

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

**Radisson Hotel  
Alexandria, Virginia  
March 9, 2004**

Approved May 25, 2004

## ATTENDANCE

### Board Members

Lew Flagg, Maine DMR	Michael Doebley proxy for Fred Rice (PA)
Pat White, Maine Gov. Apte.	Representative Curt Schroder (PA)
John Nelson, New Hampshire Fish & Game Dep.	Roy Miller, Delaware DFW
G. Ritchie White, New Hampshire Gov. Apte.	Pete Jensen, Maryland DNR
Dennis Abbott, proxy for Rep. Blanchard (NH)	Bill Goldsborough, Maryland Gov. Apte.
Paul Diodati, Massachusetts DMF	H. Russell Dize, proxy for Senator Richard Colburn (MD)
William Adler, Massachusetts Gov. Apte.	A.C. Carpenter, PRFC
Gil Pope, Rhode Island Gov. Apte.	Ira Palmer, DC F&WD
Jerry Carvalho, proxy for Rep. Naughton (RI)	Jack Travelstead, <b>Chair</b> , Virginia Marine Resources Commission
Eric Smith, Connecticut DMR	Catherine Davenport, Virginia Gov. Apte.
Lance Stewart, Connecticut Gov. Apte.	Kelly Place, proxy for Senator John Chichester (VA)
Fred Frillici, proxy for Senator Gunther (CT)	Preston Pate, North Carolina, DMF
Gordon Colvin, New York DEC	Damon Tatem, North Carolina Gov. Apte.
Pat Augustine, New York Gov. Apte.	Anne Lange, NOAA Fisheries
Brian Culhane, proxy for Senator Johnson (NY)	Bill Cole, USFWS
Bruce Freeman, New Jersey DFG&W	
Tom Fote, New Jersey Gov. Apte.	
Ed Goldman, proxy for Assemblyman Smith (NJ)	
Dick Snyder, PA Fish & Boat Commission	

### Ex-Officio Members

Gary Nelson, Technical Committee Chair	Jim Gilford, Advisory Panel Chair
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### ASMFC Staff

Bob Beal	Vince O'Shea
Megan Gamble	Lydia Munger

### Guests

<b>John Duren, Georgia Gov. Appointee</b>	Jenny Hernandez, Staff for Cong. Frank Pallone
Jon Siemien, DC F&WD	Frank Cozzo, Pennsylvania
Wilson Laney, USFWS	Dr. Gene Kray, PA RFA
James Price, Chesapeake Bay Ecological Foundation	Tony Bogan, United Boatman
Ed O'Brien, CBA	Richard Novotny, MSSA
Dick Brame, CCA	
Bo Dame, House Resource Committee	

**TABLE OF CONTENTS**

**WELCOME & INTRODUCTIONS .....5**

**BOARD CONSENT .....5**

**PUBLIC COMMENT .....6**

**STATE PROPOSALS - DELAWARE .....7**

**STATE PROPOSAL - MARYLAND .....8**

**TECHNICAL COMMITTEE REPORT .....13**

**TABLED MOTION: SINGLE BIOLOGICALLY BASED MINIMUM SIZE STANDARD .....19**

**TABLED MOTION: PROHIBITION OF FISHING IN SPAWNING AREAS .....25**

**NOAA FISHERIES UPDATE ON RULEMAKING FOR THE RECOMMENDATION TO REOPEN THE  
EEZ .....32**

**ELECTION OF A VICE CHAIR .....32**

**ADJORN .....33**

## MOTIONS

**1. Move that the Delaware proposal be accepted.**

Motion by Mr. Miller, second by Mr. Augustine. Motion carries unanimously.

**2. Move that the Board approve the Maryland proposal to change the Spring Striped Bass Tagging Program with the condition that Maryland continue to work with Virginia on the four recommendations that the Technical Committee made followed by an evaluation of the need for a fall tagging program.**

Motion by Mr. Jensen, second by Mr. Carpenter. Motion fails (6 in favor, 7 opposed).

**3. Move that Maryland and Virginia follow the Technical Committee recommendation in regards to direct enumeration of F and come back to the Board with the Technical Committee review of that information.**

Motion by Mr. Palmer, second by Mr. Frillici. Motion carries.

**4. Move that the Striped Bass Management Board endorse that a working group of Board members, Technical Committee members and staff be formed to explore the issue of implementing a single standard egg production reference point for the entire striped bass fishery. Specifically, this working group would report to the Management Board on the 1985, 1995, and current size class availability in the Chesapeake Bay and migration rates in and out of the Bay, prior to the next Addendum to the Striped Bass FMP. The working group would also review the Commission's records to determine if the Management Board intended for the differential egg production reference point to be a permanent management tool or a temporary one adopted mainly to protect the 1982 year class.**

Motion by Mr. Pope, second by Mr. Abbott. Motion fails.

**5. Move that the staff begin preparation of Addendum I to Amendment 6 of the Striped Bass FMP to address providing protection of spawning areas.**

Motion by Mr. Freeman, second by Mr. Miller. Motion fails.

**6. Move that the Striped Bass Management Board approve a daily bag limit of one fish from 24 to 28 inches and one fish from 28 inches and larger for the 2004 season in New Jersey. During this same time, New Jersey will close its spawning areas during April and May, close all its estuarine waters for taking striped bass during January and February when juveniles are most vulnerable, and forgo using 180,000 lbs of its bonus fish program (equal to 30,000 striped bass).**

Motion by Mr. Freeman. Issue referred to Technical Committee.

**7. Move to nominate Mr. Paul Diodati as Vice Chair of the Management Board.**

Motion by Mr. Abbott, second by Mr. Augustine. Motion carries.

**ATLANTIC STATES MARINE FISHERIES  
COMMISSION**

**ATLANTIC STRIPED BASS MANAGEMENT  
BOARD**

**Radisson Hotel  
Alexandria, Virginia  
March 9, 2004**

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The meeting of the Atlantic Striped Bass Management Board of the Atlantic States Marine Fisheries Commission convened in the Presidential Suite of the Radisson Hotel, Alexandria, Virginia, on Tuesday, March 9, 2004, and was called to order at 3:37 o'clock, p.m. by Chairman Jack Travelstead.

**WELCOME & INTRODUCTIONS**

CHAIRMAN JACK TRAVELSTEAD: If you'll take your seats, we'll get started with the Striped Bass Board.

**BOARD CONSENT**

CHAIRMAN TRAVELSTEAD: There is a new agenda being passed out. We're going to wait until everyone has that in front of them before we get started. Okay, does everyone have a copy of the agenda now? Welcome, everyone, this afternoon to the Striped Bass Management Board. We'll move right on to Agenda Item 2. Are there any additions or corrections to the agenda? Bruce.

MR. BRUCE FREEMAN: Jack, I just want to clarify some confusion. On the original agenda we had, under Item Number 4 under state proposals, Delaware's recreational fishery, Maryland's methodology and New Jersey's recreational fishery, the only area I see under the new agenda we were just handed is Item Number 6, the prohibition of fishing in spawning areas.

I just want to make certain that New Jersey is able to talk about its fishery. Part of it has to do with spawning areas, but part of it has to do with its recreational fishery.

CHAIRMAN TRAVELSTEAD: You're saying you want to be added under Item 4?

MR. FREEMAN: Well, either that or under 6. I just

want to make sure we're not restricted just to prohibition of the fishery.

CHAIRMAN TRAVELSTEAD: Okay, let's keep it under six. Let's kept it under six where it has your name. Any other changes to the agenda? If not, it will stand, then, as printed. Are there any corrections to the minutes of June 8<sup>th</sup>, 2003? Eric.

MR. ERIC SMITH: Not a correction as much as a question, Mr. Chairman. How do we deal with an issue when a statement is made about another state's program, and it may be in error, but the person who made the statement was convinced he was correct?

But then the minutes take on a life of their own, and later on it appears that a Connecticut or New York or a Massachusetts has a program that, in fact, they don't have.

CHAIRMAN TRAVELSTEAD: Well, if you can quickly describe the error, it will be part of these minutes, and that will correct them. I don't think we can go back and change the minutes.

MR. SMITH: Okay, I would only point out, then, on Page 23, Column 2, in the third from the last paragraph in that column, there was a statement made in the whole slot limit debate that Connecticut had a slot limit program something like the one in New Jersey, Delaware and I think Pennsylvania.

In fact, we don't. I don't want to belabor the point. We had an entirely different program, and I didn't want it linked in that part of the subject. Thank you.

CHAIRMAN TRAVELSTEAD: Okay, that is so noted, then. Any other corrections? Seeing none, the minutes will stand. Lew.

MR. LEWIS FLAGG: Thank you, Mr. Chairman. I'm trying to find my comment in here, and I can't find it. I'm sure it's written correctly, but I just wanted to make a clarification and it had to do with an issue related to the New Jersey proposal, which we discussed at the last meeting.

I had made the statement that at a previous meeting to that, that we had never voted on or considered the New Jersey proposal. I recollect the circumstances surrounding that now, and I was in error when I made the statement that we had not taken that particular issue to vote.

What it had to do with was the proposal to maintain status quo in the fisheries in Delaware River and Bay

for New Jersey. There was a motion made to that effect, and I ruled it out of order, because we had just previously voted on the same motion that related to Pennsylvania's request to be considered at status quo with respect to their fishery. I subsequently ruled New Jersey's motion out of order because we had dealt with it.

It was the same issue that we had dealt with relative to Pennsylvania. I just wanted to clarify that, because I was in error when I said at the last meeting that we had not considered that proposal. Thank you.

CHAIRMAN TRAVELSTEAD: Very good. Staff will note that clarification. Other than that, the minutes will stand as printed. Before we move on in the agenda, let me just take this opportunity to thank Lew for his two years of service as the immediate past chairman of this board and for the leadership that you brought to the table that brought us to the conclusion we call Amendment 6.

I consider that a good thing. I think it's probably debatable by some, but we should note that it was Lew Flagg who brought us to conclusion with Amendment 6, and I thank you, Lew, for that.

#### **PUBLIC COMMENT**

CHAIRMAN TRAVELSTEAD: Next agenda item is public comment. We have ten minutes on the agenda to receive comments on issues that are not otherwise contained on today's agenda. Is there any public comment? Yes, Mr. Price, come on up to the table. There is a microphone provided. We have a copy of your letter.

MR. JAMES PRICE: Okay, thanks for the opportunity to speak. Normally, I'd speak about the health condition of the fish and forage concerns and other issues, but today I'm very concerned about what I witnessed last Sunday as far as illegal fishing off of the Oregon Inlet.

I chartered a boat. We went out. It cost \$500 for a half a day. The captain took us out. We got into striped bass, and we caught 14 fish, and he allowed us to keep four extra ones for himself and the mate.

They gaffed the largest fish, which weighed 48 pounds. It was 50 inches long. We returned to the dock. I realized before we went back in that we were about 8 to 10 miles off shore.

I thought this wasn't legal, and there were many other boats out there fishing, so when I got ashore I

approached -- the North Carolina Division of Marine Fisheries had a man doing an intercept interview, I guess, for the MRFSS survey, and I talked to him, complained to him about why nobody was doing anything or why were they allowing this activity.

He didn't really give me a good answer except that he said, "I have to write down whatever people tell me. If they tell me they're out three miles, that's what I put down on the form." So then I saw a marine patrol vehicle.

I talked to this officer with the Division of Marine Fisheries, and he told me the same thing, basically, that really it was the Coast Guard's job to enforce out past three miles and the National Marine Fisheries Service, but they only had one agent assigned to the region, and he was out in Texas on a detail.

I called the Division of Marine Fisheries the following morning when I got home and filed a complaint with them and the Coast Guard, and immediately the Coast Guard went out that morning, and they intercepted 26 boats and wrote tickets for \$900 and confiscated 18 striped bass.

This was Officer Beach, and he had Special Agent, with the National Marine Fisheries Service, John Barleski, with him. I've talked to both of them since, and, of course, they tell me that they really can't enforce the striped bass regulations with the personnel and equipment they have, because they have to patrol from the Virginia/North Carolina line to Cape Hatteras so to expect them to be able to do all the jobs they have plus patrol for fishing violations is more than they can do with the people they have, so I really am concerned about it.

If we're not capable of patrolling the EEZ, is it a good idea to even open it up to even more possible violations and -- the amount of fish we're taking -- there were 300 or 400 people out there Sunday just when I was out, and I'm sure more than half of those were illegally taking striped bass.

So there was thousands of pounds of pre-spawning fish being taken on Sunday. And, of course, I gave up my license as a charter boat captain, and I haven't been able to fish in the Chesapeake Bay for 20 years to catch these exact same fish that are getting ready to migrate in to the Chesapeake Bay to spawn, and I won't be able to fish for them again this year.

To me, I've never seen anything this blatant, this kind of illegal activity taking place right in front of law enforcement officers, so to speak. I mean, they were

on shore, but still they weren't that far away. If I discovered this, and I don't even fish out of this inlet -- the first time in my life -- I would think other people should know about it.

CHAIRMAN TRAVELSTEAD: Okay, thank you for your comment. Your issue really gets to the opening of the EEZ, which is an issue that is going to be debated significantly in the months ahead. I'm sure they'll consider your comments.

Is there any other public comment? Seeing none, we'll move on to Item 4, state proposals. Megan is going to, I guess, introduce us to the two issues that we have to take action on. Megan.

### STATE PROPOSALS - DELAWARE

MS. MEGAN E. GAMBLE: Thank you, Mr. Chairman. Actually, the Board has already been introduced to these two state proposals. We addressed both of these in December. There are copies of those proposals on the back table just in case you want to refresh your memory. I will also do that as I walk you through the slides.

The first proposal is the Delaware recreational proposal, and as you may recall, this proposal was for an option of one fish between 24 inches to 28 inches and a second fish greater than 28 inches.

That proposal was based on achieving a conservation equivalency, which is used as a standard of percent maximum spawning potential. I won't go into details of that, but you guys heard about that last time.

In order to achieve an equivalent percent MSP, they had to take a harvest reduction. There was some concern by the board how that harvest reduction would be calculated, and they referred it back to the Technical Committee.

The Technical Committee met in February and reviewed Delaware's proposal for achieving that necessary 33 percent reduction. They offered three different seasonal closures in order to achieve that.

The first was to delay the opening until August 13<sup>th</sup>, which would achieve a 35.6 percent reduction. The second is an early closure occurring on October 14<sup>th</sup> achieving a 35.2 percent reduction; then, three, a mid-season closure between June 4<sup>th</sup> to September 9<sup>th</sup> achieving 35.6 percent.

The Technical Committee reviewed how the percent

reductions were achieved; and just to very concisely tell you how that was done, it was based on the tables that appeared in Amendment 5, Appendix 1, and it used Delaware's harvest data, applying the Wiable model.

The Technical Committee agreed that these three different options would achieve the 33 percent reduction, and it recommended approval. I kept the Advisory Panel's recommendation on here.

This is something you guys reviewed at the last meeting, but I just wanted to refresh your memory that they really didn't have any clear consensus on this proposal. In fact, one member strongly opposed the 33 percent reduction and would rather have the Amendment 6 two at 28.

CHAIRMAN TRAVELSTEAD: You've heard Megan's description. You've noted that the Technical Committee has approved it. Roy, do you want to offer a motion?

**MR. ROY MILLER: Thank you, Mr. Chairman. I move that the Delaware proposal be accepted.**

CHAIRMAN TRAVELSTEAD: Is there a second to the motion?

**MR. PATRICK AUGUSTINE: Second.**

CHAIRMAN TRAVELSTEAD: Pat Augustine seconds the motion. Comments from the board members on the motion. John.

MR. JOHN I. NELSON: Just a question, Mr. Chairman. It sounds like any one of the three achieve the 33 percent reduction, so is there a preference that Delaware is selecting one of those, or is it at some point in time they're going to decide on one?

CHAIRMAN TRAVELSTEAD: Roy.

MR. MILLER: Mr. Chairman, it's my hope that we can get through this agenda item fairly quickly. In fact, Delaware is going to adopt none of those proposals this year. It has already adopted two fish at 28 inches. But, for purposes of future management consideration, I would like to go ahead and request a vote on this motion. Thank you.

CHAIRMAN TRAVELSTEAD: I have a hand up in the back. Des Kahn is a member of the Technical Committee. If you want to come forward, if you can make your comment quickly, we'll move on this.

MR. DESMOND KAHN: Thank you, Mr. Chairman. I was the author of the report, and I just want to point out there was a slight error in the presentation. The harvest reduction was not based on Delaware harvest data. This was a Mid-Atlantic regional harvest data that was the way we were told to do this in the past. This is the way the Technical Committee developed, so that was what it was based on.

CHAIRMAN TRAVELSTEAD: Thank you for that clarification. Any other comments? Seeing none, is there a need to caucus? I don't think so. Ready to vote? All those in favor of the motion, please raise your right hand; opposed, like sign; abstentions; null votes. **The motion carries 15 in favor with no opposed, null or abstained.** Megan.

### STATE PROPOSAL - MARYLAND

MS. GAMBLE: Okay, the second proposal we visited at the last meeting was Maryland's request to change the methodology for estimating the bay-wide fishing mortality rate. If you recall, the proposal was to use the spring spawning stock survey mark and recapture data.

This was to replace the direct enumeration study that is currently used to estimate the bay-wide F. The spring spawning stock survey is being used right now, and it's used as a check on the direct enumeration study.

They want to discontinue the direct enumeration study in order to free up resources to do other striped bass work. At the last meeting, there was a very brief presentation by Dr. John Hoenig, at the request of Virginia, to the board raising several concerns with this proposal.

Just to very briefly cover what those concerns were, Dr. Hoenig expressed that the direct enumeration study has a lot of potential to provide some really good information and that it would be a shame to lose that information.

In addition to that, there is poor correlation between the summer/fall tagging and the spring tagging program, so that may result in compromising the precision of the estimates. Finally, the spring spawning stock survey does not incorporate data from all the Chesapeake Bay jurisdictions, so he was proposing that there should be an investigation into using the Virginia spring tagging data as well.

The Technical Committee reviewed Dr. Hoenig's concerns at the last meeting, at the request of the board, and they have come back with a set of recommendations; that Maryland and Virginia work together to reevaluate the best possible bay-wide fishing mortality rate estimation procedure, and included in that would be to investigate the use of Virginia's spring tag data to compare the precision between the two models and determine the necessary sample size that will provide the same level of precision; use additional tag return data from the recovery table to derive the survival estimates from the Brownie model; and, finally, to provide a compromise in order to attempt to reduce the workload for each jurisdiction. That is the recommendation from the Technical Committee.

CHAIRMAN TRAVELSTEAD: You've heard the recommendation of the Technical Committee. Is there action on this item? Pete.

MR. W. PETE JENSEN: What this amounts to is that we went to the Technical Committee and made the case, and the Technical Committee agreed that we could make the change. Dr. Hoenig then raised some questions, which in our mind really did not go to the essence of what we were proposing to do and the Technical Committee agreed that we could do.

He really was making a case that he was doing some corollary studies, and he really wanted the data and he thought some interesting data may be lost. Now we don't have any problem with working with Virginia, and we do it all the time.

I think these recommendations really don't change the essence of our original proposal, which the Technical Committee supported. It simply says go back and look at it again and work with Virginia.

**I'm going to make a motion, Mr. Chairman, that the board approve the change with the condition that we will continue to consult with Virginia and Dr. Hoenig in particular and compare the data that we get to see if it needs to be adjusted.**

CHAIRMAN TRAVELSTEAD: You've heard the motion. Is there a second?

**MR. A. C. CARPENTER: Second.**

CHAIRMAN TRAVELSTEAD: Seconded by A. C. Carpenter. Comments on the motion. Gordon.

MR. GORDON C. COLVIN: I'm not quite sure how the motion relates to the specifics of the Technical



Committee recommendation. As I recall, there was – - and it's not up there any more and memory cells don't work like they used to, but it seems to me there was a couple of things there that were specific recommendations about incorporating a Virginia fall tagging database and maybe something else, and I didn't hear any of that incorporated into the motion. Could somebody help me out with that?

CHAIRMAN TRAVELSTEAD: Can you scroll back to the Technical Committee recommendations? I'm expecting a response from either Pete or Gordon.

MR. COLVIN: Well, now that they're up there, I guess I would ask Pete if he can assure us or, frankly, modify his motion to address those specific items that are up there on the board. It's one thing to say in the motion, well, we agree to work with Virginia, but I see the first, the second and the third of those bullets as being pretty specific in terms of suggested additional work.

MR. JENSEN: I was simply using shorthand, Gordon, when I said that we would work with Virginia. Certainly, we would take those recommendations from the Technical Committee in their specificity, so my motion would be that move the board approve the change with the condition that we work with Virginia on the four recommendations that they made to compare the data, investigate a couple of compromise situations that could reduce the workload.

CHAIRMAN TRAVELSTEAD: Ira.

MR. IRA W. PALMER: My understanding of the recommendation by the Technical Committee is that until Maryland and Virginia agree, Maryland still has to continue the bay-wide F. Is that the understanding?

CHAIRMAN TRAVELSTEAD: I'm not sure I understood your question. Megan heard your question and she's going to respond.

MS. GAMBLE: Yes, Maryland is still required to estimate -- or the Chesapeake Bay jurisdictions are required to provide a bay-wide F estimation. The proposal is to change the methodology in which that is done. Pete's motion is to make that change effective while working on the Technical Committee's recommendations.

CHAIRMAN TRAVELSTEAD: Let me add a little bit more. For the past several years, both jurisdictions, Maryland and Virginia, have been

tagging fish in the fall to directly enumerate the fishing mortality rate.

Maryland has determined that they can tag in the spring and use those data to estimate F. That's what they're asking for approval to do. Virginia has a contract with VIMS to continue to tag in the fall. We can't change that for the coming year to suddenly shift to tagging in the spring, so that's where the debate is.

At some point, the board has to decide whether Virginia should continue to tag in the fall even if Maryland is approved to tag in the spring. There are a lot of issues going on there but they need to be gotten together. Gordon.

MR. COLVIN: I guess I'd be more comfortable knowing that the decision to make the change took place after all those specific recommendations and analyses had been done.

I guess that means, to me, that if Maryland wants to tag fish this spring, that's fine; but a decision to abandon the fall tagging I think ought to await the completion of the analyses and deliberations that were incorporated in the first three of those Technical Committee recommendations that I referred to.

CHAIRMAN TRAVELSTEAD: Let me ask Pete then. Pete, would you agree that Maryland could proceed with the spring tagging this year; and while that is occurring, the analyses that the Technical Committee recommend be done be done between now and the summer and that be brought back to the board or to the Technical Committee for additional review, and then a final decision on whether or not we need to continue the fall tagging?

MR. JENSEN: Sure, we'll agree with that.

CHAIRMAN TRAVELSTEAD: I would suggest that's simply a clarification of the motion. Any further discussion on the motion? Gil.

MR. GIL POPE: Thank you, one quick question. Were there any kind of accuracy discrepancies between doing it in the spring and in the fall that was mentioned, like one is more accurate than the other?

CHAIRMAN TRAVELSTEAD: All I can say is the Technical Committee did originally evaluate spring tagging in Maryland, and they did approve that. It's just that there may be additional things you learn from the data when the fish are tagged in the fall is my understanding. That's what needs to be

evaluated.

MS. GAMBLE: Gil, is your question about the accuracy of the dataset from the spring survey as opposed to this fall tagging survey?

MR. POPE: Yes, I guess what I'm saying is what is the advantage of the fall over the spring? Is it accuracy? Are there more fish? In other words, that's what I'm not familiar with.

MS. GAMBLE: Right. And when the Technical Committee went back and looked at Dr. Hoenig's concerns, they said that further work needs to be done. There is a question about the correlation of the precision of estimates between the two datasets, so that's something that still needs to be looked into, so they couldn't say that one is better than the other right now. They wanted to wait for further information.

CHAIRMAN TRAVELSTEAD: Okay, just to clarify. Approval of the motion would allow Maryland to go forward with spring tagging and an evaluation of the concerns expressed by the Technical Committee, with that being looked at again by the Technical Committee and brought back to the board with yet another decision on the fall tagging. Pat.

MR. PATRICK AUGUSTINE: Thank you, Mr. Chairman, to that point. That then does assume that a commitment will be made by the Technical Committee to evaluate fall versus spring?

CHAIRMAN TRAVELSTEAD: Yes.

MR. AUGUSTINE: And fall versus fall? My concern is what's the difference in the criteria that you're going to use to evaluate one versus the other, that is the Technical Committee, not what Maryland is going to do, but what the Technical Committee is going to do?

CHAIRMAN TRAVELSTEAD: Right, you're going to get advice from the Technical Committee on that.

MR. AUGUSTINE: Okay, thank you.

CHAIRMAN TRAVELSTEAD: Okay, ready to vote on this motion, then? Is there a need to caucus? Take a fifteen-second caucus.

(Whereupon, a caucus was held.)

MR. SMITH: I know I understood exactly what you

said, but the motion suggests that there is a change that's going to occur, and the way I understand your characterization, Maryland is going to tag in the spring, and we're going to defer a decision on what they asked us to do initially in the motion, which was to discontinue the summer/fall tagging.

So, with your clarification on the record, that's fine, but the motion alone sounds like what Maryland came to the table with is about to be approved, and I think what Pete agreed to is the decision on the summer/fall can wait until we've gotten that analysis.

CHAIRMAN TRAVELSTEAD: You're right.

MR. SMITH: Makes me wonder why we need the motion.

CHAIRMAN TRAVELSTEAD: Pete, do you agree with my interpretation of the motion?

MR. JENSEN: The issue is whether the spring tagging data that we have does an adequate job of estimating the fishing mortality rate under our alternative management. We believe it does. The Technical Committee in the beginning agreed with us.

Mr. Hoenig has now raised some questions, some comparison that maybe there would be some additional insight as he continues his work, so, yes, we still believe that we can come in with the data from the spring and validate what the fishing mortality rate is.

But we're plenty willing to work with him and the Technical Committee to go back at that again and determine whether in fact the questions that he has raised are valid or whether our original position is valid.

CHAIRMAN TRAVELSTEAD: Eric.

MR. SMITH: If that evaluation this spring and summer comes to pass the way you think it will, then I would vote for what you're recommending today, but this motion to me is really not necessary. Worded the way it is, in time it's going to clutter the decks with trying to figure out, well, what change was it that we approved.

Mr. Chairman, I don't see where we actually need to vote on this, because Maryland agrees to do the joint evaluation, and we've agreed with your clarification that the fundamental decision on whether to do summer/fall tagging is going to be deferred to a later

date. I would move to table.

CHAIRMAN TRAVELSTEAD: There is a motion to table, but I would really prefer that we --

MR. SMITH: Then I will withdraw it.

CHAHRIAN TRAVELSTEAD: -- clean up the language in the motion so that it agrees with the interpretation that was offered and actually get a vote on this. Roy.

MR. MILLER: I'll second the motion to table.

MR. SMITH: Mr. Chairman, I just withdrew it at your guidance.

CHAIRMAN TRAVELSTEAD: Okay, so there is no motion to table. Ira.

MR. PALMER: If we changed this to say, which I don't think we need, but approve for Maryland to do a spring tagging, it has nothing to do with the fall tagging that they already have been doing all along to enumerate F?

CHAIRMAN TRAVELSTEAD: Pete, let me ask you if you would accept this language. **Move that the board approve Maryland's changing to a spring tagging program for 2004, with the condition that Maryland continue to work with Virginia on the four recommendations of the Technical Committee, followed by an evaluation of the need for fall tagging sometime this year.**

MR. JENSEN: I'm okay with that as long as what we need to recognize here is the burden of proof. We came in, made a case, convinced the Technical Committee. They approved it. Someone else came along and said, hey, there might be a better way of doing it.

So what I'm saying is we would like to go ahead, because we think we've proven the case. If, in fact, the other idea has credence and the Technical Committee can and the proposer can support it, then fine. But in the meantime, we believe we've made a good case to go with spring tagging, so that's the essence of what I'm proposing.

CHAIRMAN TRAVELSTEAD: Gary.

MR. GARY NELSON: At the Technical Committee, we were confused with what we had to do, but when John Hoenig presented his results and some plots that weren't included in the original analyses, it was of

my opinion and I think most people in the Technical Committee that in light of his results, that we recommend that Maryland actually went back and reanalyzed their tagging data with the Virginia tagging data.

The recommendations that we made -- I think we all agreed that we might have missed the original proposal. We made a mistake on the original proposal in light of Hoenig's analyses. I don't know if that helps to clarify anything.

CHAIRMAN TRAVELSTEAD: Pete, have you seen the language on the board behind me?

MR. JENSEN: That's fine, that's a clarification.

CHAIRMAN TRAVELSTEAD: So this is a friendly amendment.

MR. JENSEN: Substitute motion.

CHAIRMAN TRAVELSTEAD: A. C., do you agree to that?

MR. CARPENTER: Yes.

CHAIRMAN TRAVELSTEAD: Okay, so we're working on the new language now. Okay, Pat Augustine.

MR. AUGUSTINE: Thank you, Mr. Chairman. I had seen Des had his hand up there waving, and I wondered what is his interpretation beyond what Gary has already put on the table for our members, if he might come to the table.

CHAIRMAN TRAVELSTEAD: Des is next on the list.

MR. KAHN: Thank you, Mr. Chairman. I want to second or maybe give a slightly different version of what Gary Nelson just told you. The Technical Committee, really, when we were presented with the results of John Hoenig's analysis, we really backtracked and said that, well, this needs more work.

Although we didn't explicitly state it, it was my clear understanding, and I think Gary said the same thing, that our recommendations were that this change should not be made at present without more analysis and also looking at including the Virginia data.

If this motion is approved, then the change that Maryland has proposed would go through, but our reanalysis of it was that at this point, it should not go

through without further work.

CHAIRMAN TRAVELSTEAD: Well, my reading of the motion is that you're giving permission for Maryland go to forward with spring tagging, but if in the ensuing months, the analyses, in fact, show that the fall tagging is the way to go, then they're going to have to do additional fall tagging this year.

MR. KAHN: Well, that's true, but, Mr. Chairman, the spring tagging is ongoing. In other words, they've always done that, and that would be done in any case. The question is would they stop the summer-fall tagging or not?

CHAIRMAN TRAVELSTEAD: They don't have -- well, that's what the Technical Committee is going to evaluate is whether they need to continue the fall tagging.

MR. KAHN: But at present the Technical Committee does not support discontinuing the summer/fall tagging without more analysis. That's the point I wanted to make.

CHAIRMAN TRAVELSTEAD: Thank you, I appreciate it. Ira.

MR. PALMER: Realistically, will the Technical Committee be able to evaluate the spring tagging in enough time in order to do the summer and fall tagging? My understanding here is that Maryland should be planning to do the fall tagging at least into this coming fall in order to be able to do the evaluation. Is that not correct; am I correct?

CHAIRMAN TRAVELSTEAD: Let's ask Gary. How much time does the Technical Committee need to finish their evaluations on the fall tagging issue? Can it be done in a fashion that Maryland could get an answer before they have to start the fall tagging?

MR. NELSON: That would be up to Maryland, Alexei and Virginia. They're supposed to be working together, so I don't know what the situation is right now. It may be depending on their workload.

CHAIRMAN TRAVELSTEAD: The answer is it's undetermined, Ira.

MR. PALMER: Also, I think it was mentioned that even if this is approved, would Maryland still have to come back to the board to discontinue? We would have to hear the information from the Technical Committee in order to make a decision on whether to allow them or allow them not to do the fall tagging.

Is that my understanding, as well?

CHAIRMAN TRAVELSTEAD: It's my understanding that they have to come back to the board. Other comments on the motion. Are we ready to vote? Is there a need for a caucus? Yes. Okay, thirty-second caucus.

(Whereupon, a caucus was held.)

CHAIRMAN TRAVELSTEAD: Okay, are we ready to vote? All those in favor of the motion, signify by raising your right hand; opposed, like sign; abstentions; null votes. **The motion fails six to seven.** A new direction on this issue? Don't be shy. Ira.

MR. PALMER: I would just recommend that Maryland and Virginia follow the Technical Committee's recommendation to work together to resolve this; and when it's resolved, bring it back to the board.

CHAIRMAN TRAVELSTEAD: And in the meantime?

MR. PALMER: Well, they have to do the spring -- they do it anyway, but they have to do it, and they have to do the evaluation, so that's why I think I agree with Eric that we really didn't even need this motion at this time, because you guys can still do what's recommended for you to do. If you require a motion, then I'll be happy to do that but --

CHAIRMAN TRAVELSTEAD: Please offer a motion.

**MR. PALMER: I recommend that Maryland and Virginia follow the Technical Committee recommendation in regard to the enumeration of F and come back to the board with the Technical Committee's approval of that decision.**

CHAIRMAN TRAVELSTEAD: Is there a second to the motion?

**MR. FRILLICI: Second.**

CHAIRMAN TRAVELSTEAD: Seconded by Fred. Do we need further discussion? Eric.

MR. SMITH: Mr. Chairman, I support the motion, and I also hope that everyone will agree with me. Well, let me tell you how I feel about it. My discomfort with all of that previous motion is that I thought it was premature.

Now my discomfort is I want to be sure that Maryland doesn't have to pass the two-thirds test to come back at a subsequent meeting with the data and the analysis in hand if they can show that it's no problem dropping the summer/fall survey.

They shouldn't have to pass that two-thirds test, because the fundamental basis of the previous motion was, in my view, get your information, do your analysis first and then decide the question, not that I was opposed to the management issue.

CHAIRMAN TRAVELSTEAD: My interpretation would be that the two-thirds rule wouldn't apply. You've asked for additional science information to make an evaluation of an issue; and when it comes back, you'll use that to make a vote, unless the staff thinks I'm wrong on that. Bob.

MR. ROBERT E. BEAL: I think the issue, Jack, is whether or not the subsequent motion is the same motion or a different motion. The first motion contemplated Maryland doing spring tagging this year with no decision on the fall tagging; so if the issue that comes forward later on is just involving the fall tagging within Maryland, then it would not need the two-thirds.

But if it's a subsequent decision or consideration of the motion that previously failed, then it would be. If Maryland and Virginia get together, they come up with a program that does say Maryland no longer needs to do the fall tagging, that would just take a simple majority of the board to approve that rather than two-thirds.

CHAIRMAN TRAVELSTEAD: Okay, does everyone have that under-standing now? Bill.

MR. WILLIAM A. ADLER: Thank you, Mr. Chairman. Would it be helpful to add to this motion the fact that the two-thirds would not be necessary? Would that do anything if we do --

CHAIRMAN TRAVELSTEAD: No, I don't think we can do that. I don't think we can, by motion, dictate the rules that we follow. I wouldn't want to get into that, anyway.

MR. AUGUSTINE: Call the question.

CHAIRMAN TRAVELSTEAD: The question has been called on the motion. Is there a need to caucus? Seeing none, all those in favor of the new motion, raise your right hand; opposed, like sign; abstentions;

null votes. **The motion carries.**

All right, we're still on schedule. Let's move immediately to the Technical Committee report. There are a number of items there. Gary.

## TECHNICAL COMMITTEE REPORT

DR. NELSON: Thank you, Mr. Chairman. The Technical Committee had several charges from the board that we addressed at the last meeting in February. The first charge was to examine some issues surrounding North Carolina's Oregon Inlet fishery. I'm just going to go over a little background about the issue.

Since the Mid-1990s, there is a growing recreational fishery surrounding Oregon Inlet off the coast of North Carolina. The fishery targets both the Atlantic migratory stocks in the fall and winter and the Albemarle-Roanoke stock from May through October.

The boundary for the Albemarle-Roanoke stock, one of the boundaries, anyway, is the Bonner Bridge, and there are some issues with this. If you're familiar with Oregon Inlet, this is the Bonner Bridge.

This is one of the eastern boundaries of the management area for the Roanoke stock. Everything to the west side of the bridge is under seasonal regulations, and everything to the east side of the bridge is actually open year-round to fishing.

What has happened recently is this recreational fishery has been developing around the bridge, and recent tagging data suggests that the increase in some of the recreational harvest that is occurring, particularly on the fish greater than 28 inches, are coming from the Roanoke stock. This is from tagging.

Particularly, east of the bridge the harvest has been increasing a lot. So, in the North Carolina Fisheries Management Plan for the Albemarle-Roanoke stock, it was recommended that there be a closure of the ocean harvest from spring to October 1<sup>st</sup>.

The Albemarle-Roanoke Advisory Committee opposed the change and basically preferred to remain status quo. The Plan Review Team asked the board for approval to send the issue to the Striped Bass Technical Committee to see if we could resolve the problems with the increased harvest.

Particularly, since fishing is allowed year-round east of the bridge and a lot of those fish seem to be the Roanoke stock, we need to incorporate that information into some of the stock assessments.

So what the Technical Committee was charged with was to find the most appropriate way to account for the fish in the harvest, since it's not accounted for in the Albemarle-Roanoke stock assessment. We talked a lot about the problem of having a line define a boundary for fish that can move.

What we talked about is that type of line doesn't account for the possibility that there's leakage over the boundary. Since there is always potential for the fish to start moving at least around the bridge and out if there is an increase in the stock over time, it's always a possibility.

Since the harvest is not included in the current Albemarle-Roanoke stock assessment, what the Technical Committee recommended, first of all, is to get North Carolina to analyze the tagging data to see if they can derive an F estimate to check to see if target is being exceeded.

That would be in addition to what I'm going to say next, which is after analyzing or looking at the tagging data and the fisheries, the Technical Committee recommended that the winter/fall harvest should be included in the coastal migratory stock assessment; whereas, the rec harvest from Waves 3, 4 and 5, which is May through October, should be included in the Albemarle-Roanoke stock assessment, and it's not right now.

Those are the two recommendations for that charge. This is more advice to North Carolina on how to proceed with the issue. The next thing we talked about was a fishery that's developing in the winter off the coast of North Carolina in Wave 1.

It's getting to be a substantial fishery, yet we don't have any MRFSS coverage to try and estimate harvest during that wave. What the technical committee is asking is for the board to request NMFS to try and expand the MRFSS -- at least the telephone survey.

There is intercept information, but there is no phone survey to estimate effort, and we would like or we request from the board to request NMFS to expand the MRFSS telephone survey in North Carolina to try and cover that period.

I couldn't tell you what "substantial" means, but from

some of the pictures that Jason Dilday brought to the meeting, there are quite a lot of boats out there fishing in winter, and the harvest is not being included in the stock assessment right now.

CHAIRMAN TRAVELSTEAD: Gary, let me stop you there. You're finished with that subject?

DR. NELSON: Yes.

CHAIRMAN TRAVELSTEAD: Okay, the first issue I understand, from staff, the Oregon Inlet fishery does not require any action from the board. It's merely technical advice to the state of North Carolina to consider. This issue, however, is open for action by the board, so let's take some comments on that and decide what you want to do, and then we'll move to the other topics. Preston.

MR. PRESTON PATE, JR.: Thank you, Jack. Even though that first item didn't require any action by the board, I would like to explain that, as Gary pointed out, the recommendation from the staff to the Marine Fisheries Commission to deal with the harvest at the Oregon Inlet Bridge was for the closure during the summer months.

When they did not adopt that recommendation in the initial phase of approving the fisheries management plan that's going through the total approval process now, we acknowledged that it wasn't going to go away, that they were going to either have to invoke the closure, or we were going to have to start accounting for that harvest in the Albemarle-Roanoke stock, so it is no surprise to us, and we're continuing to try and deal with that.

The plan will be up for final approval by our commission in May, and we want to readdress it with them at that time. I certainly support the idea of requesting that NMFS include Wave 1 in the telephone surveys.

We do have intercept information that we are gathering at Oregon Inlet, but it's not just Oregon Inlet. It's along the entire coast down to Cape Lookout. That fishery has developed in the last couple of years to unprecedented levels for our winter fishery.

The amount of effort around Oregon Inlet got a lot of press, and Mr. Price spoke to it in his comments earlier this morning. But it's also very significant in Cape Lookout, and we really need to have some better information about the extent of those landings there.

CHAIRMAN TRAVELSTEAD: Is there any objection from the board to requesting that NMFS undertake this action? Seeing no objection, then we would ask staff to proceed with that request. Yes, you can draft a letter for the board to provide. Gil.

MR. POPE: Thank you, Mr. Chairman. Is it my understanding that most of those big fish that they're starting to see now, they consider part of the Albemarle stock, and that it's not stock that is coming from up and down the coast?

MR. NELSON: Yes, from tagging information, yes, by the bridge. They haven't had much evidence of fish moving out in the ocean, but once past the bridge, the fishery is open all year round. That's what they're concerned about.

CHAIRMAN TRAVELSTEAD: Pres.

MR. PATE: Most of those are not, Gil. We are seeing a higher number of tag returns in the summer time of fish around the Oregon Inlet Bridge. The fish that are harvested down there in the winter time are not Albemarle-Roanoke stock fish. They're coming from up north of here somewhere.

CHAIRMAN TRAVELSTEAD: Okay, Vince.

EXECUTIVE DIRECTOR JOHN V. O'SHEA: Thank you, Mr. Chairman. Just one clarification on your letter. Are you anticipating a letter from yourself to Dr. Van Voorhees or to Dr. Hogarth?

CHAIRMAN TRAVELSTEAD: I haven't thought about it. I'll accept staff's advice on that. If it would be better coming from you, that's fine with me.

EXECUTIVE DIRECTOR O'SHEA: Okay, and maybe we'll meet with National Marine Fisheries Service after this and get some guidance. Thank you.

CHAIRMAN TRAVELSTEAD: Okay, very well. Anne.

MS. ANNE LANGE: That will be fine. I'll talk with staff and with Vince.

CHAIRMAN TRAVELSTEAD: Thank you. Gary, back to you.

MR. NELSON: All right, the second charge to the technical committee was to at least start looking at the implications of exceeding the F target for ages 8 to 11. Just to update, the report in the stock

assessment last December showed that since 1997, the VPA F for ages 8 to 11 has exceeded the target level, which is 0.30 and the VPA F is 0.34, I think -- 0.35 or 0.36. I can't remember, exactly.

So the board charged the technical committee with examining the implications of that. Just to refresh your memory, there was some corroboration with the F values that we generated from some of the tagging programs, and they kind of agree with the VPA F 8 to 11, so we think the F values are hopefully accurate.

Why the board charged the technical committee, this is because Amendment 6 doesn't include any management triggers when the F target is exceeded, so everyone was interested in what might happen.

What we discussed, and which we will present later, not today but in a later report, was we discussed two potential impacts, one on the stock composition. What we're going to do is use projections and simulations to look at the impact of an increasing F on things like the age structure, the spawning stock yields and things like that.

Also, we discussed the potential risk of exceeding the F threshold, given that both the current F estimate and actually the MSY threshold both have error round it. By allowing the F to increase, approaching the Fmsy threshold, we're running a risk of increasingly exceeding the threshold.

What Gary Shepard from National Marine Fisheries Service is going to do is take a look at that and generate some likelihood values for exceeding the Fmsy threshold, given the current estimate of F, and then also discuss the implications of that and give some probabilities if we are not. So, just an update.

CHAIRMAN TRAVELSTEAD: Okay, that was just an update, again, for your information. No action needed by the board. Gil.

MR. POPE: Thank you very much. This came up once before when we had this problem where we were supposedly overfishing the larger fish, and the system that we currently use for size limits on the coast and bay -- I don't know if all of you can kind of see those lines, but this is basically how the F rates go according to the VPA per year class.

You've got ages 1 through 15. The higher Fs normally through time are those red lines, which means that, to me, it seems like it's normal that if you were going to ask people to catch fish when they're larger, that your larger Fs are going to be up in the 9-

10-11, and especially in the 11 and 12 year olds, and that through time -- it wasn't just that one year or this year --that through time it was actually, it seems like it's a normal occurrence that that curve is going to be like that.

So, if it is something that is going to be of concern to the board, just for the information, I went back as far as four or five years ago. I was concerned about it, because we're doing things where we're averaging F, but we can never average F where you have all these different year classes and stuff like that. That is actually a normal thing in the 8 through 11, that you're going to see that no matter what you do. Thank you.

CHAIRMAN TRAVELSTEAD: Any other comments? Lew.

MR. FLAGG: Thank you, Mr. Chairman. I was wondering if the technical committee was also looking at, in terms of analyzing the change in the F rates, what the implications are of opening the EEZ would be on the fishing mortality rates. Is that part of their analyses that's on going?

DR. NELSON: No, I don't think so.

CHAIRMAN TRAVELSTEAD: I don't think that's something we've charged the technical committee with doing, but I would assume the National Marine Fisheries Service, in doing their EIS relative to opening the EEZ, would consider those kinds of things. Anne, do you want to comment on that?

MS. LANGE: Yes, Mr. Chairman. Certainly, any changes in fishing mortality that may be a result from opening the EEZ will be part of the evaluation and the EIS, based on changes and expected fishing pressures in both the commercial and recreational fishery and expectations of those changes, where and when they would occur, anything relative to the size composition that may change in the commercial and recreational harvest if the EEZ were opened. Those will be included in the EIS.

CHAIRMAN TRAVELSTEAD: Very good. Any further comments on this issue? Seeing none, Gary.

DR. NELSON: Just an update on some of the internal technical committee charges. One thing, a couple meetings ago one of the members asked whether we could develop methodologies to try and standardize the way we allow proposals that provide alternative regulations beyond what the amendment requires.

Actually, Des Kahn spearheaded that. It's still in progress, but what we want to do is try and come up with a standardized set of analytical approaches to help individuals in the analysis, and one of the question would be if an F value has to be reduced, how much does harvest have to be reduced.

Right now there are some proposals on which methods to use, one is percent MSP or yield per recruit, things like that, to calculate changes in F, but we still have some internal differences on how to achieve that reduction of F.

So that's a work in progress, and Alexei and Des, I believe, are working on resolving some of those issues right now, so that will be upcoming.

CHAIRMAN TRAVELSTEAD: Questions?

DR. NELSON: This pertains mostly to looking at the recreational fisheries, not the commercial so much.

CHAIRMAN TRAVELSTEAD: Just keep going.

DR. NELSON: Okay, also, we have money now to do a workshop to look at some of the survey indices that are included in the VPA. We have money for two days, and we're going to review the survey indices for ages two plus that are now included.

Why we're doing this is because most have not been evaluated, like the age 0 and age 1 indices in the past have. We want to identify some of the indices that don't provide any information.

If there is no information in them, why are we including them in the VPA? We're going to develop some criteria to include and exclude a survey from the VPA, and this would be done at the workshop with all participants. There won't be a single bias, hopefully.

We're going to try and include some analyses to try and validate the indices which means, for instance, you can do a direct validation where you take an index and try and track age classes through time as a way to validate that the indices is actually measuring something in the population.

States can submit any indices, even those that aren't included now for evaluation. At the end of the workshop, once we develop our criteria and exclude or include those surveys in the VPA, we'll do a bunch of analyses to look at the implications of changing the surveys included in the VPA, because it will have an impact on the estimates of F. Any



questions on that?

CHAIRMAN TRAVELSTEAD: A. C.

MR. CARPENTER: For the states that are going to submit other indices, will they also have to submit a way of paying for collecting those indices for those of us that aren't already collecting them?

DR. NELSON: Well, these will be people who already have programs going on. There are some indices like --

CHAIRMAN TRAVELSTEAD: That was a rhetorical question.

DR. NELSON: Oh, I'm sorry.

CHAIRMAN TRAVELSTEAD: Gary, you don't need to answer that.

DR. NELSON: Sorry, I don't have a sense of humor. Any other questions? All right, the next subject is the topic of otolith sampling. Just to refresh your memories, last March we had an aging workshop, and it was decided that using scales to age fish beyond the ages of 10 to 12 will produce some biases, so it was recommended we look into developing a way to collect and use otoliths in our aging.

What we've done, so far, is formed a committee to try and estimate the number of samples that we will need and costs associated with sampling and collecting the otoliths. Some of the initial analysis is, if you can believe this, not all states can collect otoliths without more funds.

That's true, I think, for most of the states. It takes about an hour to process one otolith with some of the techniques that are used now, so if you were thinking of collecting over 1,700 throughout the coast, that's about the first estimate of the sample size, and it's quite costly.

Presently, there are only two states that actually have the capacity to process otoliths, and that's New York and Virginia. New York admits that they can process about 500 additional otoliths above and beyond what they do now, so they could take up some of the slack, provided the supplies are bought for them and things like that.

For other states who want to do it, if they have the staff, it's going to cost a minimum of \$7,000 to buy the sectioning equipment in order to process the

otoliths. We talked about developing regional otolith age-length keys because of the number of samples that each state would be required if they were going to develop their own, and we came up with seven regional otolith keys will be developed.

Although the number isn't final yet, our first guesstimate is around 250 or so. It may be even more depending on the variability in the ages. Are there any questions about that?

CHAIRMAN TRAVELSTEAD: Questions? Keep going.

DR. NELSON: All right, the technical committee has asked me to plead with the board to remind the member states that there is a format for a compliance report. Why this has come up is the Stock Assessment Subcommittee is really deeply frustrated with the time that is spent processing other state's data when they could have done it themselves.

I'm on the Stock Assessment Subcommittee, and we spent three days just compiling data into the format that we need -- not just the format but the information we need. We could be a lot more efficient if the states could provide the actual data in the form that we need.

It's not always provided in the state reports. So, what the Stock Assessment Subcommittee developed was, first, they added more guidance to the compliance report, and I think with a little more guidance on some of the information that the Stock Assessment Subcommittee needs to do the stock assessment.

What we've also developed or will develop is a set of standardized spreadsheets that we can send out or e-mail to all of the states and just have them fill in the information into the spreadsheet, and this is in addition to the compliance report.

That way we can just simply get the files, copy things where we need it, and things will be generated very quickly. As an example, sometimes we receive a trawl survey index that hasn't been disaggregated into ages, and we end up spending time tracking down the appropriate age-length key to use for that. Why should we do that when it's actually the state's responsibility to do that? It would just save us a lot of time and a lot of frustration.

A thing we are asking the board for approval is to change the compliance report date from May 15<sup>th</sup> to July 15<sup>th</sup>. This was originally proposed because of the time constraints for the MRFSS data to be

available, but now that's actually gotten that much better and is usually available by the end of April.

But there are some surveys and some information that, if given the time, it could actually be made available and we could use it in the current year assessment, so we're asking for that. If you do grant us that, we'll make sure that if a state doesn't provide the data by the deadline, then we'll notify the board, because at that time if we don't have the information, we'll compromise the VPA, the stock assessment.

CHAIRMAN TRAVELSTEAD: Is there any objection to changing the reporting date from May 15 to July 15? Any objection? Paul.

MR. PAUL DIODATI: I don't object, but I seem to recall that being a part of the amendment. I think that date may be in there.

CHAIRMAN TRAVELSTEAD: Megan is going to respond.

MS. GAMBLE: It is a part of the amendment. It is written into there. I don't think that this is enough to ask for an addendum, so if the board does approve this change, the next time an addendum does come up, we'll roll it into that, so it will stand with the motion, but we'll make it more formal when we do a new addendum.

CHAIRMAN TRAVELSTEAD: Okay, the hands are starting to go up. Anne then Gordon then A. C.

MS. LANGE: I just have a question relative to the ability to get the assessment done if you don't get the data until July 15<sup>th</sup>. Aren't you usually part way through the assessment process by July?

MR. NELSON: No, we don't really meet until August, so it's at least three to four weeks before we meet.

CHAIRMAN TRAVELSTEAD: Gordon.

MR. COLVIN: Well, it does occur to me that there might be a linkage between this item and the preceding item. If data is provided with those compliance reports in a format that doesn't lend itself to immediate use by the Stock Assessment Subcommittee -- and I'm wondering whether we're going to write some kind of a document that constitutes an adaptive management change, whether we oughtn't to take the data format issue into hand and incorporate that as well.

The other question I had about that issue is, is that entirely just a "we're not paying attention issue", or are there software compatibility problems imbedded in it somewhere?

CHAIRMAN TRAVELSTEAD: Gary.

DR. NELSON: No, I don't think -- it's not software. It's just processing.

CHAIRMAN TRAVELSTEAD: Just people aren't doing what they're supposed to do, right?

DR. NELSON: Yes, and that's not always specified in the compliance report what exactly we need.

MR. COLVIN: Then I'd like to make a suggestion. This is a polite body that does things a certain way, but I would hope that off-line that the board chairman could talk directly to individual board members about problems and educate them about the needs the Stock Assessment Committee has of their staff.

If we're guilty, I would be happy to be told about that in no uncertain terms. If push comes to shove, some day I wouldn't mind seeing the commission present a bill for services of its Stock Assessment Subcommittees.

CHAIRMAN TRAVELSTEAD: We need a Sergeant-at-arms or something. I'll be glad to do that and ask that staff keep me informed as to who is a little bit out of line, so we can get them back into line. Let's see, A. C., you had your hand up.

MR. CARPENTER: My concern I think was essentially the same as Anne's in the fact that it seems to me that every fall we're sitting around here debating the information that was provided or supposed to have been provided the year ahead, and we're unable to make recommendations or deliberations on what the next year's fishing regulations are going to be, and I'm just concerned that having this data another 30 or 90 days later is going to delay that process even more in the future.

CHAIRMAN TRAVELSTEAD: Megan.

MS. GAMBLE: If we actually get every state report and have all of the data we need in those state reports by July 15<sup>th</sup>, we will be able to deliver a stock assessment report by the annual meeting, because that's actually how we have been proceeding for the last two years and will be this year as well. It has taken that long for some states to give us everything that we need in order to do that stock assessment.

CHAIRMAN TRAVELSTEAD: So you're confident that the states who aren't performing correctly will now suddenly do so?

MS. GAMBLE: No, all I'm saying is that some of the delays have been because data has not been available yet to that state in order to deliver the stock assessment report; so if we grant them this extra time, we're hoping that will alleviate the problem.

CHAIRMAN TRAVELSTEAD: Okay, where do you want to go with this date change? There is no objection, then, to moving it to July 15<sup>th</sup>? Okay, hearing none, it is so ordered.

DR. NELSON: Thank you. All right, just to finish up, we had time to review -- we had Vic Crecco's paper on the agenda at the last technical committee meeting, and we wanted to review that, but Vic wasn't able to attend due to that snowstorm that occurred, so the tech committee agreed to send all the comments to Vic, and time will be provided at the next technical committee meeting to review that again. And the last thing, we elected Doug Grout of New Hampshire Fish and Game as the upcoming vice chair. That's it.

#### **TABLED MOTION: SINGLE BIOLOGICALLY BASED MINIMUM SIZE STANDARD**

CHAIRMAN TRAVELSTEAD: Thank you, Gary, for a good report. Did you have anything else? Okay, moving on to Agenda Item 6, there were a couple of tabled motions relative to development of an addendum, and we're going to look at these individually.

I wonder if we can get the first tabled motion back up on the screen that dealt with the single biologically based minimum size standard reference point. When we get that up and I'm going to call on Gil Pope to -- there was a little bit of debate at the last meeting on this issue, and it's really my desire that the board move in some direction on this issue.

What I want to avoid is that we debate this thing for another hour only to have it tabled to another meeting where we, again, debate the issue for an hour and continue this ad infinitum. So I'm hoping that the board will reach some conclusion today to either move forward with an addendum, kill the thing outright, whatever, but let's achieve something here at this meeting.

Do we have the old motion. Gil Pope had made the motion. Do we know who seconded the motion? Mr. Calomo. Okay, Gil.

MR. POPE: Thank you, Mr. Chairman. I went back and I had some discussions with various board members about this; and so that we don't get into this really difficult situation that this presents, because I think of all the issues in the last 10-12-15 years or so, this is the most difficult.

This deals with things where I've seen people that just get furious about thinking about even discussing this. I really appreciate and I want to thank the board for allowing me to even talk about this again at this point.

It is something that I have been talking about and thinking about for a long, long time because from my perspective, it's been something that has penalized us for something other than biological reasons, which it comes about naturally.

It's things that occur through time. It's things that happen at this board level. Vito isn't here. I don't know what the procedure is at this point on this, but I would like to withdraw this particular motion and replace it with a second motion, if that is possible.

CHAIRMAN TRAVELSTEAD: Bob, any advice on that procedure?

MR. BEAL: I'm not sure how to handle the fact that the seconder is not here, but obviously a maker of a motion can withdraw the motion at any time.

CHAIRMAN TRAVELSTEAD: Is there any objection to Gil withdrawing the motion? I don't see any, so we're going to allow that to happen. Dennis, did you have a comment?

MR. DENNIS ABBOTT: Well, I was just going to comment, I think this is one of those points where we can go by our interpretation of "generally following Roberts' Rules."

CHAIRMAN TRAVELSTEAD: So the maker of the motion has asked that it be withdrawn, and I will accept that, and it's back to you, Gil.

MR. POPE: Okay, and since then I've drawn up a second motion that I'd like to read into the record, if possible. **I move that the Striped Bass Management Board endorse that a working group of board members, technical committee members and staff be formed to explore the issue of**

**implementing a single, standard egg-production reference point for the entire striped bass fishery.**

**Specifically, this working group would report to the management board on the 1985-1995 and the current size class availability in the Chesapeake Bay and the migration rates in and out of the bay prior to the next amendment or addendum to the Striped Bass Fisheries Management Plan.**

**The working group would also review the commission's records to determine if the management board intended for the differential egg production reference point to be a permanent management tool or a temporary one adopted mainly to protect the 1982 year class.**

CHAIRMAN TRAVELSTEAD: Okay, let me see if there is a second to the motion then I'm going to come back to you, Gil, if you want to offer, any additional explanation. Dennis, you second the motion?

**MR. ABBOTT: Yes.**

CHAIRMAN TRAVELSTEAD: Okay, Gil, do you want to offer any explanation?

MR. POPE: Yes, the reason that I'm using the terms, "single, standard egg-production reference point" is because when you say "size limit", everybody goes crazy. So any time I can leave the word "size" out of there, I try and do it for obvious reasons. The only thing that has to do with the size is where a penalty for going below that size is instituted.

When that happens, if our trap fisheries should elect to fish at below 28 inches, then they send our quota to -- I think it was Dr. Rugulow at the time, I don't know who would do it now -- to the technical committee.

They do a special run and they come back and say, well, you can't catch 170,000 pounds. Because you're going to fish at 24 or 22 inches, you have to catch 153,000 pounds. So, that starts at 28 inches on the coast; whereas, that same penalty also applies to the Chesapeake states, but instead of starting at 28, it starts at a different number.

It starts at 20 inches and below, so that if you wanted to -- if Maryland had a, say, 3 million pound quota or a 2 million pound quota and wanted to fish at a particular size of 18, they would have to pay a penalty to do so.

But it's not based on the 28, it's based on a different size, so all these different years I kept wondering why this was. The reasons that I was given is because along the coast we wanted to protect that last year class, 1982 year class; that the availability in the bay, there aren't any big fish in the bay and that there were very few fish available to catch above a certain size; and according to the migration rates, once they reach Age 2, that most of them start to leave the bay and they're unavailable for harvest or for a catch.

This was approved, I guess -- whatever these reasonings were, were approved at the time because they made sense at the time. What I would like to see with this motion is to get a group of people together to see if all of these same reasonings that were used then to do this are consistent now.

If they are, then there would probably no change, but if certain things have changed, I would like to somehow or another lower that gap. It was 18 and 34; now it's 20 and 28. And as the year classes fill out in size and as the bay sees larger fish and the coast sees smaller fish, I would like to see this size differential either get closer and closer or get to be the same size.

Now, when I say stuff like that, people just say, no, they go completely crazy because they think now we're going to be shut out of the fishery, or there is going to be a direct allocation from the bay states to the coast.

Well, when this was initially done, in the mind of some of the people on the coast, there was at that time a direct allocation from the coast to the bay. Some people felt that way.

One guy told me -- and I remembered it, and I've said it to a few people that it felt like I'd loaned my shovel to the bay states in 1990, and I want it back, and that it has become a permanent thing, and that I did something to alleviate a problem that was a problem at that time; that may no longer be a problem now that doesn't so much affect the recreational fisheries as much as it affects the commercial fisheries.

The way that we run our striped bass fisheries now, there are four different main user groups, which are the recreational fisheries of the bay and the commercial fisheries of the bay, the recreational fisheries of the coast and the commercial fisheries on the coast.

The one who basically got left out of the equation, as

we all know and recognize, was the commercial fishery on the coast. One of the reasons was it wasn't using either the same direct enumeration of F, which we couldn't do, and also because we were locked into a '72 to '79, which the other commercial fisheries were not, and we also used an averaging of F across all year classes.

So when you combine all of these things, the unintended circumstances and consequences were that one group grew, another group grew, another group grew, and then the other group stayed flat.

I'm trying to figure out a way to where we can all go up as the stocks increase, and we can all go down as they decrease normally, like we do in all the other fisheries that we have. To me, it was a question of equity as well, so this is why I'm putting it in this fashion.

I'm hoping that I can get a group of people that would be willing to sit down and explore this whole thing and find out at the end that maybe we need to stay right where we are, and we will. But this, to me, is the only real way that we will ever get this thing settled, done, either make it a permanent thing or leave it as a flexible document.

CHAIRMAN TRAVELSTEAD: Comments on the motion. Anne.

MS. LANGE: Thank you, Mr. Chairman. Gil, I think I preferred your previous motion to this one. This is very complicated. It's presuming things that the technical committee should or shouldn't evaluate.

I think what you're really looking at is the initial part of your initial proposal or motion, which was to develop a single coast-wide size standard, which was something that was discussed prior to approval of Amendment 6 as being taken care of as the first addendum to Amendment 6 that would be worked on immediately after approval of Amendment 6, again, to look at a single coast-wide size standard.

To me that's a straightforward thing where the technical committee can make a decision of how to come about -- what analyses need to go into that. I, personally, can't evaluate this specific recommendations, myself, here on the fly at this meeting to determine if this is going to address the specific issues that the various fisheries have. Again, it's very complicated.

CHAIRMAN TRAVELSTEAD: Do you want to respond?

MR. POPE: I apologize if it seems more complicated. I tried to make it more direct and to the point rather than having some nebulous group study this thing forever and not come to any conclusions.

I wanted to get to what I considered to be the specific things that need to be looked at, rather than a big nebulous -- now, if you want to give me some idea as to what specifically to look at, and maybe one or two items, then I would be happy to do that, Anne. Thank you.

CHAIRMAN TRAVELSTEAD: Gordon, then Bill Goldsborough.

MR. COLVIN: This motion contains a lot of verbiage that I do not understand. I cannot comprehend the text of the motion. But having heard Gil address his remarks to the motion, I now do understand what the motion intends to address.

Simply put, it's clear to me that the intent of the motion is to ask a group of the board members to sit down and evaluate how the striped bass harvest is allocated among user groups in the Chesapeake Bay and on the coast, period.

A motion that says that would be preferable to me, though I won't support it, but at least it would say what it meant. I understand that some members of the board are still uncomfortable with the allocation outcome that has resulted from the collective decisions we've made over the last 20 years in striped bass management up to and including Amendment 6.

I am not. I have accommodated myself to them, and some of you, who have been around for a part of this time, can understand that that took a lot of doing. Having accommodated myself to them, I think we're best to move on.

Nonetheless, I appreciate what Gil wants to do; and if a majority of the members of the board want to support that, that's fine. Count me out. I will not volunteer to be a member of this group.

CHAIRMAN TRAVELSTEAD: You may not have a choice.

MR. COLVIN: I'd be more comfortable reviewing any recommendations they make, then I might no longer be able to accommodate myself. But I really think that's what this is all about, Mr. Chairman. I would appreciate it if Gil would clear it up for me if I'm wrong.

I think that this is very simply and specifically what it's about, what has happened particularly with respect to the coastal commercial resource, which Gil referred to specifically. I think that water has gone under the bridge. I, personally, counsel that we let it go and move on.

CHAIRMAN TRAVELSTEAD: Thank you for that insight, Gordon. Bill, before I go to you, if you don't mind, Gary has a technical point he wants to make, and then we'll go back to you.

DR. NELSON: I just wanted to comment that there are some fisheries that are focusing totally on the males in the population, so I don't know how this reference point on eggs would be, how you would incorporate — excuse me, let me back up.

There are some fisheries that target males, so I don't know how you could use this reference point that focuses solely on eggs when you're trying to manage those fisheries. I agree with Anne, it's a pretty complicated. I don't know if we can do this.

CHAIRMAN TRAVELSTEAD: Bill, then Lew.

MR. WILLIAM GOLDSBOROUGH: Thank you, Mr. Chairman. I had two points and Gordon made one of them. I'll put my own spin on that, though, first. First, I appreciate Gil's efforts to address a potentially very contentious issue in non-inflammatory terms.

But it is a difficult issue, nevertheless. He said a lot about allocation, but I don't see that explicitly in the motion. I do think, like Gordon said, that's the crux of the matter and it has to be addressed head-on.

My second point was, I think, more of a question for Gary, because it seems like a fundamental point here is the suggestion that an egg-production reference point would give you a different outcome than a single size limit reference point, and I don't see how it would be different, and I wonder if Gary could reflect on that in terms of its implications for allocation.

DR. NELSON: I think, currently, we're only using the females to determine the — no, no, I'm sorry. It's combined.

CHAIRMAN TRAVELSTEAD: They can't hear you, Gary. He's contemplating the issue. Do you need some time to think about it?

DR. NELSON: Yes, yes, I'll have to --

MR. GOLDSBOROUGH: Sorry to put you on the spot.

CHAIRMAN TRAVELSTEAD: While he's thinking on that, Lew, and then A. C.

MR. FLAGG: Thank you, Mr. Chairman. In the four laborious years of developing Amendment 6, I distinctly remember -- and I'm referencing this issue about the development of a minimum size standard reference point. As some of you may recall, we had in the document numerous tables which had different scenarios for minimum sizes, coast versus bay.

There was one, I think it was 24 inches, a uniform minimum size throughout the range. There was an extensive analysis done of these in terms of the implications for allocation, what the implications would be in adopting those various differential size limits, and what it did to the allocation for the bay states and the coastal states.

So in terms of looking at this minimum size standard reference point, I think we've been there. We've done that. The board did not select a 24-inch uniform minimum size throughout the range, and I fail to understand how revisiting this issue at this point in time, that anybody right now is going to change their minds as to what management scenarios were selected under Amendment 6.

CHAIRMAN TRAVELSTEAD: A. C.

MR. CARPENTER: Thank you. I'm having a little trouble understanding the motion, but the conversation is helping quite a bit. I had a conversation with Gil a little bit earlier today.

I really think what I would be more comfortable with would be getting a group of board members and technical committee members together to evaluate a way of being able to adjust the commercial coastal quota, based on the size of the stock, that is available to them.

I think there may be a way to evaluate that overall coastal commercial quota much like we do in the bay. When the stock is up, our quota is up; when the stock goes down, our quota goes down.

I think if the commercial coastal quota had that kind of flexibility built in it and responsibility that it would track the population size, I think that might get a long way to toward Gil's attempt here to try to get

some -- I don't think you'd have to change the reference points.

I don't think you'd have to confront this size issue head-on. I do think you'd be able to accommodate some of the changes that have occurred over time. We have seen the recreational fishery absolutely balloon in recent years, while the coastal commercial fishery has been held relatively stagnant, and they're just now getting back to their '72 to '79 base years. I offer that as food for thought.

CHAIRMAN TRAVELSTEAD: Additional comments. Tom, on the motion?

MR. THOMAS FOTE: On the motion. This wording has gotten me confused. I thought it was going to be a little simpler than this. We really need to look at what -- and we talk about tables that are created.

Those tables that were created were basically effective as if the bay was only fishing on the bay as the bay is fishing under an 18-inch size limit or a 20 base, and the coast as if it was fishing on the coast.

When we basically put the plan in place, it was decided that the producing areas would be treated differently, because they weren't going to fish during the spawning areas -- in the spawning time. They weren't going to have to do a whole bunch of stuff. I know I'm revisiting old stuff.

But also important in that, when we initially voted on this, we were not voting on the fact that the producing areas, which still includes New Jersey because we produce fish, and it includes Delaware Bay and the Hudson River.

We basically said that's why we're putting those special rules in place. Then about after we started figuring out the details, somebody from Connecticut said, oh, by the way, the fish along the coast are in the bay 25 percent of the time, so we have to add them on to that, and that's where the winter fisheries and a whole bunch of other fisheries came out of, which could happen in other producing areas.

This issue got more complicated as the years went on and basically has basically stretched the limits of what goes on. It is confusing. It confuses a lot of people. It creates animosity between the producing areas and the coast.

I'm including three producing areas -- there are actually four. There are actually five including the

Kennebec River. That basically goes on. Amendment 6 now, it seems that the only area they want to decide to do that is in the Chesapeake Bay, but there are two other producing areas that fall in the same realm. Those people can fish at certain times.

It needs to be addressed. I'm not sure how to do that. We've danced around it for many years. We really need to come to some kind of conclusion and put it to bed once and for all. I thought that Addendum I would basically flush this out, and Addendum I to Amendment 6 would probably do that.

So that's why I wanted to put it -- I mean, at that time, I was looking at how my producing areas would basically be affected.

CHAIRMAN TRAVELSTEAD: At this point, it seems like the only consensus we have is that the language of the motion is confusing to people. But then there seems to be two schools of thought: you just get rid of the whole thing or you instruct this working group to look at allocation of the resource among the various user groups along the entire Atlantic.

I think you need to be thinking about some modification of this wording that makes you more comfortable with the motion. Dennis.

MR. ABBOTT: Yes, thank you, Mr. Chairman. Agreeing with what you say, I think that probably we should move the question and see where we stand on this and introduce a further, more simpler motion following the vote on this motion.

CHAIRMAN TRAVELSTEAD: Okay, Gil, are you responding to that?

MR. POPE: I'm responding to a lot of what was just said. One of the reasons that I made it, and I was specific in what I said what our penalty is that we pay on the coast, because most people said, I don't understand it.

So I went from single size, which it really isn't a single size.

You can choose any size you want, no matter what state. You can go down to 18 inches. But there is a set point at which I have to pay a penalty and other people don't just because of where I live. Mine starts at 28. Somebody else's starts at 20.

Now, there was a reason for that before. There may still be a reason for that. It may still exist. But in some people's minds, including mine, it no longer

exists so that I want my penalty to start at 20. I may choose to stay at 28 or even go to 32, but I just don't want that 28-inch penalty there any more. That's why I wrote it the way that I wrote it.

CHAIRMAN TRAVELSTEAD: Okay, thank you. Is there anyone who feels like more debate on this motion is needed? Can we go ahead and vote and see where that takes us? Pat.

MR. AUGUSTINE: Point of information, Mr. Chairman. It seems to me there has been enough comments around the table that would suggest to the maker of the motion, either simpler language to address the issue that, for instance, Mr. Colvin put on the table and concerns that others around the table have mentioned, that maybe if he were to withdraw the motion at this point in time, reclarify it, either bring it back before this meeting is over or hold it over until the next meeting to be more specific, I think I would be in favor of doing that. If not, I would move to table.

CHAIRMAN TRAVELSTEAD: Well, that's exactly what I didn't want to happen. That's exactly where we -- you know, we did this at the last meeting.

MR. AUGUSTINE: There are only two choices; either call the question or table it.

CHAIRMAN TRAVELSTEAD: That's why I called on you, Pat, because I thought you were going to call the question.

MR. AUGUSTINE: Call the question, Mr. Chairman.

CHAIRMAN TRAVELSTEAD: The question having been called, and I think we've had plenty of debate considering what we had last meeting and this meeting, let's go ahead and vote and see where that takes us. Is there a need to caucus? Somebody said yes. Fifteen-second caucus.

(Whereupon, a caucus was held.)

CHAIRMAN TRAVELSTEAD: Okay, are we ready to vote? All those in favor of the motion, raise your right hand; opposed, like sign; abstentions; null votes. The motion fails. Okay, unless there is another motion ready to be made immediately, we're going to move on. Gil.

MR. POPE: I would like to simplify that and go back to the original wording, which was a single-size reference point, which is what everybody asked me to

do was to simplify this. I'll be more than happy to make it more simple.

CHAIRMAN TRAVELSTEAD: To make it more simple than that?

MR. POPE: The original motion, you mean, or a third motion? Do you want to give me a little time to do a motion and I'll come back.

CHAIRMAN TRAVELSTEAD: Let me try something. I don't know if it will work but there were some suggestions by some around the table -- Gordon initiated it -- was that there ought to be a discussion by a working group of how striped bass are allocated along the Atlantic Coast amongst the various users, Chesapeake Bay commercial and recreational, ocean commercial, recreational, how that has happened historically and how it has changed through times and whether or not there should be any changes to that. My guess is if that's the motion, it will pass.

MR. POPE: Yes, but with one caveat, and the only thing that I would ask to be added to that is that it not be one of these ten-year studies.

CHAIRMAN TRAVELSTEAD: One of these what?

MR. POPE: Is that this not be one of those ten-year studies, that we study it to death, that it be a quick, concise -- that it's done over the next six months rather than over the next six years. That's all. I'm afraid it's going to get lost somewhere down the road.

CHAIRMAN TRAVELSTEAD: John and then Tom.

MR. POPE: Because it already happened to me once in Amendment 6; it got lost somehow. Thank you.

CHAIRMAN TRAVELSTEAD: John.

MR. NELSON: Well, Mr. Chairman, I don't know if you can put a time limit on something like that "of six months", because, quite frankly, we do have our work plan, I will remind everyone, that you passed in December. It has a lot of activity that is scheduled.

If such a motion is put up and passes, I would just request that it did not have some type of time limit that created a problem for other work that needs to be done. The staff would need to look at pulling together history, and maybe that can be done easily.

I have no concept in my mind on how long that



would take, but I feel I do have to remind everybody to put some time certain on it for this year, the staff may not be able to do it, or they may have to put something else out of — that doesn't mean that it should be ten years either, and I don't disagree with Gil if, indeed, some motion like that passed.

CHAIRMAN TRAVELSTEAD: Thank you for that guidance. I think it's very important. Ira.

MR. PALMER: I guess I'm not sure what the point of this is because we have the history, and we also have Amendment 6 and that's what we're governed by. If we create this group to just look at this, what's the point?

It doesn't override where we are and how we govern ourselves already. I'm not sure why we need to do this. If he wants to figure out a way to reallocate, then shouldn't that be part of a new addendum or a new amendment in the future?

CHAIRMAN TRAVELSTEAD: It certainly would be. All I'm trying to do is determine the will of the management board. It's not clear to me what you want to do on this issue. If you want to forget about - - if we want to end the discussion now, you know you have my vote.

Where does the management board want to go? Nowhere? Are we ready to move on? Okay, I see a lot of nods in favor of moving on. I'm going to move to the next agenda item, which is prohibition of fishing on the spawning areas. Bruce, you're going to talk to us about that.

#### **TABLED MOTION: PROHIBITION OF FISHING IN SPAWNING AREAS**

MR. FREEMAN: Yes, there was a motion tabled at the last -- I think it was the last board meeting, and I'm assuming, Carrie, do you have that motion, the one that was tabled?

CHAIRMAN TRAVELSTEAD: It's going to take them a minute or so to get that up on the board.

MR. FREEMAN: All right, with that as a background, this issue, as I indicated originally, was brought about by the approval of Amendment 6 in the plan, and I just want to give an example of what Amendment 6 has done, particularly as it involves a major spawning area to New Jersey, which is shared with both Delaware and Pennsylvania, and that is Delaware Bay.

In New Jersey we actually have two spawning areas. Delaware Bay is certainly the most important. We have a smaller area in the northern part of the state in a tributary, the Shrewsbury River, which historically was a very important spawning area in New Jersey.

In fact, the West Coast striped bass, which exists throughout the state of California and even into Oregon today, was a product of fingerling striped bass taken from the Shrewsbury River and placed on the West Coast. But at the present time that's a relatively minor spawning area, and I want to concentrate on Delaware Bay.

At the present time, Delaware Bay accounts for between 25 and 30 percent of New Jersey's harvest. This is of striped bass. The tagging that we have done in Delaware Bay, which is an annual process, and looking at the most recent years, 2002 and 2003, 60 percent of the striped bass occurring in Delaware Bay are between 20 and 28 inches.

Under Amendment 6, fish less than 28 inches cannot be harvested relative to Delaware Bay unless some conservation penalty is paid. That does not apply to other spawning areas, principally the Chesapeake Bay and the North Carolina spawning in the Roanoke River.

The size frequency information that we have from our ongoing tagging indicates that if we could fish under a producing area or a spawning area under Amendment 5, that is fish from 20 to 28 inches, we could take between 15 to 20 percent of our total harvest from Delaware Bay. As you recognize, other jurisdictions are fishing in their areas, particularly the Chesapeake and North Carolina.

The information we have, based upon our tagging, which we conduct each year in Delaware Bay, is that the greatest returns of fish tagged in Delaware Bay -- and these are various size fish. These are taken in the gillnet -- the greatest amount, 66 percent, are taken by the states north of New Jersey. These are returns from our tagging.

The states of New Jersey, Delaware and Pennsylvania take about 27 percent. There is a small percent taken by Maryland and Virginia, usually around 5 percent. The great bulk of the fish are essentially harvested in the states to the north of us.

As a result of Amendment 6, the Delaware Bay's jurisdictions, including the three states, will protect spawning bass, will provide protection of an

important nursery area, that is Delaware Bay.

As a result of this, the great majority of the fish will migrate out of the bay and be taken to the north of us. There is no provision in the plan for anything to happen, other than we'll continue to produce fish for other jurisdictions.

We feel that is not what certainly we had in mind when we voted for Amendment 6, and we don't think other states had in mind that as well. This motion essentially is to request the board to go back and address that issue.

There is another jurisdiction that is treated the same, and that is the Hudson, and I'm not going to speak to that at this time. The jurisdiction that comprises the Hudson can speak for itself, but certainly from the standpoint of the Delaware, we feel that Amendment 6 does not address the situation in a fair and equitable manner and, therefore, the reason for this motion.

CHAIRMAN TRAVELSTEAD: This is on the motion, now, because the motion is back before us. Roy.

MR. MILLER: Specifically to the motion. I listened carefully to what Bruce said, and I don't think the motion says what he said. The motion says "providing protection of spawning areas", which is a far different concept to me.

That says to me it's going to address issues of whether you have spawning ground fisheries or not in the Delaware River, which is where they spawn as opposed to Delaware Bay, where they feed and grow. I'm not sure the motion addresses what Bruce just said. Thank you.

CHAIRMAN TRAVELSTEAD: Bruce, do you want to comment on that?

MR. FREEMAN: Well, Roy is correct. When this motion was originally made, our major concern was that spawning areas under Amendment 6 simply has a clause that states having those areas essentially should consider those relative to how it conducts its fishery.

My interpretation of that is any state could have a directed fishery on its spawning area if it so chose. There would be no need to have any technical review or even a board review. That state simply would be allowed to participate in that fishery --

CHAIRMAN TRAVELSTEAD: Could I ask the

board, since Amendment 6 went into effect, is there any state that has changed their regulations relative to spawning areas or is contemplating a change to those rules? Gordon, you're saying yes?

MR. COLVIN: We're contemplating changes.

CHAIRMAN TRAVELSTEAD: Okay, and Delaware is, too.

MR. MILLER: What we're contemplating doing is actually tightening our regulations on the spawning grounds of the Delaware River by --

CHAIRMAN TRAVELSTEAD: Same for New York?

MR. COLVIN: Yes.

MR. MILLER: -- attempting to implement a circle hook regulation.

CHAIRMAN TRAVELSTEAD: Okay, thank you for that clarification. Bruce, I didn't mean to cut you off if you had something else.

MR. FREEMAN: Well, to be candid, Jack, New Jersey may look at liberalizing the catch, which actually creates a major problem, because we share the spawning area, and this gets back to the original motion.

In my opinion, Amendment 6 was deficient in putting more protection in the spawning areas. If we can just momentarily look back in time, the way the states treated the spawning areas when we had the crisis back in the '80s was that we all agreed to prohibit fishing in the spawning areas, all of us did.

At the time Delaware was not a significant or it wasn't even an area where we had production of fish. We sampled that area and found out that we could not find any young-of-the-year fish at all or even eggs from spawning.

But subsequent to that time, the water quality has improved and a substantial amount of fish do spawn in that area. But the premise of the original plan was to protect those spawning areas. We know the fish have to come in.

We know where their spawning occurred, and we all agreed this is one of the premises of the plan. The way the various amendments have been developed, that if a state, indeed, wanted to change its regulations, it would have to come before the

technical committee and the board to make any changes, not only on spawning but other changes as well. The board has been very resistant to make any changes relative to spawning. That no longer is in the plan.

CHAIRMAN TRAVELSTEAD: Right. Let me ask you one question, Bruce, relative to Roy's comments. Do you want to make any change to the language that's up on the board for clarification purposes?

MR. FREEMAN: Well, quite frankly, this is an issue that we feel is important. There is another part to this, so after this moves on, we still have some discussion I think we need to participate in, but we would certainly want to see additional protection; and in a situation such as Delaware Bay, we'd want some recognition of the fact of what we're doing.

I'm not advocating at this time of necessarily changing our regulations, because we, too, have concerns over those spawning fish, but it essentially provides us the opportunity to do almost anything we want.

In this instance, it may be totally contrary to a state that shares the same spawning areas, but there's nothing in the plan to prevent it. I think that's a deficiency.

CHAIRMAN TRAVELSTEAD: Tom.

MR. FOTE: There was a reason that spawning areas and producing areas were considered different under the previous amendments except for Amendment 6. What Amendment 6 did was say, Chesapeake Bay, you have special consideration because you are protecting spawning areas, you do produce -- what do you call it -- Pete throws out the figure 55 percent is caught by the Chesapeake Bay before the coast harvests it, some figure like that, and that they can't -- or 50 percent -- and they can't go below that 50 percent mark.

As Bruce pointed out right now, because of the way we promulgated our regulations, because we didn't take advantage of the full producing area, we actually kept the 24-inch slot limit. That's what Pennsylvania, Delaware and New Jersey did. We only went down to 27 percent.

We also did not take, when those coastal migratory fish come in, and differentiate between them. We basically looked at just the coastal. We didn't actually look at taking any of the producing area.

That was both true in the Hudson River and in the Delaware Bay, because we could have done both areas where the demarcation line is. So you're basically telling the people that fish up in the Delaware River and the people that fish in Raritan Bay and Sandy Hook and those areas that are considered producing areas, to stay under the same regulations if you were a coastal fishery, but where a coastal fishery can stay open all season, we want you to continue with your spawning area closures.

We want you to continue with your two-month closures and everything else. We feel, if you had done it to everybody else and we had worked out a single reference point, maybe.

But what we're doing right here is saying, well, we'll let Chesapeake Bay do that, and we'll let certain areas do that, Albemarle Sound. But when it comes to the Delaware Bay and when it comes to the Hudson River, it no longer exists.

That's really the crux and the problem here. You basically did that. We didn't feel that's what went out in public hearings. There is a whole discrepancy of what was done with producing areas under Amendment 6 is the way New Jersey feels, and people have basically said that.

I think that's the crux of where this starts from. If you're going to keep -- if we're going to have to maintain spawning area closures, if we're going to keep our bays closed for a certain period of time, besides the spawning area closures, there should be some benefit to that, and really right now there is not.

There is not a benefit to basically be treating our area as a producing area. We're basically being told treat it strictly as a coastal area, implement those regulations as if you're a coastal state, and that means no season closures, no spawning area closures, nothing like that.

Now, you can't have both sides. The board has got to figure out one way or the other. Either you're going to treat us a producing area, if you want us to put all the constraints of a producing area, that's fine, but we need to have some of the benefits of being a producing area, too. I think that's what it really breaks down to.

CHAIRMAN TRAVELSTEAD: Thank you, Tom. Bob.

MR. BEAL: Thank you, Mr. Chairman. Just a point of clarification. In Bruce's comments he indicated

that a state could relax their regulations on spawning areas without approval by the management board.

In Amendment 6, in Section 4.6, which is the alternate state management regime section, there is language, "Once approved by the Atlantic Striped Bass Management Board, a state may not relax its regulatory program without approval by the board except that more restrictive measures can be implemented by states without board approval.

"A state can request a change only if that state can demonstrate to the board's satisfaction that the action will not contribute to overfishing of the resource". So, there is language in Amendment 6 that provides the requirement that a state brings forward a proposal to relax its regulations relative to what it currently has.

CHAIRMAN TRAVELSTEAD: So, let me ask you the outright question, then. If a state whose spawning areas were currently closed came to the board and asked that they be opened, although the management plan itself is specifically silent on that issue, the board could, under that provision, still turn that state down; is that correct?

MR. BEAL: That's the way I read it, yes.

MR. FREEMAN: Jack, let me just indicate in a situation such as I explained for the Delaware, if in fact a state wanted to have a fishery on its spawning areas and the board turned it down simply because it didn't like the proposal, it seems to me you're going to have a tremendous amount of animosity from that state.

CHAIRMAN TRAVELSTEAD: Well, that actually happened to Virginia many years ago under Amendment 5 where we asked to have the spawning grounds opened, twice I believe, and were turned down under the same provision of the management plan. That's reality.

MR. FREEMAN: Well, but the difference, though, Jack, is that you are able to fish on a much smaller size fish.

CHAIRMAN TRAVELSTEAD: Right.

MR. FREEMAN: In this instance, that's not the case. So, the argument I would put forward is that we're providing a minimum of two-thirds of our -- the fish produced in that area are being taken by other jurisdictions, and we're essentially providing product for other areas and have not the opportunity to take

that.

Now, the argument I would use, if we find, for example, that we start overfishing on a coast-wide basis, and we decide that we need to reduce mortality and especially to increase spawning, it seems to me the board could come back and say, look, anybody producing fish, any spawning area, we need them to reduce their catch.

The only way we could do it is the three states would have to reduce the catch in the Delaware, because once the fish leave and they swim up the coast, there's no way a fisherman in Massachusetts can tell if that fish was a product of Chesapeake Bay, Delaware Bay or the Hudson River.

So, it would be a burden on us to essentially eliminate our fishery in order to benefit the rest of the coast. What do we get for that?

CHAIRMAN TRAVELSTEAD: Okay, I think New Jersey has made their point quite well, and we need to decide what direction the board wants to go with this. Dick, I saw your hand.

MR. RICHARD SNYDER: How many of you have flown in or out of the Philadelphia International Airport? Could I see some hands? That's the area we're talking about basically for at least the Pennsylvania portion of this spawning area, almost downtown Philadelphia.

Bruce, I would have to go against this motion, because even though I support the protection of the spawning area, I'm not sure what I'm voting on here. I think we're mixing issues here. But my point in mentioning about Philadelphia, it's in a highly urbanized area that for a very short period of time that's the only time us Pennsylvanians get a crack at a really nice striped bass without going out of our jurisdiction.

I'd like to address and have addressed the producer area status kind of thing again as a part of process of allocating fish, perhaps, or some credits, but I'm confused on this motion, Bruce, and I would have to go against it. But if you've flown in and out of Philadelphia, that's where our big stripers are.

CHAIRMAN TRAVELSTEAD: Eric, you had a comment.

MR. SMITH: John Nelson and Dennis Abbott are planning their next fishing trip, as we speak. (Laughter)

MR. NELSON: Into Philadelphia.

MR. SMITH: By the way, I also want to point out it serves me right for getting a cheap laugh at Tom's expense earlier, because I actually agree to some extent with what New Jersey is saying.

You know, my staff advises me pretty forcefully that the proper way to manage anadromous fisheries is on a spawning stock basis. On that point, I agree that the argument has merit.

Where I disagree is what kind of management is going to come forth from a stock-specific management strategy that is adopted to provide that kind of protection and also provide some fishing opportunities, because both of them are in play here.

I actually don't really know how I would vote if I was the only one throwing my hand up on this, but I will tell you if it passes that we start an addendum, I, for one, am going to watch very carefully the development of the justification for whatever measures come forth.

It seems to me if we're not really careful, we could fall into a position of trying to provide the right kind of a management strategy but the wrong measures for that particular stock. I'm a little apprehensive about it, but on the basis of managing on a stock-specific basis, I do agree with New Jersey.

CHAIRMAN TRAVELSTEAD: Okay, let me ask, will further debate on this change anyone's mind? Have we heard enough? John has got one last word. John.

MR. NELSON: I appreciate the "one last word". I think I've already said it three times under different circumstances, so I've got to be equal opportunity Susan Shipman.

CHAIRMAN TRAVELSTEAD: Just say money issues.

MR. NELSON: I'd rather have Susan here to do it; it would be much blunter and to the point. But, I would again point out, without debating the merits of the motion, an action plan has been passed.

We had a note in there specifically if you were going to do an addendum on striped bass, that was not selected. We had how much money we thought would be necessary there plus staff time. So, you folks decided not to put a place marker there for this

year.

I just want to make sure that if you do pass that and you are going to start an addendum, that you do need to come up with the money, and you do need to come up with the staff. I think I've been consistent on probably two other species or at least, yes, on saying this message, and I hope I don't have to say it again during this meeting week.

CHAIRMAN TRAVELSTEAD: In the future, we'll just call that "Argument Number 1" and you can just refer to that by reference.

MR. NELSON: Can I just say, "Susan says"?

CHAIRMAN TRAVELSTEAD: Okay.

MR. NELSON: All right, that would be good.

CHAIRMAN TRAVELSTEAD: Thank you. Are we ready to vote? Roy, do you have a comment?

MR. MILLER: I do, and thank you, Mr. Chairman, for that opportunity. I'm going to vote against this motion, but I wanted to explain to my colleagues from New Jersey why. It is basically because I support what our colleague from Pennsylvania just offered, and I think Dick is right.

The concept of producer area being revisited is a big job, and it's one that we should investigate in the future. This particular motion doesn't express what Tom and Bruce articulated; therefore, I'm going to vote against this particular motion at this point in time. Thank you.

CHAIRMAN TRAVELSTEAD: Okay, thank you. The motion that we've been discussing for the record is **move that the staff begin preparation of Addendum I to Amendment 6 of the Striped Bass FMP to address providing protection of spawning areas. Motion by Mr. Freeman; seconded by Mr. Miller.**

Is there a need to caucus? Yes. We'll have a thirty-second caucus.

(Whereupon, a caucus was held.)

CHAIRMAN TRAVELSTEAD: Okay, are we ready to vote? All of those in favor of the motion, please raise your right hand; opposed, like sign; abstentions; null votes. **The motion fails.** Bruce, you have an additional item under this?

MR. FREEMAN: Yes, as I indicated, the circumstance that we're faced in New Jersey, as well as the other Delaware Basin Commission states, we had used producing area status in Delaware Bay, as well as Sandy Hook and Raritan Bay, which is an important nursery area for our use of the one-fish from 24 to 28 inches.

We see that although the discussion was lengthy relative to Amendment 6, there was a tremendous amount of acknowledgement that status quo was the way we all should go. There was a motion made. It was passed.

My discussion with a number of you is that everyone seemed to have a different opinion of what "status quo" meant. But, when the interpretation finally was set out that essentially no recognition would be given to spawning areas or producer areas, we then lost our justification for the 24-inch fish.

This in New Jersey is a statute. Our legislators believe that the way we went about Amendment 6 has caused them great concern, and they're very reluctant to make any changes at this time. We have indicated that there's a number of actions that we would do, and let me just go through the points that we've agreed to.

We intend to keep our spawning areas, which, again, primarily is in Delaware Bay, closed during May and June, and we've done that in the past. We continue to commit to do that.

We also will keep our estuarine waters closed for taking striped bass during January and February. This is a situation in New Jersey when the young fish congregate in deeper water. There are people that go out with triple hooks, essentially to try to snag these fish, historically trying to keep the legal ones, but in so doing, taking large numbers of sub-legal fish.

The fact that these are hooked through the sides or through the bellies or through the head has created problems; therefore, we've taken on the responsibility of closing our estuarine waters for this type of fishing. It has been quite successful.

We also have what we call the bonus program, which I think all of you are aware of. We have about 330,000 pounds in that program that can entitle us to take that amount of fish. We have used it, since we don't have a commercial fishery, used it for an additional fish for recreational fishermen.

This is something that's allowed under the under the

FMP and various amendments, how we take our commercial and recreational fisheries is up to the state. We will forego 180,000 of that program, which will equate out to about 30,000 striped bass for 2004, which we could take.

However, we essentially would **move that the Striped Bass Board approve a daily bag limit of one fish from 24 to 28 inches and one fish from 28 inches and larger for the 2004 season in New Jersey; that during the same time, New Jersey will close its spawning areas during May and June, close its estuarine waters for taking striped bass during January and February when juveniles are most vulnerable; and forego using 180,000 pounds of its bonus fish program (that would equal 30,000 striped bass).** I move that.

CHAIRMAN TRAVELSTEAD: Bruce, you've made that in the form of a motion. This is a proposal from the state of New Jersey for regulatory changes that we're hearing for the first time tonight.

The standard procedure of this board, for a long time, and a lot of other boards is to immediately send those types of proposals to the Technical Committee for review, and that would be my intent to do that with this and ask that the technical committee evaluate it and come back at the May meeting where the measures could be discussed and evaluated by this board. I mean, that's the normal procedure. I believe, Gordon, you have a comment.

MR. COLVIN: I have a suggestion, Mr. Chairman, and that is that if that's the course of action, we might even want to ask the technical committee to advise us, if they feel this doesn't quite get where it needs to get to be equivalent, which is I think probably where you're coming from -- that if they see some "tweaking" that could be done, that they could make some recommendations to New Jersey and the board about what supplemental measures might get us there if we're close but not quite. I think that might be helpful and save everybody time.

CHAIRMAN TRAVELSTEAD: **I think that's excellent advice, and unless the board overrules me, that's precisely what I would intend to do is ask the technical committee to evaluate this; and, as Gordon said, if there is some tweaking that could be done to make it acceptable, then please make recommendations along those lines and report back to us at the May meeting.** John Nelson.

MR. NELSON: Thank you, Mr. Chairman. I think that course of action is the appropriate action. That is

really basically following up on a discussion that I've had with the New Jersey commissioners on how to assist them on coming up with a proposal for technical review.

I don't know if this meets what Amendment 6 calls for, but I, again, renew our point that we would have staff working with the technical folks from New Jersey and also the technical board to assist in whatever way we can to try to come up with refining this as necessary with different alternatives that New Jersey could then choose from and have a final version put before the technical committee.

I believe it would probably be April or early May, so that it can come before this board in May and in a form that would be approvable of meeting Amendment 6 objectives, so that New Jersey can then go before their legislative group and have that enacted.

I think the July 1<sup>st</sup> time line was what we were looking for. I think it's important that sequence take place, because I believe that in May we would be looking at the non-compliance issues associated with the states, and I think we want to make sure that all of us are in compliance. Thank you, Mr. Chairman.

CHAIRMAN TRAVELSTEAD: Gary has a comment on behalf of the technical committee.

MR. NELSON: Usually, when a state submits a proposal to the technical committee, they give us their alternate regulations like this, but also analyses showing how they calculated that this is equivalent to what Amendment 6 dictates, and I was wondering if New Jersey was going to do that?

CHAIRMAN TRAVELSTEAD: I would assume that they would to ensure that their proposal is thoroughly evaluated. A couple of you had your hands up. I'm going to call on Roy and Ritchie and then we're going to move forward, sending this to the technical committee.

MR. MILLER: I can be very quick. I just wanted to make a technical correction to the motion. The spawning area is actually in April and May, not May and June. By June spawning is over. It would continue to be consistent with Delaware and Pennsylvania if you substituted April and May there for May and June.

CHAIRMAN TRAVELSTEAD: Ritchie.

MR. G. RITCHIE WHITE: I just wanted to follow

up on what our chairman has been telling us on numerous occasions; and that would be the question, does the technical committee have a meeting date between now and May; and if not, do we have the money to do that?

CHAIRMAN TRAVELSTEAD: Staff.

MS. GAMBLE: The technical committee does not have an actual face-to-face meeting planned between now and May, but should this go forward in the way that's being suggested, we could probably get the technical committee together to have a conference call to address this issue.

CHAIRMAN TRAVELSTEAD: Tom, I saw your hand up. I'm going to give you the last word but let's keep it brief, because we're going to move on. Realize that this will be debated thoroughly at the next meeting.

MR. FOTE: I don't know what this solves, but I'm just going to leave it at that.

CHAIRMAN TRAVELSTEAD: Go ahead, Gerry.

MR. CARVALHO: Yes, Mr. Chairman. Am I to understand that New Jersey, so that I'm clear on this and it's in the record, that New Jersey is going to use or wants to use 180,000 pounds of the commercial allocation to bolster the recreational fishery? Is that correct?

MR. FOTE: No, what we're saying is we will forego harvesting 180,000 pounds of fish to basically keep the slot limit in place, because we basically could turn that whole other fishery, which is a recreational fishery, into a slot limit if we wanted to do that.

The reason we didn't propose that is because our neighbors on both sides of us, Delaware and Pennsylvania, didn't have that opportunity, and we didn't want to treat our neighbors unfairly. That's why we didn't propose doing it that way.

MR. CARVALHO: Mr. Chairman, I'm not questioning that part of the proposal. The issue I want to see as part of the record is that this 180,000 pounds is again coming from the commercial quota to support the recreational fishery.

CHAIRMAN TRAVELSTEAD: Okay, there will be plenty of time to debate that at the next meeting after the review by the technical committee. The question being asked is New Jersey okay with the change of the spawning season from May to June to April to

May?

MR. FREEMAN: Yes.

CHAIRMAN TRAVELSTEAD: The answer is yes. Okay, so that's what the technical committee will evaluate. Moving on to Item 7, NOAA Fisheries update on the EEZ question. Relative to what, Tom?

MR. FOTE: Relative to the producing area status. I know we turned down Gil's motion, but it still has not addressed what has happened with Pennsylvania, Delaware and New Jersey and the Hudson River.

We were promised that Addendum I would basically clarify Addendum I to Amendment 6. Now I don't care if we don't have enough money to basically do that, but when are we going to address the problems that were put out in Amendment 6 that has penalized Delaware, Pennsylvania, actually New York, but they don't seem to care about it any more, and New Jersey --

CHAIRMAN TRAVELSTEAD: Tom, we're not going to handle that issue at this meeting, I'm sorry.

MR. FOTE: I guess that was part of the thing that was up when we were talking about it.

CHAIRMAN TRAVELSTEAD: Anne Lange.

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

MS. LANGE: Thank you, Mr. Chairman. I just wanted to give a very quick update on the status of the recommendation to open the EEZ to striped bass fishing. We have finished our scoping meetings up and down the coast.

We have finished consultations with the New England, Mid-Atlantic and South Atlantic Fishery Management Councils. We've initiated development of a draft environmental impact statement.

We have looked at a series of alternatives that we're still finalizing, but they include: the status quo, which is keeping the EEZ closed; the recommendation exactly as spelled out from the commission; and also some additional specific measures relative to bag limits and trip limits and that type of thing; as well as some other specific gear and other issues that were brought up during scoping that we'll be evaluating.

The time frame is that we hope to have a draft environmental impact statement completed by this summer sometime, which would go out to be published in the Federal Register and go out for public review and public comment for about a month or so, at which point we would have public hearings.

After the public hearings, based on input and discussions we have at that point, we would make a decision whether to go forward with the proposed rule if it's appropriate. And from that point on, it depends on finalizing the proposed rule or not.

CHAIRMAN TRAVELSTEAD: Questions of Anne? Bill.

MR. GOLDSBOROUGH: Anne, given what was brought up in the public comment period earlier about issues of enforcement in the EEZ off Oregon Inlet and perhaps elsewhere, can you describe how and to what extent the EIS will address the issue of enforcement as it contemplates whether or not we should open the EEZ. I'm trying to understand the implications for conservation.

MS. LANGE: Well, we don't know until we complete the analyses. We have our enforcement office. We have our general counsel office representatives, and we also have the law enforcement committee here, which has already provided some, not advice but their determination as to whether or not there would be an impact; the enforceability or whether or not opening the EEZ would be less able or more able to be enforced, the regulations.

So those will all be incorporated in the analysis, Bill; again, discussing with the law enforcement committee here, with the law enforcement officers within NMFS and office and also our general counsel. That's it.

#### **ELECTION OF A VICE CHAIR**

CHAIRMAN TRAVELSTEAD: Other questions or comments? Seeing none, Dennis Abbott, I think you have something to tell us about who the next victim -- I'm sorry, vice chairman will be.

MR. ABBOTT: Thank you, Mr. Chairman. Having a fine chairman from the Commonwealth of Virginia, I think it's only proper that we have a vice chairman from another Commonwealth so I'll look across the table and **nominate Mr. Paul Diodati.**



CHAIRMAN TRAVELSTEAD: Pat Augustine, do you have a motion?

**MR. AUGUSTINE: Move one vote, close the voting. You know what I mean, Mr. Chairman.**

CHAIRMAN TRAVELSTEAD: Thank you, Paul, we appreciate it. (Applause)

**ADJORN**

CHAIRMAN TRAVELSTEAD: Is there any other business to come before the board? Is there a motion to adjourn?

MR. PATTEN D. WHITE: So moved.

CHAIRMAN TRAVELSTEAD: We are adjourned. Thank you.

(Whereupon, the meeting was adjourned at 6:10 o'clock p.m. March 9, 2004.)

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