence intervals and if it does not I think the responsibility is clear that the state has to come up with it somewhere else.

And it has been on my mind that there may be times and places that we miss removals by relying too simply on the existing MRFSS coverage, not just in mid-winter fisheries but perhaps in our rivering systems.

And I wonder if it would be appropriate to ask the plan review team to consult with the technical committee and to report to the board on this issue of whether there are places and times that require us to take a harder look.

I'm particularly concerned about the tidal rivers above the area of MRFSS coverage as well as the winter fishery, Mr. Chairman. The other issue just is something the board is going to need to think about and it's a difficult and troublesome issue for us but we may as well start thinking about it now.

I believe the fishery that has been described to us by Pres by and large didn't exist at the time we adopted the current management plan amendment. And I don't think -- and,

Bob, I'll ask you if I'm wrong, but I don't think that this plan amendment, the management program in our plan amendment, contemplated how the management program would respond to a whole new fishery developing, a whole new category of removals, if you will, from the striped bass population and how the management program would respond to it.

I think that you know a new removal on the order of plus or minus 5 million pounds a year is very significant and is likely to call on us to take some kind of management action and it's going to be a real challenge in the absence of guidance, specific guidance, in the fishery management plan on how to address it.

And it's just I think something to start thinking about and talking about as we prepare for the inevitable discussion later this year.

CHAIRMAN TRAVELSTEAD: I think you're exactly right. I'm certain there is no objection to asking the plan review team or the technical committee to look for these places and times of unreported harvest so we will ask that that be done. Any other? Roy.

MR. ROY MILLER: Thank you, Mr. Chairman. If I could just follow up on Gordon's comments. A few years ago the Delaware Basin states were obligated to survey the fishery in the tidal Delaware River north of the Delaware/Pennsylvania border which the basin states did at great expense. It cost over \$300,000 as I recall. And my colleagues from Pennsylvania can verify that.

The sum total of all that was that as I recall there were about 35,000 or 38,000 striped bass caught, of which I think it was less than

5,000 were actually kept. Does that sound right, Mike Kaufman?

But my point is that was a lot of money to spend to gather that kind of information. And when I hear a total of 5 million pounds being taken in Wave 1 in North Carolina it's a shocking figure to me.

It sort of trivializes what was taken in the Delaware River so we need to take a hard look at where we're spending our money and what we're forcing states to do to gather information that in the grand scheme of things may not be all that significant. Thank you.

CHAIRMAN TRAVELSTEAD:
Thank you, Roy. Other comments on this issue. Seeing none, Vince you had an additional item you wanted to discuss dealing with enforcement.

EXECUTIVE DIRECTOR O'SHEA: Thank you, Mr. Chairman. Actually let me also put sort of a place marker after my comments about a plan or a discussion about this response to the information you got on the need to collect otoliths.

But the reason I sought recognition was last week at the Mid-Atlantic Council during the enforcement report I noticed that there were no violations issued for harvesting striped bass illegally in the U.S. EEZ.

And afterwards I spoke to the enforcement officials and asked them whether the rate of compliance had gone up or whether they had stopped trying to enforce them. The previous report we had gotten had shown a number of violations.

And what I was told was that the Coast Guard feels they are sort overwhelmed by

the situation that is going on down there, that there are 40 or 50 boats at a time fishing offshore and as they go out to try to board one the word gets out and they all run off which is sort of an understandable situation.

But then I asked what was the penalty for a violation and it turns out it's a \$100 fine for catching a striped bass in the EEZ. And I was a little surprised at that. And I asked you know why that is.

And the answer is that it is handled through a process called "Summary Settlement" which is essentially a ticket system where the enforcement person writes out a ticket and you have a choice of writing out a check and mailing it in and that's the end of it.

And that fine is set by NOAA General Counsel based on the response rate they get to the tickets. So that the rationale is at \$100 a fish the folks are paying the fine, it's easy to collect and NOAA General Counsel is happy to leave it at that.

But I think in a case where the enforcement folks are reporting that there is apparent large disregard for the rule that maybe the indication they're getting is that the penalty isn't really seen as much of a deterrent and I just wanted to bring that issue before the board and make sure that you all are aware of that. Thank you, Mr. Chairman.

CHAIRMAN TRAVELSTEAD:
Thank you, Vince. Any comments on that issue? Yes, sir.

MR. KURT BLANCHARD: Yes, Vince, I'd like to just add to that. Kurt Blanchard, the Law Enforcement Committee. On the summary settlement process that you just referenced it's not as simple as just writing a ticket, issuing it to the boat and moving on.

The NMFS agent or the Coast Guard boarding officer has to write a full case package to go along with that so the effort and man hours that go into writing that case are substantial for a \$100 ticket.

You should know that. It's not a simple traffic ticket you issue right there. They have to go back and document this case, write up the case report and then present it to NOAA General Counsel at which time that \$100 summary settlement is issued.

CHAIRMAN TRAVELSTEAD:
Thank you. Howard.

MR. KING: Thanks, Jack, a question for Pres, does North Carolina have a joint enforcement agreement? And what would a North Carolina fine be for a similar striped bass violation?

MR. PATE: We do not have a joint enforcement agreement. In spite of my very diligent efforts over the last several years we've never been able to get authority from our general assembly to enter into that, although I'm trying again this year and the bill will hopefully come up pretty soon to have that reconsidered. A state violation would be a Class A-1 misdemeanor for us and that would be court costs and probably an \$80 to \$100 fine.

Jack, while I have the mike if you will indulge me I did check on the cost to us for that Wave 1 intercept add-on and it was around \$70,000. That was for both the intercepts and the phone calls.

OTHER BUSINESS/ADJOURN

CHAIRMAN TRAVELSTEAD:
Thank you. Any other comments? Any other issues for the board? Seeing none is

there a motion to adjourn? We are adjourned. Thank you.

(Whereupon, the meeting was adjourned at 12:10 o'clock a.m. on Monday, May 9, 2005.)

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