

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

**Crowne Plaza Hotel
Old Town, Alexandria, Virginia
March 23, 2011**

Approved August 2011

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1. **Approval of Agenda** by consent (Page 1).
2. **Approval of Proceedings of November 9, 2011** by consent (Page 1).
3. **Move for approval of the Connecticut Commercial Striped Bass Quota Utilization Plan as presented** (Page 4). Motion by David Simpson; second by Tom Fote. Motion carried (Page 6).
4. **Move to instruct the Striped Bass PDT to begin drafting an addendum to Amendment 6 aimed at reducing striped bass fishing mortality up to 40 percent; and further, protect the spawning stock when it is concentrated and vulnerable. Provisions of the addendum, if it's passed, will be implemented prior to the start of the 2012 fishing year. The draft addendum will include but is not limited to the following options, and those options are, one, for all jurisdictions, proposed bag limit reductions in recreational fisheries to reduce F; two, for all jurisdictions except those fisheries in Chesapeake Bay and Albemarle Sound/Roanoke River, proposed adjustments to minimum sizes allowed in the commercial and recreational fisheries to increase striped bass spawning potential; three, for fisheries in Chesapeake Bay and Albemarle Sound/Roanoke River, proposed revisions in the target F rate to complement proposed cuts in coastal recreational fisheries; four, for all jurisdictions, proposed reductions in annual coastal commercial allocations to reduce F; five, for commercial fisheries in Chesapeake Bay and Albemarle Sound/Roanoke River, proposed revisions in the target F rate to complement proposed cuts in coastal commercial fisheries; and, six, for jurisdictions bordering the Hudson River, Delaware River, Chesapeake Bay and Albemarle Sound/Roanoke River, proposed reductions on fishing for striped bass in known spawning areas during the spawning season by at least 50 percent** (Page 8). Motion by Paul Diodati; second by Gene Kray. Motion carried (Page 16).
5. **Move to accept the nominations of David Sikorski, John Pedrick and Douglas Amorillo to the Striped Bass Advisory Panel.** (Page 24). Motion by Pat Augustine; second by Gene Kray. Motion carried (Page 24).
6. **Motion to adjourn** by consent (Page 25).

ATTENDANCE

Board Members

Terry Stockwell, ME, Administrative Proxy	Leroy Young, PA, proxy for J. Arway (AA)
Norman Olsen, ME (AA)	Loren Lustig, PA (GA)
Sen. Brian Langley, ME (LA)	Gene Kray, PA, proxy for Rep. Schroder (LA)
Doug Grout, NH (AA)	Craig Shirey, DE, proxy for D. Saveikis (AA)
G. Ritchie White, NH (GA)	Roy Miller, DE (GA)
Rep. Dennis Abbott, NH (LA)	Bernie Pankowski, DE, proxy for Sen. Venables (LA)
Paul Diodati, MA (AA)	Tom O'Connell, MD (AA)
William Adler, MA (GA)	Bill Goldsborough, MD (GA)
Ben Martens, MA, proxy for Rep. Peake (LA)	Russell Dize, MD, proxy for Sen. Colburn (LA)
Mark Gibson, RI, proxy for R. Ballou (AA)	Steve Bowman, VA (AA)
William McElroy, RI (GA)	Jack Travelstead, VA, Administrative Proxy
Rick Bellavance, RI, proxy for Rep. Martin (LA)	Catherine Davenport, VA (GA)
David Simpson, CT (AA)	Michelle Duval, NC, proxy for L. Daniel (AA)
Lance Stewart, CT (GA)	Bill Cole, NC (GA)
Rep. Craig Miner, CT (LA)	Mike Johnson, NC, proxy for Rep. Wainwright (LA)
Pat Augustine, NY (GA)	Bryan King, DC
Russ Allen, NJ, proxy for D. Chanda (AA)	Jaime Geiger, USFWS
Tom Fote, NJ (GA)	Steve Meyers, NMFS
Adam Nowalsky, NJ, proxy for Asm. Albano (LA)	A.C. Carpenter, PRFC

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

Ex-Officio Members

Wilson Laney, Technical Committee Chair	Kelly Place, Advisory Panel Chair
Kurt Blanchard, Law Enforcement Committee Representative	

Staff

Vince O'Shea	Kate Taylor
Bob Beal	Chris Vonderweidt

Guests

Jeff Kaelin, Cape May, NJ	Rick Robins, MAFMC
Rob O'Reilly, VMRC	Ben Martens, CCCHFA
Dennis Fleming, PRFC	Jeff Marston, NH F&G
Mary Beth Charles, NFWF	Erik Braun, E. Hampton, NY
Frank Kearney, CCA-VA	Gary Lengerhaus, Mt. Airy, MD
Dick Brame, CCA	Ed O'Brien, Chesapeake, Md
Raymond Kane, CHOIR	Wesley Patrick NMFS
Joe Fessenden, ME DMR	Gary Lengerhus, Mt. Airy, MD

The Atlantic Striped Bass Management Board of the Atlantic States Marine Fisheries Commission convened in the Presidential Ballroom of the Crowne Plaza Hotel, Alexandria, Virginia, March 23, 2011,

and was called to order at 8:00 o'clock a.m. by Chairman Jack Travelstead.

CALL TO ORDER

CHAIRMAN JACK TRAVELSTEAD: We'll call the Striped Bass Management Board to order. Good morning, everyone. This is the Striped Bass Management Board. Everyone should have their agenda. I know of a couple of additions to the agenda. Wilson has asked under new business that he give us a brief update of the Cooperative Tagging Cruise, so you can add that under new business. Ritchie, you had a change?

MR. G. RITCHIE WHITE: Mr. Chairman, I'd like to move Item Number 7 up right after Number 4, if that would be possible.

CHAIRMAN TRAVELSTEAD: Is there any objection to that? I think there are some people that have to leave and have commitments; so without objection we'll move Item 7 to just after the presentations in Item 4. Are there any other changes to the agenda? Seeing none, the agenda is approved.

APPROVAL OF PROCEEDINGS

CHAIRMAN TRAVELSTEAD: You have the proceedings of November 9th; are there any changes, additions or corrections to the proceedings? Seeing none, without objection the minutes of the November 9th meeting are approved.

PUBLIC COMMENT

CHAIRMAN TRAVELSTEAD: We have no one at this point who has signed up for public comment. If there is someone who wishes to make comment at this point on an item that's not on the agenda, please raise your hand. We'll be glad to hear from you. Seeing none, we're going to move right along. Item 4, consider Connecticut Proposal for alternative management. David is going to handle that.

DISCUSSION OF THE CONNECTICUT PROPOSAL FOR ALTERNATIVE MANAGEMENT

MR. DAVID SIMPSON: Connecticut, as with most states, has a commercial allocation, but unlike many states to this point we haven't utilized it. It's a small quota of 23,750 pounds. We developed a proposal that we sent to the commission I think it was in December for our plan to utilize this quota in a recreational fishery in the Connecticut River during May and June of this year, actually.

The idea will be to utilize this quota for harvest of fish below 28 inches, between 22 and 28 inches. Vic Crecco did the work to convert pounds of fish to numbers. It translates into 4,025 fish, very conservatively. Our plan is use this for two purposes. As described in the plan, one is to provide a new recreational fishing opportunity in urban areas that run along the Connecticut River, inland district; the cities of Middletown, Hartford and Enfield; to really focus some new opportunities for anglers that don't currently exist because of the higher minimum size.

The other reason for implementing is to do a little ecosystem management in that we've had a couple of studies funded by the University of Connecticut that show there is an extensive amount of striped bass predation on river herring and shad, and that something 400,000 blueback herring are consumed in two months by striped bass in the Connecticut River.

The idea was to focus fishing effort and actual harvest of bass in that area at that time of year. There were really two purposes to this plan. We addressed the monitoring requirements of the commercial quota utilization by the plan is to include a voucher. We'll print up 4,025 vouchers on waterproof paper, very heavy stock, write in the rain paper that we use for data sheets and so forth, so it's very durable. It will be in a format of a business reply postcard.

The angler, when he catches a fish within the slot of 22 to 28 inches, would – it's similar to how you'd use mass rail receipts and so forth. You would mark out the day and date and the size of fish that you caught; a 23-inch fish on May 10th. You would keep that voucher with the fish until you reach home. Then you just drop that card in the mail to us and that gives us a sample for the biological data monitoring requirement, so we know that the fish was caught and we would have a subsample of size composition.

We'll also have an estimate of what was actually harvested; that being somewhere between the number of cards returned and the 4,025 that were distributed. The mechanism for distribution is actually still being developed, but the law enforcement folks – Colonel Kyle Overturf was very interested in helping out with this, and it will be a really good mechanism for distributing these tags as they do their law enforcement in April and then running into May and June.

As they contact anglers who have their license and are otherwise following the law, they would distribute a couple of tags to each person. There is also a group called Riverfront Recapture whose

mission is to sort of bring people from the city to the Connecticut River to appreciate and make that connection, and they're very interested in helping us out with that as well.

And then we have the Connecticut Aquatic Resources Education Program that teaches kids and adults and introduces them to the sport of fishing and that will be a mechanism. There will be a few other things like that, distribution of tags at town halls in Middletown, Hartford, Enfield, again those urban centers where we're trying to create a little bit of an urban angler opportunity.

That's the plan. It would all happen in May and June. The technical committee and AP reviewed that work and approved it. I will say that this probably isn't too much of a surprise to folks who know him well, but Vic did the presentation and I think he may have particularly grasped on to this concept of urban youth and may have overstated the proportion of the program that is dedicated toward that.

I don't think we could have distributed 4,000 tags to that narrow group, so the AP may have heard more of that side and less of the balance between the two, and frankly we've been working inside the department at the level of balance between those two, and really it's going to be a matter of how in its first year we're able to distribute the tags.

It is very consciously a distribution system. It's not going to be a lottery online or anything that would actually do the opposite of what we're trying to achieve, and that would be to make it available to the already most avid angler who is already internet-connected and all of that. We're trying to really put on the street and give people who at this point haven't had as much opportunity to fish an opportunity to do so. That is the five- or six-minute summary of our program.

CHAIRMAN TRAVELSTEAD: Thank you, David. We are going to hear from the technical committee and advisory panel, but at this point are there any questions of David on the Connecticut Proposal? It's laid out pretty clearly. Wilson, the technical committee review.

DR. WILSON LANEY: Mr. Chairman, I will, in the interest of full disclosure, tell you I wasn't on the technical committee conference call. However, I was on the AP conference call, so I heard Vic's presentation to the AP. Of course, Kate was on the call, Alexei Sharov the vice-chair was on the call and Rob O'Reilly who is here also was on the call. The

bottom line is that the TC didn't have an objection to the proposal; again, primarily because of the small number of fish involved in the proposal. It's basically a state allocation decision from our perspective. Kate, do you have anything to add to that?

CHAIRMAN TRAVELSTEAD: Any questions of Wilson? Ritchie.

MR. R. WHITE: Wilson, I was taken with the concept that harvesting smaller fish is more conservative than harvesting larger fish. That seems to fly in the face of how we have been managing striped bass for some time. You had no problem with the proposal and I'm fully supportive of Connecticut being able to do this, but that concept is a little troubling to me.

DR. LANEY: Yes, Ritchie, it didn't seem consistent to me with being more conservation oriented, but I'll defer to Kate since I didn't hear – did that issue come up during the TC call? That was my reaction to it, also.

MR. R. WHITE: Well, the only followup would be if it's not as conservative – again, I have no problem with the principle, but is the 4,000 fish appropriate if it's not a conservative?

CHAIRMAN TRAVELSTEAD: I think David wants to respond, too.

MR. SIMPSON: Attached to the utilization plan is the assessment that Dr. Crecco did. It's more conservative because it's not just a lower minimum size – it's a slot limit. You're only harvesting from 22 to 28 inches, which is only a couple of years in the lifespan of the fish, and then there is no fishing on anything above 28 inches, so it's substantially more conservative when you look at it in terms of a percent maximum spawning potential currency. That's why I said the 4,000 fish was actually very conservative. If we argued for the same percent MSP impact, we probably could have looked at more like 8 or 10,000 fish.

MR. CRAIG SHIREY: I was just wondering what the sex composition is of these fish in the Connecticut River at that time of year and that size class.

MR. SIMPSON: I don't know but I could check with the work that the University of Connecticut had done and figure out what the sex ration is, but I don't know.

DR. LANEY: Well, just an additional question to David, I guess; Dave, it says in the proposal that the small quota would be used to permit recreational harvest of striped bass that are not accessible under the 28/2, and then somewhere in there I believe it says it's not a substitute for the existing program. I think it sounded to me from the way it was written as though this would be an additional harvest above and beyond what is already taking place.

MR. SIMPSON: Yes, absolutely, it is.

DR. EUGENE KRAY: Dave, has there been an estimate on the mortality of the discards, the fish that are over 28 inches or under 22, or do you expect any different mortality than we normally use for fish that are returned to the sea?

MR. SIMPSON: We haven't, but remember the 28-inch two-fish limit still applies, so it should be lower, frankly, because they're still able to harvest the 29-inch fish if they want to under the normal rules. This would actually be an opportunity for a guy who kept one of these vouchers in his back pocket for one that the release survival wasn't going to be good on and he could just retain that one. I think it is actually a plus in that regard.

MR. WILLIAM A. ADLER: Mr. Chairman, if I may ask Dave, in the proposal it was to be able to catch in the Connecticut River or in the river with the vouchers the 22 to 28. What is the normal out-ocean size limit?

MR. SIMPSON: Yes, we have the standard 28 inches, two-fish limit.

MR. ADLER: Okay, what would happen if a guy had a voucher and he was fishing the Connecticut River and he didn't catch anything, and he goes out into the ocean where you've got a different rule and he is fishing out in the ocean side and he catches a 22; could he use the voucher and say it was caught in the Connecticut River?

MR. SIMPSON: No, the way we've crafted the regulation the fish has to come from the inland district of the Connecticut River. Since mostly what we're trying to do is – I mean, this won't be exclusively shore-based, but it will be a focus on shore-based or distributed to anglers who are already fishing in the Connecticut River, have demonstrated an interest in fishing there. We expect that is what will happen. If an angler were to come into

Bridgeport with a 23-inch fish and voucher, they would get pinched.

MR. ADLER: Okay, I presume therefore you've studied this scenario. Thank you.

MR. PATRICK AUGUSTINE: David, I don't know if you've talked to Jim about it, but we're going to support it. We have an 18-inch fish in the Hudson River. We have the same problems with predation upon herring and shad. If this is a way that it will protect some of those blueback herring or river herring in general to help them rebuild, I think it's not a bad way to go.

I'll get dunned for this when I go back home, but what the hell, do it anyway. The status of the stock scientifically is what it is. I will say it again today, when are we going to start fishing on stock that is fully rebuilt that is having an effect on all the subspecies that we're trying to manage. This again is a perfect example.

The Connecticut River is a river that has river herring and shad in it and what eats them? Striped bass and others, but mostly striped bass, so I just think this is a move in the right direction. It's a novel approach. New Jersey has been using their commercial quota for many, many years. It's a tag system. We don't hear any complaints coming from that state. They seem to be happily going along with their business and utilizing their commercial quota in a different way. In this case I think it's a directed approach. It has a directed benefit and I think for us not to consider this novel approach, I think we'd be missing an opportunity to help bring back river herring.

MR. THOMAS FOTE: I'm looking at this problem similar to the way we look at it in New Jersey. You know, whether they fish in the ocean or whether they fish in the river is really none of my concern since they are utilizing a quota that is available to them. They're basically using a conservation equivalency.

We have looked at slot limits that allowed that because it was more conservative if you put a slot in. That's what the tables show. Just because we can't treat them different than anybody else and it was a commercial fishery and they wanted to use it commercially, we were able to do the same thing with the conservation equivalency. I will support this motion.

CHAIRMAN TRAVELSTEAD: We actually don't have a motion yet, but let's hear from the advisory

panel, and then, David, I want to come to you for a motion.

MR. KELLY PLACE: We had one of the same concerns that Mr. Kray had with regard to the discard mortality. That's a pretty narrow window, six inches or less, to try and fit into your slot, so we were concerned that the discard mortality would go up. The advisory panel was really happy about the proposal. We spoke ad infinitum on the underprivileged or disadvantaged youth. That is how it was sold to us and we favor that if those were the people that were going to benefit.

However, you did mention that your average angler, I guess if he had that card in his back pocket perhaps a 26-inch fish he might otherwise have discarded, he might be able to use that. That was kind of interesting because we asked in a very pointed way is this the type of thing where your average angler is going to have a card in his back pocket just to get another fish.

We were assured that this was specifically targeted almost exclusively for disadvantaged inner-city youth and that there wouldn't be people with that in the back pocket. Now, I don't think that is a deal breaker, but I did want you to know that we were told on the AP in almost the exact language that you used that wouldn't be a situation where the average angler would have this extra fish card in his pocket.

We were concerned about a lot of things like monitoring and things like that. I'll also when I give my report mention that we would like a report on the success of the project if it's approved after the first year. If you could just comment on those things, I'd appreciate it.

MR. SIMPSON: I tried to start my remarks addressing how it might have been characterized at the AP, and I apologize for that. Sometimes people will focus on one narrow very aspect of a broader program. That certainly is one of the intents and a very important part of the program from my perspective.

I think in general you have heard me say this in fluke, scup and sea bass. I think through regulation we've disadvantaged a significant proportion of our population, and this is one way to sort of correct that. We also have a proposal in for summer flounder for a smaller minimum size in the shore mode at 42 designated sites just to address that problem of disenfranchising anglers. It is an important part, but from the beginning at least in this document it has

been presented as a combination of effective predator control at choke points where striped bass stage to prey on blueback herring, to try to mitigate some of the losses of that important and diminished stock and to provide some new recreational fishing opportunity particularly in urban areas.

The youth component comes out of our aquatic resources education component where they will deliver some tags, but the rest of it will go through the group called Riverfront Recapture that is trying to bring the public from cities to the Connecticut River. It does have both components. I guess you mentioned the discard mortality. If they caught a 29-inch fish they can still keep it under current rules.

CHAIRMAN TRAVELSTEAD: David, did you want to make a motion?

MR. SIMPSON: It's probably a good idea. **I move approval of the Connecticut Commercial Striped Bass Quota Utilization Plan as presented today.**

CHAIRMAN TRAVELSTEAD: Seconded by Tom Fote. Loren, you had a comment?

MR. LOREN W. LUSTIG: Yes, thank you very much. I appreciate so much the opportunity to encourage an environmental education with these young anglers; perhaps new anglers. We can plant a seed of conservation with them in a fairly straightforward manner. I was talking earlier to Pat about the first fish he caught. He hasn't forgotten it after 50 years –

MR. AUGUSTINE: Seventy years.

MR. LUSTIG: I gave you the break on that, Pat. Let's make sure that this is an opportunity fully followed up with, if we can, to encourage these young anglers to continue with the sport with the commitment to conservation. Thank you.

DR. KRAY: Dave, I think you've probably thought of this and I think you talked close to it before, but my experience in New Jersey with the bonus tags was they had to emphasize the fact that as soon as you catch that fish, that card has to be completed, because that's your get out of jail card. What anglers were doing would be to keep the card, keep the fish and then use the card the next time as a get out of jail card, so emphasize that it has to be completed.

DR. LANEY: Mr. Chairman, I just wanted to note since Dave had referred to predation benefits, that the TC did discuss that; and given that it isn't expected

that the whole quota will be harvested and also given that the estimated striped bass population in the river between 22 and 28 inches is about 165,000 fish, so the harvest is only going to be something like 2.4 percent. So the predation, while certainly by removing predators from the river you're going to affect predation on river herring, it's going to be a pretty small effect overall given the population size of striped bass.

MR. ROY MILLER: Very quickly, David, just for clarification purposes, this is a bonus fish so someone who is fishing in this portion of the river that had one of these postcards with them could keep three a day, is that correct, two over 29 and one in the slot?

MR. SIMPSON: Yes, that's right.

DR. JAIME GEIGER: Mr. Chairman, for a stock that is not being overfished and overfishing is not occurring, I'm viewing this as more of an excellent opportunity to increase the awareness of disadvantaged youth and use for recreational fishing and environmental education. I think Loren is right on in those comments.

The vast majority of surveys that I see, we're losing recruitment of young anglers and hunters into the recreational fishing and shooting sports. I think it's an excellent opportunity to reconnect and have an opportunity to do some environmental outreach. I would urge again Connecticut that we'd love to have a completed report at the conclusion of this and look at this as a possible model for expansion coastwide. Thank you very much.

MR. DOUGLAS GROUT: Dave, just a clarification on your cards here; they have to fill those cards out at the water and have them completed with a date and the size at the water so that when they're taking that fish home the card is already completely filled out. The concern is for the unsupervised people, that they wouldn't have the temptation of going back and forth and getting another fish with it.

MR. SIMPSON: Right, the instructions are printed right on the card. There is a prototype in the document, but it has been modified considerably since then. I sort of put together a concept and then I asked Mark Alexander to take it home, and as usual he did an awesome job with it. I would have provide one today if I had it available, and I certainly can to the board, but the instructions are right on there. Clearly, if that thing isn't marked out when the conservation officer approaches, you're in violation, you're getting pinched. It has to be permanently

marked out with the day, the date and the size of the fish to be a valid voucher.

MR. GROUT: Just a followup; and my only comment on this – again, I think you've come up with an excellent program here – our next agenda item is going to bring up some concerns that the board has on what the actual status of the stock is.

My only potential concern with this is whether this is something that could be implemented next year after we have an update on the status of the stock. I realize you're going to be utilizing a quota that you haven't been using for many years, but that's my only angst right now. If it was coming in next year and we had still a positive sign on the stock status, I would be wholeheartedly in favor of it.

MR. FOTE: Again, this is a program that's allowed, a program that fits the guidelines of what we've been doing all along. The tag program is the same as we're using in New Jersey. We have the same restrictions and that's what has been in operation and approved already by the commission. Also, 4,000 fish is not going to make any difference on the stock.

It's really upsetting to hear that when you look at the overall problems that are going on. This is approval of a plan; and if any state came in we should approve it because of the guidelines set up for every state and we have approved these same things for other states. With that, I'd like to see the question called on and let's vote on.

CHAIRMAN TRAVELSTEAD: I think we have one more hand. Craig, go ahead.

REPRESENTATIVE MINER: Mr. Chairman, as a member of the Connecticut legislature, I also serve as the treasurer of the Connecticut Sportsmen's Caucus. This idea was brought to us this summer. We spent a number of opportunities going to a fisheries advisory committee and a number of other sportsmen's groups to find out what their take was.

We were concerned that we would get a lot of pushback from the striped bass community, but we got the contrary. They recognized that we're facing the same problem every other state is and that is getting young people into these outdoor activities. Our license sales in that transition period from 15 to 16, we have about 11,000 people in each group that fish, only about, only about 1,100 buy a license when they turn 16.

We've decided in the state of Connecticut that we need to do something about that. We need to make a connection to some of these urban centers where people more often than not don't get outside, don't participate in these activities, and we thought this is just a small step but one step that we could take we hope in the right direction. I'm looking forward to a good report when this is concluded. Thank you.

CHAIRMAN TRAVELSTEAD: The motion is before us; is there a need to caucus? There doesn't appear to be. All those in favor of the motion please raise your right hand; opposed same sign; any abstentions; null votes. **The motion carries 16 to 0.** Thank you, David.

DISCUSSION OF INITIATING AN ADDENDUM

We're going to move now to Agenda Item 7, consider initiating an addendum to reduce coast-wide mortality on striped bass. Included in your package of material on this agenda item is a December 12, 2010, memorandum from Pat Keliher and Mike Brown to then Commissioner George Lapointe, who raises a number of concerns about the status of the resource and mentions mycobacteriosis – and, of course, we've had a briefing on that here at the board. – and a number of other concerns.

Of course, we've heard I think concerns from not only Maine but New Hampshire as well in the recent past on this issue. This item is on the agenda for further discussion to consider whether or not these concerns rise to the level of initiating an addendum. With that, I'll open it up for discussion.

MR. R. WHITE: Mr. Chairman, I have share and have shared – as you all know I have spoken in the past at this board as to where we are headed with striped bass, so I certainly share Past Commissioner Lapointe's view on this. My sense is that to start an addendum, to have it in the queue, so to speak, so that we have something in place when we get the stock assessment this fall.

If the stock assessment turns out like many of us think that it will turn out, then we will probably have to use the addendum. If we are surprised, which I hope we are, and we have a great young-of-the-year class this year and there does not seem to be the need to go further, then we can pull the plug on it, but at least we'll have something in the queue so we can act in a quicker response if there is great concern at the fall meeting.

I know that there has been a lot of discussion that we have a strong spawning stock biomass, and there certainly is no doubt about that, but we have had substantial recruitment problems over a number of years. I would like to hear from the technical committee at some point as to when do these two lines cross when we continue to fish on the spawning stock biomass so at some point that is going to start dropping substantially if we're not having recruits coming into that. If we're not getting good young-of-the-year class, at some point the spawning stock biomass drops and the recruits are not replacing it, and we're in trouble in a hurry. My concern is that is the direction we're going without a good year class here very quickly. That's why I would support some kind of generic motion to begin an addendum to have it in the queue. Thank you.

MR. ROBERT E. BEAL: Staff just handed out an e-mail that was addressed to from Alex Balboa, but I've got 230 or 240 of these over the weekend and through the beginning of this week, so I just wanted to let folks know. The wording is not exactly the same in all the e-mails, but this is the general sense of what they say. I just wanted to let you know what this document was.

CHAIRMAN TRAVELSTEAD: I think we all received quite a number of e-mails over the weekend. Terry.

MR. TERRY STOCKWELL: The memo you all have received was a result of a staff discussion at DMR following our fall annual meeting. We got together – and despite the stock assessment saying that there is no overfishing and we're not overfished, the fishing in northern New England, just for lack of better words, just plain stinks.

There is no small fish. I'm hoping Dave's project here will help us find some. The memo lays out the declining catches, the declining abundance, the low recruitment, the huge conundrum of the impacts of myco. Our thoughts were similar to Ritchie's, that we need an addendum in the queue to react for the updated stock assessment. It was enough of an issue that this board requested that update be accelerated. It's the state of Maine's position that all the above evidence is that the striped bass population is declining and precautionary steps are necessary.

MR. MARK GIBSON: I understand the point of frontloading an addendum. I'm concerned about the amount of work that might be done for naught we decide not to use it. I'd like to know what amount of work we'd be asking staff to do. Another point is

that I'm looking at the information – you know I don't just make stuff up; I go home and work on the numbers myself – and the stock is exhibiting a textbook example of initial exponential growth, overshooting its bounds and then going through some fluctuation to establish a more normal equilibrium with its environment-carrying capacity and so on.

There are alternate explanations as to what it's doing, but its decline in recruitment after reaching peak biomass levels would be predicted based on over-compensatory stock recruit curves. In fact they fit very well. I'm not seeing any population dynamics at this point that are really scaring me. The fluctuations in catch rates of small fish, particularly in the northern range, have always happened and they're correlated at three-year lag with recruitment in the Chesapeake Bay production of young of the year.

We saw that before in the seventies with the giant 1973 year class I think that recruited to our commercial trap fishery in 1976. These fluctuations in small fish catches I think are always going to happen. That's the way of the life history of striped bass; it's a way they make their living. It's a way they make their living, and they occasionally produce large year classes and then lesser year classes between those peaks.

I'm not seeing any dynamics at this point that are clearly alarming me, and I'd like to hear from the technical committee particularly on the projections they've done because I see a projection graph in here on the document that was in the supplemental material. What it's showing is just what I'm talking about is a fluctuation around a new equilibrium point. I'd like to know what their position is on the status of the stock relative to its medium-term prospectus. Thank you.

CHAIRMAN TRAVELSTEAD: Wilson, can you respond to those questions; and also when you finish that, can you give us a more detailed schedule of the next stock assessment, when all that will be before us.

DR. LANEY: Yes, sir, Mr. Chairman. I think that the memo lays out a lot of issues that the technical committee will be discussing during this year as we do the stock update which we are scheduled to do. As you recall and has already been noted, the board asked us to go ahead and do an update in 2011; and then beyond that we are scheduled to do a new benchmark assessment in 2012. We anticipate that will be completed near the end of 2012 with a peer review scheduled for 2013.

That's the schedule and that's the workload that the technical committee has ahead of it. Relative to the current status of the stock, I'll not give a definitive answer to that question until we have an opportunity to go ahead and update the last assessment by adding the two additional years of data. The last one went through 2008, so we have to add 2009 and 2010 data to that and we can get a more accurate picture.

I think I would largely concur with what Dr. Gibson said. I think if you look at the 2009 stock status overview that we provided in the supplemental materials, the technical committee did predict that we were going to see recreational catch-per-unit effort begin to decline as a result of the recruitment pattern.

There are a lot of issues that we are planning to address in the next benchmark assessment. A number of you are familiar with those. We have to try and deal with the differences between otolith-derived and scale-derived ages. We want to try and factor in a consideration of that mycobacteriosis that is occurring in the Chesapeake Bay and elsewhere and deal with – basically, I guess, Mark, that amounts to a time-varying F as opposed to a constant F and try and work that into the model. We're well aware of the issues.

Then, again, we haven't had a chance to discuss these as a technical committee. We certainly will be doing that. An additional question that I think some of us have had is with regard to the winter fishery. The component of it off North Carolina is being documented through MRFSS add-on. The component off Virginia off Virginia as you know has been estimated from ratioing tag returns, which is not an optimal way to do that.

Some of us have wondered with respect to Mr. White's point about the older fish, given especially that you all charged us in Amendment 6 with trying to increase the proportion of older fish 13-plus in the population, what effect the winter fishery is having on those older fish, especially when they're close to shore – relatively close to shore as they were this year and inside state waters for a great deal of the time and subject to fishing pressure when they were outside the state waters, even; and what impact is that rather concentrated fishery having on those older, larger fish in terms of possibly reproduction as well as in terms of the brood stock.

And then, lastly, one other thing I'll mention – I think some of you may have seen it – is there is a new paper floating around out there that indicates that

striped bass recruitment patterns may be a function of one of the oceanic cycles. The technical committee hasn't had a chance to review and comment on that.

I have had some informal discussions with Dr. John Boreman, who many of you know has been involved in striped bass management for quite a long time, and John acknowledges that while that cycle may have an effect on the patterns that we see in striped bass recruitment, certainly the actions of this commission and its member states were very largely instrumental in recovering the stock. Overfishing was definitely occurring back during the early eighties. I think your technical committee stands prepared to investigate all of these issues. We will be doing the stock status update during 2011 and a benchmark in 2012.

MR. PAUL DIODATI: Mr. Chairman, I think is a little bit of an unusual situation because of the high level of spawning stock biomass we still have evident in this fishery, but I don't think there is a couple of things we just can't overlook. For the past 15 years or more now we have experienced one of the greatest success stories in fisheries management, and this fishery supports what I think now is clearly the most important recreational fishery in the United States.

That fishery has changed over the past five, six, seven years. You can't avoid the facts. The fishery is very dynamic. We're not just looking at utilization in terms of consumption. We're looking at utilization of this resource for a lot of catch-release fisheries that have built themselves up over the past 15 years.

Those fisheries are generating an economic activity that rivals some of our most valuable commercial fisheries. Right now we have not had a good year class production coming out of the major spawning stocks going back to about 2005. Since 2004 our drop in recreational catch averaged about 70 percent between 2010 and 2004. That's a considerable drop for any fishery; never mind the most important recreational fishery that this commission is mandated to manage.

One of the goals of the striped bass management plan is to continue with both commercial and recreational fisheries that is consistent with long-term maintenance of a broad age structure. I think we've reached the point where that is not happening with regards to the recreational fishery. Given the success that we've had for 15 years, I think some of us continue to live in the past.

I think that predation on river herring was an important fact, but the river herring are gone because

the striped bass probably ate them all already. I'm not arguing that hasn't happened in the Connecticut and elsewhere, but I don't think that we're solving that problem today. The problem that we have is a lack of young-of-the-year recruitment and we need some type of action or at least public transparency.

I think Mark raises some interesting points that I don't disagree with. I think that the stock surged and there is a compensatory mechanism, I believe a biological mechanism in place that naturally puts the breaks on that surging. Nevertheless, if that's true, then I think our best science should be presented in the form of a public information document so that the members of the recreational community and the commercial community that are writing letters to us have an opportunity to see that information, to hear it for themselves, and let them decide and help us decide on what kind of action we should be taking. With that, Mr. Chairman, I'm prepared to make a motion that will instruct the Striped Bass PDT to begin a public information document that will eventually become an addendum, perhaps.

CHAIRMAN TRAVELSTEAD: Is that your motion?

MR. DIODATI: I have a motion that gives the PDT a bit more guidance but is broad enough I think –

CHAIRMAN TRAVELSTEAD: Is this your motion, Paul, and do you want to read that into the record?

MR. DIODATI: Yes, I'll read it into the record. **This motion moves to instruct the Striped Bass PDT to begin drafting an addendum to Amendment 6 aimed at reducing striped bass fishing mortality up to 40 percent; and further, protecting striped bass on the major spawning grounds during spawning periods. Provisions of the addendum, if it's passed, will be implemented prior to the start of the 2012 fishing year.**

The draft addendum will include but is not limited to the following options, and those options are, one, for all jurisdictions, proposed bag limit reductions in recreational fisheries to reduce F; two, for all jurisdictions except those fisheries in Chesapeake Bay and Albemarle Sound/Roanoke River, proposed adjustments to minimum sizes allowed in the commercial and recreational fisheries to increase striped bass spawning potential; three, for fisheries in Chesapeake Bay and Albemarle Sound/Roanoke River, proposed revisions in the target F rate to complement proposed cuts in coastal recreational fisheries;

four, for all jurisdictions, proposed reductions in annual coastal commercial allocations to reduce F; five, for commercial fisheries in Chesapeake Bay and Albemarle Sound/Roanoke River, proposed revisions in the target F rate to complement proposed cuts in coastal commercial fisheries; and, six, for jurisdictions bordering the Hudson River, Delaware River, Chesapeake Bay and Albemarle Sound/Roanoke River, proposed reductions on fishing for striped bass in known spawning areas during the spawning season by at least 50 percent.

CHAIRMAN TRAVELSTEAD: Is there a second to the motion; seconded by Gene Kray. Okay, we have a motion and I'm not going to reread it. Hopefully you all followed along there.

MR. DIODATI: These are all the elements that exist in Amendment 6 that give guidance to the control of both fishing mortality and protection of the spawning stock when they're on the spawning grounds. It is a little bit more elaborate than some of us like but it gives the PDT the kind of direction that I think is necessary. It will give us a very broad list of options to consider. Not all of them could be chosen.

You can cherry-pick these if we decide after the 2012 stock assessment that these are necessary to do that. The recommendation for up to 40 percent fishing mortality is based on data that we have in our Massachusetts fishery that shows that fishing mortality increased in our recreational fishery by 30 percent when we went from one fish to two fish, so it's consistent essentially with dropping down to one fish.

CHAIRMAN TRAVELSTEAD: Thank you. Earlier we had a question – I think it was from Mark Gibson – about the amount of staff time that would be taken to prepare such an addendum. Bob, I'm wondering if you could fill us in on that a little bit.

MR. BEAL: I think some of these options at least the way I read them will probably have some technical committee involvement that needs to be done as far as impacts of bag limits and those sorts of things. There is a fair amount of work to be done, but a lot of this information exists for striped bass or it can be pulled out of the assessment that we had a few years ago. I think it's a fair amount of work, but it's something that can be pulled together before the August meeting if the board charges the PDT with that.

DR. LANEY: Mr. Chairman, I'll just comment and Dr. Duval may want to comment as well. Both of us are currently serving on the North Carolina Striped Bass Fishery Management Plan Development Team. The update of that plan is currently ongoing, and I suppose, Michelle, as part of that we could address some of the language in Paul's motion here.

I know we're currently considering what to recommend to the North Carolina Marine Fisheries Commission and then that would come before this board as well at some point with regard to the future of that stock. Again, Michelle may want to comment on that.

DR. MICHELLE DUVAL: I guess I'm just wondering, first of all, if it would be possible for board members to receive a copy of this motion. There is a lot of language in here with regard to the Chesapeake Bay, the Albemarle/Roanoke stocks, and we have just gone through an assessment process Wilson can also attest to.

We're looking at having a draft of the update to the fishery management plan available for our commission to approve to go out to public comment in August. Some of the proposed management actions in here would have the potential to add significantly I think to the workload of our staff, and, for lack of a better term, throw a wrench into the update that we're doing right now. I would like to be able to take this back home and have some discussion with staff about this. Thank you.

CHAIRMAN TRAVELSTEAD: Thank you. Bob Beal is e-mailing the motion to everybody. I've got a number of people on the list; we're going to get to all of you. Jaime.

DR. GEIGER: Mr. Chairman, I find myself in complete agreement with Mark Gibson's theory on what is happening with the striped bass stocks, and certainly I think compensatory mechanisms are alive and well for this fishery. I also share Ritchie White's concerns about being proactive in advance of a possible stock assessment that may be less than favorable.

I think also we need to be very cautious about workload. We've heard a number of fish species managed by this commission are not doing well at all, witness weakfish, and we have done precious little to deal with that fishery. I think it's very wise and prudent and I think it would be well to have a white paper or a PDT report looking at what the

progresses are in producer areas as well as the threats that still face us relating to the striped fish fishery.

We have a number of opportunities that are occurring in producer areas that I think will bear great fruit from both a biological and ecological benefit. Witness the Chesapeake Bay executive order that has the potential to pump millions of dollars into the jurisdictions in Chesapeake Bay to improve water quality and provide a lot of habitat improvement that will directly and indirectly benefit striped bass and a variety of other fish species.

Similar efforts on the Delaware, similar efforts elsewhere in New York, similar efforts elsewhere in the Roanoke/Tar Basin and some of these other activities I think have the potential to help us deal with some of these habitat issues, water quality issues in these critical producer areas that we need to be aware of.

I would urge that we may want to concentrate on what is happening in both a positive vein as well as looking at what may be happening that may continue to negatively impact habitat and water quality issues that we're looking at. Certainly, energy development is becoming more and more important and we all are becoming more engaged in that.

Certainly, I think marcellus shale exploration that is affecting many of your jurisdictions and the impacts of water quality and quantity have some direct impacts on what we're trying to do in terms of – and possible direct impacts on striped bass producer areas. Issues related to other activities, energy development in terms of coal extraction – remember the issue of acid deposition in Chesapeake Bay and the impact on young-of-the-year striped bass.

That issue is alive and well now as it was in the 1980's when it was one of the hypotheses for striped bass decline. We still have issues of PCB contamination in the Hudson River stocks. That has not gone away. All right, we have a variety of other issues that we need to take a more holistic 30,000 foot attitude look at and realistic look at what are the threats and what are the opportunities to affect striped bass producer areas and have that vetted out well by this board.

There are things obviously we have control over and thing that we do not, and I think that we would be well served by looking holistically at what is facing this fishery and a variety of other anadromous fish species as well. I will end by saying that certainly if this was 1980 and we were facing a massive striped

bass decline again I would be hard pressed to see where we're going to obtain both the fiscal and personal resources to mount another striped bass restoration effort.

I think it's going to be extremely difficult to recreate, if we ever have to, that particular effort, multiple jurisdictions, multiple federal agencies, multiple federal dollars and state dollars and private sector dollars. I think caution and prudence is important as we face this fishery, but on the other hand right now we have a workload issue here. We have a variety of other fish species that we need to take concerns about. Again, I want to make sure that we focus on the highest priority activities. We don't have much effort to spare and we don't have much resources to spread too thin. Thank you.

MR. RUSS ALLEN: Mr. Chairman, just some clarification; on the Delaware stock, we think the Delaware stock is doing fairly well. I won't speak for the spawning stock survey that Delaware does, but in 2009 we had our third highest year class of the time series very similar to the 1995 year class.

I do think it correlates well with age structure from Delaware and Pennsylvania's spawning stock survey, so we know that those fish are coming back and spawning. I'll let Delaware speak as to whether they think the spawning stock is doing well, but we think on our end at least one stock is doing well. It's not the major contributor but it is doing well. I definitely agree with what Mark had to say. Being involved with the technical committee for a long time, we know that the stock is doing well but not as well as it was a few years ago.

We've reached that point I think with striped bass, as Mark pointed out, that equilibrium has come and it's not going to be as high. As long as the Chesapeake stock has a few year classes that do well – their year classes aren't that bad. They're not great but they're not that bad. I would have problems supporting this motion.

MR. FOTE: I would like to correct a few things. There are no more spawning stock designation areas. You remember the big battle that went on after Amendment 6 that I left a meeting in Rhode Island and that was put on the table and passed. I remember very well that there is no longer any special designation.

Now, states have kept their spawning stock even though we're not allowed not to take credit for it or do anything about it, but we've kept those areas closed during certain periods of time. But as far as

the Delaware River and the Hudson River, that designation was taken away from us under Amendment 6.

We had a stock that was basically fished at a moratorium for a number of years. It allowed the stock to build to levels that it probably hadn't seen. I'm more familiar with World War II when people weren't fishing in the ocean and things like that, because you had stock being protected. When we opened the fishery, some states did not go to two fish at 28 inches.

As a matter of fact, a lot of states did not. Maine had very strict regulations. We basically were fishing the stock very lightly and we were not consuming a lot of fish at that time. There was people just doing a lot more catch and release back then, so we allowed for again an expanded stock that wasn't being fished normally.

Other states now over the period of time have basically adjusted their regulations to allow more of an opportunity for the recreational sector to catch their fish with an approved bag limit that we approved back when the plan was basically – we opened up the fishery I think in 1992. My memory is not as good on some things as it on others.

But, anyway, we've been fishing all along. We see fluctuations in the stock, and we're going to see that. Also, we have other fisheries, black sea bass, summer flounder, scup, three of those that are not overfished and overfishing is not taking place, but we're still at quotas that basically treat it as such. We have taken a lot of opportunity for those fishermen that used to be concentrated on summer flounder, scup and sea bass and they had no other fish they can take home to eat, so they've wound up now taking striped bass, which they didn't take before.

The fishery is serving a purpose of basically supplying people that want to take home fish to eat; that opportunity to do that. Am I concerned about the Chesapeake Bay; yes, and I have real worries because I think they supply a lot of the coastal migratory, and I think the health of the Chesapeake environmentally has serious problems like we have in other bays and estuaries.

Do we need to correct those problems; yes. I look at menhaden and lobster – I mean, I got 400 e-mails telling me I should close the lobster fishery in Southern New England from people all over the place. They have their opinion and I respect their right to have their opinion, but I'm not going to close

the lobster fishery right down right now, because I've got to know there are factors involved in it.

We have a success story. We have triggers in there. I'm waiting to see the triggers. It would be like me coming in and saying on summer flounder or any other species, well, we think we're anticipating that the stock is going to crash in two years and now we're going to jump – I don't think that's the right message to send to the public.

I understand the problems because I fished in Maine in '94 and '92 and go up there when the season was closed and landed big fish on fly rods that are no longer available. I understand the problem there, but I think what Mark Gibson has said is really what is happening. The stock is adjusting to the pressure.

Yes, we have to be careful with what is going on in certain spawning areas and what is going on with the disease, but I'm not ready to basically start an addendum that would put us through a whole bunch of work until I start seeing triggers and I have not see any of those triggers showing me the concerns that I should be having. Thank you.

MR. WILLIAM GOLDSBOROUGH: There is a lot of public concern about striped bass, and I think doing a PID at this time is the right way to go. I would suggest one adjustment in the language; but first as background when we first started sort of reopening the fishery, if you will, in the early nineties after we started seeing some recovery, one of our basic operating principles then and since then was to protect the spawning stock when they were concentrated and vulnerable.

That is not just when they're on the spawning grounds, but that's from the winter right through the spring. Our model for accomplishing that in the winter has essentially been to keep the EEZ closed because they have historically overwintered in the EEZ, for the most part, and for the most part off North Carolina.

Well, I think we all know that in the last decade to decade and a half that pattern has shifted northward and inshore to the point where we now have a very vigorous fishery in North Carolina, Virginia and even in Maryland in the winter with both commercial and recreational elements and both legal and illegal elements.

At one point the recreational fishery at the mouth of the Bay was estimated to be as high as over 800,000 fish. Now those estimates ranged all over the place because we had terrible MRFSS data for early in the

year, Wave 1. But I think given that, I would suggest that the language, notwithstanding that is drawn from Amendment 6, be adjusted – **and I’ll suggest this as a friendly motion if Paul would entertain it – to instead of saying “further protecting striped bass on the spawning grounds during the spawning period”; “further protect the spawning stock when it is concentrated and vulnerable”.** Thank you.

CHAIRMAN TRAVELSTEAD: Paul, any comment on that?

MR. DIODATI: I would accept that as a friendly modification to the motion.

CHAIRMAN TRAVELSTEAD: Okay, so we have to the motion that has been accepted. Paul.

MR. DIODATI: Again, I appreciate Mark’s earlier comments and Mr. Fote’s comments, but I don’t think it’s the job of this board to give on-the-fly technical critiques of the condition of the stock nor should we rely on the institutional memories of some of our members of how this fishery has developed and where it is going.

I think that it’s our job to react to facts, to actually what we see happening in this fishery and provide a thorough, extensive public information document; and if some of the things that we’re speculating on this morning bear out in that public information document, then it’s likely all these options that we’re looking at won’t be necessary; maybe none of them. I also don’t think that this board should be thinking about the cost of doing a PID as the reason whether or not we go forward or not go forward with managing a fishery the way we think it should be managed.

Since this is my motion, I’d be more than willing to dedicate up to two staff that have vast experience in working with striped bass, Dr. Gary Nelson, who has been chair of the technical committee and the stock assessment committee and has done a lot of work on the stock assessment; and Nichola Meserve, who has been the plan coordinator for the past several years for the commission. I’m more than willing to do that; and if necessary the Commonwealth will consider a reasonable assessment made to it to pay the commission, although I don’t think that’s necessary, but I’m willing to do that.

MR. STOCKWELL: Mr. Chairman, it’s no surprise that the northern states don’t agree that the stock is doing well, and I think Paul for your motion. This is a cautious and proactive approach that will address

broad public concerns and fully address the context of DMR’s December memo. There has been a lot of conversation about the health of the stock. I agree with Mark in part, but I support this motion to develop a PID and believe that the additional workload is well worth the results. It will benefit the resource and fishery, and I hope this motion will move ahead.

MR. AUGUSTINE: I missed an opportunity when Laney Wilson was giving his report. I’m just wondering have your surveys showed – if you don’t mind, Mr. Chairman, bear with me for one moment – have your surveys shown that there has been a definite shift northward in the overall stock and outward, if you would, more out to the EEZ area?

DR. LANEY: Pat, the answer would be a cautiously and qualified yes. Recall that the Cooperative Winter Tagging Cruise is – although we survey the same general area every year, it’s not designed as a statistically valid survey. But, nonetheless, based on the sampling that we have done up through 2010, last year, the statement that the stock at least during the years 2008 to 2009 and 2010 had shifted northward and I would say offshore as opposed to inshore from the pattern that was evident of the last 23 years is a true statement.

Now, having said that, because it isn’t statistically designed survey and because we haven’t quantified our catches the way the National Marine Fisheries Service does in their Northeast Fisheries Science Center Trawl Survey or the way the NEAMAP does it, then I can’t say for certain, but it certainly appeared that way based on the sampling and tagging that we have done. And then, of course, this year, from all accounts, the stock was more in what we would have considered to be a historic pattern in that it was quite often inside three miles off of Oregon Inlet and very accessible to both commercial and recreational fisheries and then part of the time it was also out in the EEZ.

MR. AUGUSTINE: Thank you for that clarification; and then a couple of comments and then support or not for Mr. Diodati’s motion. I did note on the document that was sent out about the status of the stock, the two at the top that raised attention was the magnitude and trend of recruitment estimates are largely influenced by biotic and abiotic vary both beyond fishery management control.

Now that the current management regime has resulted in a low and stable fishing mortality, high spawning stock biomass and an age structure expanded well beyond age 12 – and it follows up

with a final bullet that says additional fishery management restrictions would not likely result in direct improvement to striped bass recruitment.

So in my humble opinion, I have a conflict with going ahead with this pro-step of developing a PID. It's the right thing to consider, but the content of what will be very comprehensive to address all of Amendment 6 or look at what the report says and maybe just take a cautious look at what we do in terms of management. I'm not sure I can be led one way or the other. I will support the motion to move forward with the PID if it doesn't become really expensive to the staff, but I am concerned about expenses.

Dr. Geiger made a very valid point. We have stocks that are in the toilet, and the action we're taking to do anything to improve those, it's very difficult to not put some staff and dollars into bringing the data to the table that we need to make better decisions on some of those stocks. With that caveat, I will support the motion as presented to see where it goes.

DR. LANEY: Well, just to Pat's points about the assessment, just remember that it is the 2009 assessment and the data only go through 2008, so we will be looking this year at two additional years of data. The statements that we made in this report may or may not continue to be correct, so just remember I think partially as a consequence is the fact that we've gone to a stock assessment on a less frequent basis. Our management discussion is lagging behind our science here.

MR. DENNIS ABBOTT: This is 2011 and the situation that's before us is what we're experiencing here in the present. If you lived in the states of New Hampshire, Maine, or Northern Massachusetts or wherever there has been a downturn, you'd understand that this is a crisis. It may not be a crisis in the state of New Jersey and I think that the concern that some of the other states are having is that they will be affected by any action they would take.

It would become quickly parochial as we see that we want to do something positive. This problem didn't begin or didn't come this table by the commissioners. I think that the commissioners have all been hearing from their local fishermen. It starts right down on the docks with the six-pack charterboats and the recreational fishermen. The charterboats who don't have charters, the recreational fishermen who is not going out every weekend because he is not being successful, that is very real and that is going on in our states; and if recreational catches are reported to be

down 66 percent coastwide, that must indicate to me that something is really wrong.

We can talk all we want about oil exploration or how it was in the 1990s or whatever, but we have an issue here that is detrimental to the fishermen, it's detrimental to all the people around the fishery who make money. This is a big money item, striped bass, as Paul Diodati said. It's a lot of money; and for us to worry about whether we have a few dollars in our budget to spend to solve the problem I think is the wrong approach.

I'm on the AOC; and when we had our conference call last week about the budget, I questioned why there was so much added money in striped bass management, and I was told it was in anticipation that we're going to be doing something this year; there is going to be some activity. Paul Diodati stepped up to the plate and he is willing to put his money where his mouth is. I think for this species, not disregarding the problems in the other species that we may be facing, but this is a big money issue.

It's a big issue for the guys that go fishing. Even though we've received a lot of e-mails over the past week, I don't think that's the driver. I mean, that just gets us revved up this week, but we've been hearing this for a couple of years. I'm sure the state of Maine and I know Doug Grout and I know Ritchie is on the water, and we've been hearing this over and over again.

And when you know that the class of 2003 is running through the fishery and the poor recruitment, there is not going to be a lot of fish to be caught despite all the graphs that we've been looking at. I urge everybody – and I think that everyday at the end of the day hopefully will see that this is something that is imperative for us to do.

CHAIRMAN TRAVELSTEAD: We have seven or eight more people on the list and what I'd like to do is conclude the comments at 9:30 so that we can vote on the motion and then get to the rest of the agenda. I'm going to skip over some of the people who have already spoken so we can hear from people who haven't spoken yet. Bill, you're on that list.

MR. ADLER: All right, this will be quick, it's more technical. This is a proposed addendum and not a public information document, because a public information document usually is preceding an amendment. Is this an addendum and not a public information document?

CHAIRMAN TRAVELSTEAD: Well, the motion speaks clearly to an addendum being prepared.

MR. ADLER: Yes, I know but there has been a lot of talk that it's a public information document, so I just wanted to straighten that out. Vince is shaking his head like I'm correct; am I correct? Good!

EXECUTIVE DIRECTOR JOHN V. O'SHEA: On this point you are. Mr. Chairman, I'll be quick. I think that sitting around the table this week, just to remind the board, we've had a number of stocks that we're agonizing over that we've said have reached the point of such low levels that we're doubtful that we can recover them.

I also think that in the literature that it's well established that managers' actions to take action early mean less of a cut and less drastic measures are needed to get a response. The third is this motion says 2012; I just remind the board that with the exception of the few states we have that have proclamation authority, our history here is recall Amendment 6.

I think it was 18 months once we approved Amendment 6 before the states were able to implement, so I think realistically unless the states change their governance process you're not talking about being able to put regulations on the ground until well after 2012.

CHAIRMAN TRAVELSTEAD: Norm, welcome to the striped bass board, by the way.

MR. NORMAN H. OLSEN: Mr. Chairman, thank you very much, and I thank you all for the warm welcome I've received at this, my first meeting, which involved ASMFC issues 30 years ago in New England as an advisor, but it's good to be back. As Terry has eloquently stated, we do support Commissioner Diodati's proposal.

But, getting past that, I just want to say that in watching the deliberations over the past two and a half days, I'm constantly struck by how we are taking decisions because we can regulate fishermen even though our impact is under some considerations by our colleague down here very minor in the whole ecosystem-based management and yet all the other agencies that have regulations and authorities that could be improving habitat are kind of getting a pass. I've seen these articles about save the menhaden and everything else, so I hope that we'll be able at a future meeting – we probably can't debate it now – to go on record often, consistently strongly that these

other agencies that are Departments of Environmental Protection and Departments of Agriculture suck it up and get with the program in trying to improve the habitat for these species. Thank you.

MR. MILLER: In light of Vince's comments regarding 2012, I think perhaps the maker of the motion may allow a little flexibility in regard to implementing the proposed addendum, but nonetheless I'd like to speak in favor of the motion. I just wanted to call your attention to one of the documents before us today, and that was Wilson's – if you examine on the back page with a nice color graph of the millions of fish harvested and discards, you'll not that there is a trend in that the recreational discards appear to be decreasing in magnitude.

Having looked at the data recently, that trend carries forward into 2010 as well. I find that disturbing and I don't feel that it's premature to begin considering mechanisms for possible restricting fishing mortality. If I thought that we could divert our resources into, for instance, weakfish restoration, as Dr. Geiger suggested, I would be the first to do so.

But honestly I don't think spending more staff time on further refining weakfish fishing measures would be fruitful at this point in time because we've virtually closed that fishery with a creel limit of one and commercial discards of a hundred pounds. I don't know of too much more we can do to help weakfish. Weakfish mortality is either going to decrease on its own or it isn't, we're just going to have to wait and see. I don't think it's premature to consider Paul's measure and I support it. Thank you.

MR. GROUT: As my fellow commissioner stated, recently we've been hearing concerns for our constituents since probably about 2008. Up until this year I have been on the same frame of mind as Mark Gibson that this was just potentially a density-dependent compensation because we were at very, very high levels. However, I am now very concerned. We've gone seven years since we've had a dominant year class in the year classes out of Chesapeake Bay where the lion's share of the migratory stock comes from have been average or below average, yet it hasn't been consistent enough to trigger our juvenile index trigger.

The recreational harvest – the total coast-wide harvest and mortality appears to continually be going down. The only thing that seems to be going up is the spawning stock biomass; and I anticipate even with this assessment update that you're going to see

the SSB going up because we're just having the 2003 year class enter the spawning stock biomass.

What makes it even more troubling for me is that despite this very high spawning stock biomass, we are not getting recruitment given that we already have a past history that shows a fairly good stock-recruitment relationship. There is clearly something going on there. Maybe it's this ocean oscillation that Wilson alluded to or maybe it's something else. Maybe it's the mycobacteria, maybe it's some of the water quality in the Bay, but because of this I really feel it is very important we be prepared if necessary to take quick action following our assessment update. I feel this is very wise and prudent and will be supporting this motion.

DR. KRAY: Ritchie started this discussion with talking about the below-average young of the year, three years of having that, and if that trend continues we're going to start – and I think this was also his thesis – that eventually we're going to run out – the spawning stock biomass is going to be in the decline.

We've talked about this before. I've been on this board since 2002. We've talked about this before and I would like to bring it up again just for consideration if we're looking for tools in the toolbox such as Paul mentioned it in Amendment 6. That would be the consideration for putting a cap on the size of the fish.

I know in my own boat, when I had a boat, I put a limit that we would not keep any fish over 40 inches for two reasons. One, they don't taste that good; and, two, they are the spawners of the future, and I would like us to consider thinking about putting a cap on the size limit that we take in the recreational industry.

I know I'm going to make some of my colleagues very angry with that because they are the hunters in the spring. They park out in the Delaware Bay looking for the spring runs, and they're looking for the trophy fish. Well, that's all well and good but if we can produce more of the larger striped bass we will have continued success in this fishery. Thank you, Mr. Chairman.

CHAIRMAN TRAVELSTEAD: Are there any comments from the public on the motion? Dick.

MR. DICK BRAME: I'm Dick Brame with the Coastal Conservation Association. I agree with Mark Gibson that compensation is going on and it has been predicted. However, we are concerned, as Roy brought up, with the recreational catch. I don't think

people understand the magnitude of that. Admittedly, it was very high. I think anglers were releasing 28 million fish, and in the space of five years that has gone to less than 8 million fish.

I view that as an encounter rate. It's the number of fish anglers are encountering. I don't see any other explanation for a loss of magnitude that size. They simply are not seeing those fish, and that is a substantial reduction in the number of fish they're seeing. It bears out what the folks in the north are saying. Starting a PID or an addendum I think is a good move to do right now. It's a precautionary move. I do think that this reduction is real. I think it's like the canary in the coal mine and I think you need to seriously that. It is a real reduction in the number of fish these anglers are encountering.

CHAIRMAN TRAVELSTEAD: Thank you. I think we've heard from everyone who wants to speak at least once, and I'm hoping that we've arrived at a point where we can now move on the motion. Are there any urgent last-minute comments? Paul, the maker of the motion.

MR. DIODATI: I think to be practical I'd be willing to modify this to date 2013 – no, I'm seeing a no there – because of what Vince has said earlier.

EXECUTIVE DIRECTOR O'SHEA: I did that just on the fly in support – I wasn't suggesting you change that. I think you need to see what the results are going to be out of the stock assessment and then have the board make a decision on how urgent it is to implement your regulations. Thank you.

MR. RICK BELLAVANCE: Most of the e-mails that we have been receiving stressed a concern about the lack of small fish, and I'm just curious as to how this addendum is going to address that issue, the lack of smaller fish, if I could ask that of Wilson?

DR. LANEY: Well, you could ask it, but the answer is going to be I don't know at the moment. Until the technical committee and the plan development team have had to review it, I can't say. I'll just point what we already said in the stock status report, which is that the quote that Pat already read into the record, additional fishery management restrictions would not likely result in direct improvement to striped bass recruitment. The answer is kind of it depends. We would have to do an analysis to see what the projected stock structure would look like under reduced F. Given as several people have already pointed out that striped bass tend to be a population driven by strong year classes, it would all depend on

whether or not we get a strong year class either before or during implementation of any measures that might arise in the proposed addendum.

CHAIRMAN TRAVELSTEAD: Okay, let's take a minute to caucus.

(Whereupon, a caucus was held.)

CHAIRMAN TRAVELSTEAD: Okay, are we ready to vote? All those in favor of the motion please raise your hand; opposed same sign; abstentions, 2 abstentions; null votes. **The motion carries 12 to 2 with 2 abstentions.** Okay, I think gives some pretty clear direction to the staff and the PDT, and they've got their work cut out for them. Pat.

MR. AUGUSTINE: Mr. Chairman, I usually make disparaging remarks about complicated things like this. It does draw the ire of some folks but it does also develop some sense for urgency for people who expound upon their positions on the table, so for that I served a purpose. As a followup to this, this is the second specie of fish where we're reacting to a cause, a need where we see we have to take action. Recently we ended up getting some 2,100 e-mails – most of you got them – on another specie of fish – well, the same specie of fish, I'm, and it was a different action, so the emotion rose up from the public and we collectively reacted.

Some of us took a position against increasing that commercial quota. Right, wrong or indifferent, it was what it was. In this case I think we've got to inform the public now of the magnitude of the decision that we are taking on their behalf in a public document. Let's educate them; let's get them into the process to let them know what it's going to put this together and the concern of this board that has been voiced today.

Whether it's a simple other mailing like we've done in the past, through ASMFC publications or what, I think we collectively as a board have to respond to the public and bring them up to speed. When the stock assessment comes out and that is advanced, put that out to the public in language where they understand what we're doing with this species. Thank you, Mr. Chairman; I hope we can do that.

CHAIRMAN TRAVELSTEAD: Of course, we'll have a press release that comes out of the meeting that starts that process. Vince, do you want to add to that?

EXECUTIVE DIRECTOR O'SHEA: Yes, I do. One of the things the commissioners might suggest is once we do the press release, if you want I can have Tina send you the press release in PDF and if you want to just respond to all these people who have sent you e-mails, just send them the press release.

CHAIRMAN TRAVELSTEAD: Good idea. Tom.

MR. FOTE: My concern is what the press release is going to say and what kind of message we're sending out to the public. I mean, we have a stock that's recovered. According to right now the triggers are not being met and we're going back to look at it to be proactive in case something happens. I'm trying to figure out how this press release is going to be written.

CHAIRMAN TRAVELSTEAD: Come and see me and I'll show it to you before it goes out.

DR. GEIGER: Just a quick comment, Mr. Chairman; certainly, I totally support this motion that was just passed, but I would urge us to pull out all our tools that we have available to the commission to deal with this. We had great discussions about ecosystem services related to some very good and robust discussions on American shad and river herring as well as menhaden.

We have expertise on those boards that I think should be brought to bear as we look at predator-prey relationships on this issue as well as our Atlantic Coastal Fish Partnership and our Habitat Committee. I think if we're serious about this we're going to utilize all the tools. As Commissioner Olsen said let's bring the habitat component fully into bear and let's bring all the tools of the commission and all the collective tools of the partners to address this issue.

MR. GOLDSBOROUGH: Mr. Chairman, just a follow-up comment – and Jaime touched on that a little bit – I just wanted to note in the discussions about the motion there were several things mentioned as possible causes for striped bass abundance from poor recruitment to climate to migration to mycobacteriosis, but I didn't hear mention nutrition or lack of menhaden even though we've had quite extensive discussion of that and even though science has connected poor nutrition to myco. I hope that especially those of us that are strong advocates for striped bass conservation, we adopt a similar conservation ethic for menhaden, noting that yesterday by comparison we took a relatively moderate action on menhaden, but the two go hand in hand.

DR. LANEY: To Bill's point and to the earlier points raised by Dr. Geiger, I certainly concur that we need to look at those factors. I think a lot of you know Jim Price. Jim has been very faithful in keeping me up to date with regard to the nutrition issue from the perspective of the percentage of striped bass diet in the bay that is composed of menhaden and also with regard to the condition of those fish.

From a habitat perspective, I also serve on the ASMFC Habitat Committee and the Management and Science Committee, and as you know the commission has charged us with moving toward ecosystem-based management. The Management and Science Committee has been working with Pat Campfield in particular. Dr. Duval and I are on an ecosystem-based management transition team of sorts for the commission.

I also serve in that same capacity for the Albemarle/Pamlico Estuary Program, which is another one of those habitat-oriented programs that is currently going through the production of a new comprehensive conservation and management plan, a new inventory and monitoring program, which includes several of the commission species; namely, Atlantic sturgeon, striped bass and American shad as indicator species in that ecosystem system. We're working on those fronts I think within the context of the commission family, and certainly those things are going to be addressed, and to the extent we can do so try and roll some of those parameters in the benchmark assessment.

MR. A.C. CARPENTER: As long as we're talking about causes for a decline in the striped bass young-of-the-year index, let me point out that we have a non-native evasive species that is an apex predator present in the Chesapeake Bay now that we didn't have 15 or 20 years ago and more recently in the last ten years here in the Potomac. Let's look at that as well.

CHAIRMAN TRAVELSTEAD: You're referring to the blue catfish there I guess, A.C.

MR. CARPENTER: The blues and the flatheads.

**DISCUSSION OF NORTH CAROLINA
STRIPED BASS OCEAN TRAWL
DISCARDING**

CHAIRMAN TRAVELSTEAD: All right, we're going to have to move to Agenda Item 5. Michelle, are you handling that for Louis?

DR. DUVAL: Mr. Chairman, I just want to note that Louis really wanted to be here today to give an overview to the trawl discard incidents that happened in North Carolina, but he is unfortunately tied up with legislative matters back home so I'm here. I wanted to thank ASMFC staff for their efforts in putting together sort of a timeline of the events that occurred last month and the month before.

I'm just going to try to give a brief overview of those events and just give you some extra information on some efforts that are ongoing in North Carolina with regard to management of striped bass. I would be happy to answer any questions. First of all, I just want to in general – North Carolina has a 480,480 pound commercial quota, and we split that equally among three different gear types.

We have proclamation authority so we open each of the gear types for short windows. There is daily reporting that is required from our dealers. I should say that a couple of years ago we instituted an Atlantic Ocean Striped Commercial Gear Permit. This is not a limited entry permit. Originally that's what we wanted but didn't get. Any person who owns a standard commercial fishing license is eligible to apply for one of these permits and have to apply for it before the fishing season, but they're only allowed to declare for one gear type, either the beach seine, the gill net or the trawl, and they're locked into that gear for three years.

So just to go over the events, the ocean trawl fishery was opened on January 15th, which is a Saturday, the Martin Luther King Day weekend. Staff started receiving calls regarding thousands of dead striped bass floating in the waters north of Oregon Inlet. By the time the marine patrol got there, they were able to confirm approximately 250 dead fish in the water..

We had knowledge of the phone calls and reports of thousands of dead fish. I'm just reporting what our officers were able to confirm on the water. The marine patrol was able to interview the captain of the trawl vessel that was responsible for this initial discard event, and he estimated that there were three to four thousand fish in his net. He was unable to get the net up on the boat.

The trip limit for the trawls was set at 50 fish at that point, and so he had to discard these fish in order to be able to pull the net up on board and not retain anything above the legal limit at that point. The

window closed. The division reopened the fishery by proclamation but we replaced the 50 fish trip limit with a 2,000 pound per day limit.

In order to try to prevent – we did that to avoid any potential for high grading. There was a lot of concern that the 50-fish limit allowed for high grading of the catch, so we went to a 2,000-pound per day trip limit. I would note that in the past we had used poundage trip limits, probably back in the early nineties, but that was discontinued due to ease of enforcement concerns. It is much easier for officers to deal with a number of fish as opposed to a number of pounds.

There were also complaints from the captains with regard to the use of that as well. We went back to that 2,000-pound per day trip limit. We did a lot of transfers at sea only to other permitted trawl vessels, in other words those vessels that had an Atlantic Ocean Striped Bass Commercial Gear or Trawl Permit.

Our minimum size, which is 28 inches, remained the same. We did not receive any reports of dead fish during that time. The fishery closed and was reopened for another window on February 3rd and that afternoon, with the same 2,000-pound trip limit, transfers at sea, we started receiving phone calls that afternoon again of a large striped bass kill off of Oregon Inlet.

We immediately sent the marine patrol out both by air and by sea. On February 3rd, which is a Thursday, they observed 251 dead fish. There were 41 ashore on Pea Island, there were 10 in the surf and 200 were observed from the water. We had a plane up there along with our webmaster who was out there with his camera.

We also had the marine patrol on the beach as well as our biologists that day. Between the marine patrol and the biologists, they collected a total of 61 fish on Thursday, February 3rd. Fish and Wildlife Service staff was also out on the beach on Friday, February 4th, as were our biologists and marine patrol.

On the 4th, which was Friday, the Fish and Wildlife reported measuring 21 fish. We believe that there is some overlap between the fish that they measured and the fish that our staff measured. Then again on February 7th the Fish and Wildlife Service staff were back out on the beaches and measured another 52 fish from that incident. The trawl fishery closed on February 4th, and it was the position of the division to not reopen it until we had a chance to present this to

our Marine Fisheries Commission, which met February 10th and 11th.

We presented the commission with three different options; keep the fishery closed, reopen it as a bycatch-only fishery or reopen it with modifications to the previous regulations. The commission voted to reopen the fishery with the 2,000-pound trip limit, transfers at sea, the 28-inch minimum size limit and instituted a 30-minute tow time.

This was based on the tow times that are used on the Cooperative Winter Tagging Cruise. Dr. Laney can probably attest to the fact that this is the tow time that is used successfully for the tagging of striped bass. One of the significant things, the commission voted to direct staff to develop a proposal to allow a commercial hook-and-line fishery in the future to help avoid waste.

I wanted to give you all a little bit more information about that. I'm actually heading up that effort. The information paper is not yet complete. I would be happy to distribute it to anyone once that paper has gone through internal review. I will say that there is a rainbow of management options that are being presented within that paper.

The commercial use of hook and line as a gear type is something that we have been discussing in North Carolina since the fall. I presented an information paper to our commission in November because they had directed staff to look very broadly at the commercial use of hook and line as a viable gear type. Given some other protected species interactions we've been having with gill nets in our waters, we have examined rule changes that would be needed.

We talked to staff in other states regarding their commercial hook-and-line fisheries and how they're managed and then looked at how this would impact our state fishery management plans. Our commission directed us to move forward with examining the commercial use of hook and line on a fishery-by-fishery basis. Our state FMPs are reviewed at least once every five years.

The first FMP in that cycle to be eligible for this in-depth examination of the commercial use of hook and line is our Estuarine Striped Bass FMP, which as I indicated earlier we're in the process of doing an amendment to that particular management plan. Actually, I have to leave the meeting early tomorrow so I can go down to our advisory committees and

give them a presentation on the commercial use of hook and line in the estuarine striped bass fishery.

I think I'll stop there. I just wanted to acknowledge all the public comment that there has been on this issue. I recognize it's a very emotional issue for a lot of folks. We appreciate all the comments that we've received. I would be happy to take any questions from board members.

CHAIRMAN TRAVELSTEAD: Michelle, we would look forward to receiving your report once it's completed. If you could distribute that to staff, they'll get it to the rest of us. Ritchie.

MR. R. WHITE: Thank you, Michelle, that was an excellent report. Two questions – one, the striped bass that were estimated and/or the striped bass you recovered, were they accounted for in the commercial harvest. And then second question, I noticed that in past years North Carolina has not filled its commercial quota, and is the fishery different this year in that it sounds like you're able to – the fishermen are able to have more contact with the fish, and do you foresee a different outcome this year for the commercial fishery?

DR. DUVAL: The fish that were recovered were not counted against the commercial quota. It is not an illegal activity to discard fish that are above one's legal limit. I will just note for the board that the trawl fishery, as a total – right now the striped bass ocean fishery is closed. We have 237,995 pounds of quota left. Almost 59,000 pounds of that is in the trawl fishery; 22,000 pounds from the gill net fishery and 156,000 pounds in the beach seine fishery.

We are leaving quota on the table this year. I was actually adding up the numbers last night. Just for everyone's benefit, our fishing year starts December 1st and runs through November 30th of the following year. So, with the December 1, 2003, through November 30, 2004, fishing year, there has been a range of quota left on the table from 58,000 pounds that year to 290,000 pounds the 2008/2009 year. I guess the point is that we have not met the quota since before the 2003/2004 fishing year, and it's just over a million pounds that has remained.

EXECUTIVE DIRECTOR O'SHEA: Mr. Chairman, just for the board's information, we had a number of e-mails come into us at the commission. Partly in view of that interest, I had spoken to Dr. Daniel and there was a public listening session on Thursday before the marine commission met. I was in Morehead City present for that, and then on

Friday, when the Marine Fisheries Commission met, I was also present in the audience and Dr. Daniel announced my presence to both the audience and the members of the commission. Thank you.

CHAIRMAN TRAVELSTEAD: Wilson, you had a point on Michelle's last comment.

DR. LANEY: To Ritchie's question about the discards from the trawl fishery, just as a point of information for the board, Kate and I had looked that up because that question came up during the controversy that arose. The stock assessment subcommittee – while we didn't get a count from this particular incident, the model plugs in a 35 percent discard mortality for the trawl fishery coastwide once the numbers come in.

The other question that was posed to me as your technical committee chair was whether or not in at least the one particular case the evident mortality was consistent with the assumption that we put in the model, and, of course, the answer to that is, no, it wasn't. When you have a catch that large, obviously, the reported mortality anyway greatly exceeded the discard mortality that we plug into the model.

DR. KRAY: Michelle, you talk about the viability of a commercial hook-and-line fishery. I read recently that legislation has been introduced in the North Carolina legislature to go to a hook-and-line fishery. What impact would that have on your commission's taking action?

DR. DUVAL: It's actually a game fish bill, so it covers – in was introduced. It has yet been heard in committee, from my understanding, but it covers striped bass, red drum and spotted seatrout. Those fish would have game fish status. What I was referring to was a commercial hook-and-line fishery. Currently in North Carolina the use of hook and line as a commercial gear type in the striped bass fishery is prohibited by rule, so we're examining changing that particular rule to allow for the commercial use of hook and line.

DR. KRAY: As a followup, if you go to allow commercial hook and line, the inference at least in my mind was that you're going to prohibit trawl fisheries and gill net fisheries; am I incorrect there?

DR. DUVAL: I think that's an incorrect assumption at this point. This is something that we are bringing back to the commission for their consideration, so the issue paper includes a range of options. One of those options would be only the commercial use of hook

STRIPED BASS POACHING ISSUE

and line as a gear type. It also includes the use of hook and line as a gear type in addition to the other gear types, incentivizing the use of commercial hook and line. There is a huge range of options that are contained within that paper. I can't predict what action the commission will take.

MR. AUGUSTINE: Dr. Duval, you didn't mention what the incident of discard mortality would be on the trawl fishery if in fact you went to game fish status. What typically does a trawl vessel report in terms of incidental bycatch of striped bass? Is there any annual number that they have to report in terms of bycatch discards?

DR. DUVAL: No.

MR. AUGUSTINE: The only reason I asked the question is in the event that you decide to go to game fish status, you're going to have bycatch discards anyway so the fish are of no value to anybody. I wonder why – unless you're going to eliminate trawl gear from the ocean, there is still going to be discards, and no matter where you are there is going to be incidental catches.

We have experienced it in New York although it didn't get publicized like it did in North Carolina. I did review a series of pictures that I said, oh, my God, we've got a North Carolina on our hands. The fishermen addressed the issue very quickly, but again it can happen, and I just wondered what the value is of going to game fish status when you still have the gear that is able to catch and kill those animals and never get any value out of them.

DR. DUVAL: Pat, that's a great point. Again, I cannot predict the actions of the commission, but I'm not sure I would see a complete prohibition on the use of trawl gear in the ocean. Most of those boats, because of the low limits that we have had, the 50-fish limits in the past, they're fishing for menhaden, they're fishing for Atlantic croaker, and that's actually what they're making money on. The striped bass pays the fuel. So, yes, there would continue to be discards – there is no doubt about it – if trawls were still used.

MR. GIBSON: This is one of the primary reasons that I supported the commercial quota increase at the last session so that of these so-called floaters could be converted into landed catch as opposed to dead catch, which will occur regardless of what we do. Thank you.

DISCUSSION OF MARYLAND

CHAIRMAN TRAVELSTEAD: Was that sort of an I told you so? Okay, we're going to have to move on because we've run out of time, really, but thank you very much for that report, Michelle. It was informative and I think it met the purpose of what was intended. Tom, you're going to brief us on the Maryland situation?

MR. THOMAS O'CONNELL: Yes, that's correct. In Maryland we had a significant striped bass poaching event, probably the biggest that we've ever seen. I wanted to just review that with the board and hopefully in this review will demonstrate that Maryland does take our shared stewardship responsibility with this commission very seriously; that we took swift and responsible action. We tried our best to keep all the commissioners informed and that we are committed to take further action.

We have a drift gill net fishery that occurs in January, February and December. Each month has a specific quota. In February it has a split quota for the beginning and the end of the month. In response to reports of illegal anchor gill net use, we had stepped up our law enforcement efforts at the beginning of February, and on February 1st issued some citations for the first net that was discovered. That net and fish were confiscated.

An additional net was on February 2nd. The results of those two incidences, there was a total of 20,000 pounds of fish that were confiscated. In response to the magnitude of those two incidences, the department closed the fishery immediately until further notice. Over the next couple of weeks in February we scaled up our law enforcement efforts. It was their number one priority for that couple week period.

During that period of time, they went out and dragged areas of interest as well as we had one of our research vessels go out with side-scan sonar to search areas that we suspected potential additional nets. On the screen there, which it may be difficult to see, but that is one of the images from our side-scan sonar in the eastern bay area where most of these nets were discovered.

The side-scan sonar was successful in picking up nets. That net there was about 2,600 yards in length, which was discovered. Over the next couple of weeks we searched a lot of different areas and we found seven additional nets and 5,000 pounds more fish. In total we had about 25,000 pounds of fish and

5-1/2 miles of illegal anchor gill net that was confiscated.

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The fish were deducted from the February quota; and with that there was still about a 200,000 pound balance for the month of February. After much debate and discussion with our law enforcement officers on the magnitude of additional nets being in the water and also our regulatory authority to only keep the fishery closed if it was our impression that the quota had been achieved, the department decided to reopen the fishery for two days at the end of the month.

There were 200,000 pounds remaining. Our peak daily catch limits for this time of year is roughly about 60,000 pounds, which would have suggested we could have opened the fishery for three days, but we were conservative and opened the fishery for two days in case there was additional nets and fish discovered.

Those two days, the weather wasn't very cooperative, and at the end of the month we still had 115,000 pounds balance for the month of February. All that said, the department has made a commitment to do a comprehensive review of the gill net fishery. There are a lot of concerns in regards to the enforceability of this fishery; and if we can't take the necessary steps to ensure the principle of enforcement, the department may be looking at phasing gill nets out over time.

We're hopeful that we won't come to that, but I think it's clear that we can't invest the amount of resources that we had to do in the month February to make sure that illegal nets are not continuing to be a problem. The department is also supporting legislation right now that would increase the fines associated with certain and egregious striped bass violations, including license revocation and also fines up to \$25,000 and one-year jail sentence. I guess in summary I just want to recognize our law enforcement officers. They did a tremendous job.

We had very unpleasant weather conditions in February. They sat out overnight on several occasions and should be congratulated for the work that they've done. We also had tremendous support across all the stakeholders, and they have come forward and put money on the table for an award that is now over \$30,000; commercial organizations, sportfishing, charterboat, non-profit conservation groups as well as private citizens. The investigation is ongoing. I can't comment on that right now, but I

will say that I'm optimistic that arrests will be made. With that, I'll be happy to take any questions.

CHAIRMAN TRAVELSTEAD: Questions or comments for Tom? Loren.

MR. LUSTIG: Thank you very much, Tom. I really appreciate the ratcheting up of penalties. It has been something that I've followed with great interest. In Pennsylvania we've seen the benefits thereof with our sister agency, the Pennsylvania Game Commission, really getting serious regarding deer poaching, as an example. I've often wanted to see confiscation of vessels, but maybe I'm on the radical fringe thereof. I really thank you for leading the efforts there to ratchet up the fiscal implications of this illegal act. I think you have obviously demonstrated strong public support thereof, so good job.

MR. R. WHITE: I'd certainly like to commend both states for reacting quickly and responsibly to difficult situations. I think also importantly to keep the commission informed because we certainly got e-mails and were informed of this situation as we had constituents contacting us all the way up in New England on this. I think the states did a good job.

CHAIRMAN TRAVELSTEAD: I agree with those comments completely, Ritchie. On any given day the same thing could be happening in any one of our other states. I think the way North Carolina and Maryland responded was a model of how a response should occur. Vince, did you have a comment?

EXECUTIVE DIRECTOR O'SHEA: Just briefly; it's along the same line, Mr. Chairman. I received a number of comments that were initially critical of both North Carolina and Maryland, and I wanted to let the board know that working with Dr. Daniel and with Tom O'Connell I took press releases from the states and I used those to answer some of the criticism that I was receiving.

I think the fact that both states had regulatory authority to act quickly spoke directly to the seriousness and proactive way in which they were managing their fishery. I think their action spoke – in every case where I sent back that answer in the e-mail, that was the end of the – nobody came back and questioned it. Thank you.

CHAIRMAN TRAVELSTEAD: Any other comments on that issue? Before we go to the advisory panel membership, Kelly, you had some other brief advisory panel items.

MR. PLACE: Yes. I'm going to keep the advisory panel report very short. Even though we on March 14th call with record participation, the conference call lasted 2-1/2 hours. Almost every state was represented and we also had representatives from the technical committee as well to explain several different things. It was important to note just how good the participation was. On the Connecticut Proposal, that has already been rehashed, but suffice it to say that the AP voted 11 to 2 to not only approve that proposal but then also to recommend that a report be delivered back to the board after the first year of that.

Without going into it, we also talked about monitoring the various discard issues, the herring and shad, whether there was actually predator control or whatever, and any number of other things. I will extend the written report because I'm not going to give it here given the late hour, and you guys will get that at some point because in 2-1/2 hours we did cover a lot of things.

With regard to the North Carolina and the Maryland issues, one thing that's important is they overshadow the one other issue that has been going on, all three of which are tremendously important, and we spoke at length on them, and that is the fishery that is going on still in the EEZ; I guess predominantly recreational but certainly there have been commercial violations out there as well.

Just as a point of comparison, the amount of pounds that were lost, wasted or poached in the Maryland and the North Carolina incidents may very well pale in comparison to the unaccounted for mortality on the spawning stock biomass that takes place in the EEZ. It's not off just Virginia; it's also off Carolina and to a lesser extent Maryland sometimes.

But, from what we understand – and I've done a great deal of personal investigation on this – we're not sure if it has gotten better or not. It may have gotten worse. I am encouraged, however, that there has been a major federal law enforcement effort of the third issue I'm talking about now, and it is ongoing.

There was a preliminary report in the Virginian Pilot on that. No arrests have been made but it has been going on for quite some time. Needless to say, whether it's the offshore EEZ illegal fishing, whether it's the Maryland poaching incident or the North Carolina trawl thing, the advisory panel takes all those quite seriously.

On the North Carolina thing, just like Vince and Jack said, we did think the states reacted very positively on that; North Carolina by putting in a 30-minute tow, that was good; number of fish going to instead of poundage quota, that's great. It should reduce high grading. Also, several of our advisory panel members thought that perhaps on the trawl fishery there should be observers. That's something for you all to discuss.

I think you've covered the Maryland thing very well. It was noted by one of the representatives that there was across-the-board cooperation in Maryland, commercial, recreational and other, in terms of putting up rewards, giving information, et cetera. And to that point, since I get to the Virginia and the offshore EEZ, I went and talked to my congressman about it.

I approached the Virginia Watermen's Association and suggested they should proactively put forward a reward that would be awarded for the arrest and conviction of any kind of significant violation to hopefully forestall it and keep that from happening. I passed out the hotline number to as many people as I could. I'm not usually into narking people out. I don't think that's a normally a good thing, but in this case all these illegalities are having a profound effect not only on the people who fish legally but possibly the stock as well. I do encourage all states to encourage their stakeholders to cooperate more with law enforcement, pass the coast guard or state marine bureau hotline numbers so that if there is illegality taking place, it can be promptly reported. We've strongly encouraged people to do that and clean up the fishery.

Toward the end, after we discussed all the illegality, because various mortalities are so poorly understood by the public and often by the advisory panels and the board, especially discard mortality, we requested that the technical committee – and we're not asking for a really super in-depth report but more of a layman's report so that we can explain the ways that discard mortalities are assessed in both commercial and recreational gears to the lay public because there is such a vast misunderstanding and misperception on the part of the public regarding this and how it interacts with all the questions that management faces.

To that same point, there are so many different things that we discussed here, many of which have been on the board today, that also the public just clearly doesn't understand. It just appalls me sometimes the misconceptions that are reflected in the various

comments that we get. Anything the commission can do to put out brief, short laymen's reports so that when we're questioned about these things, we can direct them to a report. Instead of reinventing the wheel over and over, it would be much appreciated.

Lastly, one member of the panel, especially one member but several others as well, felt that this board doesn't take the advisory panel very seriously. In that same conversation there was concern that when votes are getting ready to take place, I guess during the caucus period, that there are possibly too many quid pro quos. Other words were used to describe that, like backdoor deals and things like that and some less kind things on that.

But, I just wanted you to know that the advisory panel by and large has the impression that you don't take them seriously and they would like to see more transparency on the part of the board. Actually there is one last thing that I promised because of follow-up e-mails and phone calls I got. The New York commercial representative, in response to both the Connecticut proposal and other issues that were extant during the discussions, pointed out – even though he voted for the Connecticut proposal, he pointed out that the discard mortality of the recreational fishery is significantly higher than the commercial landings and most years has been higher than the commercial landings and the discards put together.

So, he was upset because even though he voted for the Connecticut proposal – he didn't want to be cast as being against disadvantaged youths – he felt that there was a strong level of hypocrisy in the fact that Connecticut had voted down the commercial increase that was considered at our previous meetings and swore up and down that there would be no increase in mortality from any state and then put forward this, which would increase mortality albeit in a very small amount. But I promised I would bring that up and state it in no uncertain terms. If you've got any questions, I'd be happy to answer them. Law enforcement had a comment?

MR. KURT BLANCHARD: Law enforcement at yesterday's meeting, many hours of our meeting was dedicated to this EEZ fishery and concerns over the fishery and the efforts that have been into attempting to deter or stop that illegal fishery in the EEZ. We've taken some steps at the committee level to ask the Policy Board to request of NOAA General Counsel to revisit the penalty schedule for violations in the EEZ.

This was done several years back where they increased it from \$50 to \$100. We're taking it a step further and asking them to increase it further hopefully to roughly \$500, but also explore the option or the availability to law enforcement and the coast guard and NOAA in possibly pursuing sanctions against the six-pack licenses for these guys that are out there violating.

Law enforcement pretty much feels at this point – and this really came strongly from the states and the jurisdictions in that area, U.S. Fish and Wildlife, NOAA, Maryland, Virginia, North Carolina – that they have exhausted their resources in attempting to deter this fishery, and they're really hoping that maybe either the board or the respective states can take some actions to try to either close their fisheries during those periods or possibly going the other end of the spectrum is to open the area for the fishery.

I just wanted to get that on the record. Many hours of yesterday's meeting were dedicated to this and there are some serious concerns. We've had miles of seized gill nets, hundreds of thousands of dollars in fines, hundreds of thousands of dollars of seized fish, seized boats, jail time. We need your assistance to stop that fishery or open it, whatever you deem necessary.

NOMINATIONS TO ADVISORY PANEL MEMBERSHIP

CHAIRMAN TRAVELSTEAD: Okay, we're running out of time and we're going to have to move on. Do you have an advisory panel recommendation?

MS. KATE TAYLOR: There were two nominations to the advisory panel that were included in your briefing and supplemental materials. The first is David Sikorski, a recreational fisherman and CCA member from Maryland; and the second is John Pedrick, a recreational fisherman from Pennsylvania. Additionally, the Commonwealth of Massachusetts has just submitted for consideration today the nomination of Douglas Amorillo to the advisory panel as well.

MR. AUGUSTINE: **Mr. Chairman, I move to accept all nominations as stated.**

CHAIRMAN TRAVELSTEAD: Is there a second to the motion; seconded by Gene. Any discussion on the motion? Seeing none, any objection to the motion? **Seeing none, the members are added to the advisory panel.** The last item on the agenda, a quick update on the tagging cruise.

2011 COOPERATIVE WINTER TAGGING CRUISE

DR. LANEY: Mr. Chairman, I'll be brief. With regard to the 2011 Cooperative Winter Tagging Cruise, the short version of the report is there wasn't a cruise in the traditional sense. The principal partners – and just to remind you who those are; that's the North Carolina Division of Marine Fisheries, Maryland DNR, the U.S. Fish and Wildlife Service South Atlantic Fisheries Coordination Office – that's my office – and our Maryland Fishery Resources Office, the Virginia Marine Resources Commission and the National Marine Fisheries Service Southeast Regional Office – collaborated together and undertook normal pre-cruise preparations.

We were advised by NMFS Headquarters that they were planning to transfer funding to ASMFC, which ASMFC could choose to expend on ship time for the cruise. The National Science Foundation Research Vessel Cape Hatteras, which is based at Duke University, was available and was standing by and prepared to conduct a cruise as it had done in 2009 and 2010.

We got the word in February, specifically February 9th, that no funding would be forthcoming, at least not during a timeframe that we needed it. We had initiated some exploration of other options in December, but the late notice dictated that we move rather rapidly to try and conduct some tagging operations so we wouldn't lose our time series, and we were able to employ an existing mechanism in the form of the North Carolina Division of Marine Fisheries Wallop-Breaux Grant, which already had the cruise built in as an element, to get out there and charter some commercial sportfishing vessels and employ the Massachusetts DMF tagging protocol instead of our traditional and historic trawl gear.

The necessary state and federal permits were issued really fast thanks to the Virginia Marine Resources Commission and Commissioner Bowman and to Dr. Roy Crabtree in the Southeast Regional Office of NMFS. We completed one trip out of Rudee Inlet, Virginia; 110 striped bass were caught; 108 were tagged and released.

This effort at least kept the time series intact although it will be the lowest number tagged in the time series. We did have additional trips scheduled but we got blown out due to adverse weather conditions. Since there wasn't a cruise conducted in the traditional manner, there were no data generated on other

ASMFC-managed species, including allosine species, Atlantic sturgeon, horseshoe crabs, red drum, spiny dogfish, summer flounder and weakfish, all of which we normally collect data on while we're out there.

Some of those North Carolina uses in meeting other ASMFC compliance requirements. In the interest of time, Mr. Chairman, I won't name all the individuals that collaborated to make sure that we at least got some fish tagged and kept the time series intact, but I would like to personally thank Dr. Daniel, Mr. O'Connell, Commissioner Bowman and Dr. Crabtree and the folks in the Fish and Wildlife Service, Maryland Fishery Resources Office and also my colleagues in the Raleigh ES Office, all of whom assisted with this effort and made sure that we got out there and got those fish tagged. Thank you.

MR. R. WHITE: The Law Enforcement Report took a little bit for me to absorb, but I believe I heard correctly that our existing regulations with the existing fine structure in place are unenforceable I think is the take-home message. I think there was a request in the report for this board to write a letter in support of increasing fines, which I think we should do.

I've seen newspaper reports of charterboat groups or associations or affiliations that have a penalty fund that they all contribute to and when one of them gets arrested the fines come out of that, so it's like the cost of doing business. So, clearly, the present fines are not doing the job as arrests are being completed. I think that was a pretty drastic report, and I think it needs some attention by board. I certainly think we should be writing a letter in support of additional fines or sanctions.

CHAIRMAN TRAVELSTEAD: First let me say, that actually wasn't a report from law enforcement. It was a comment. You've been meeting on this subject, and it wasn't on the agenda. Will there be a more formal report from the Law Enforcement Committee at some point.

MR. BLANCHARD: We can provide a more formal report. It was more of an update. I was waiting to see where the meeting discussions went on whether to bring this in or not. With Kelly going into the EEZ's discussion a little bit, I wanted to bring that out of where these discussions went. What we're doing from a committee standpoint is requesting the Policy Board to further that request; and to have the endorsement of the Striped Bass Board on that issue, that would be wonderful. That's where it's going. If you want a more formal report, we can provide that.

CHAIRMAN TRAVELSTEAD: But you will have a report to the Policy Board later this week on this issue?

MR. BLANCHARD: Correct.

CHAIRMAN TRAVELSTEAD: Okay, I think in the interest of time that would probably be the best place to take it up. I know there has been other letters going out to the coast guard and things of that nature. Wilson.

DR. LANEY: Mr. Chairman, Ritchie's remarks reminded me just to put on the record my personal appreciation to the U.S. Coast Guard this year for being highly responsive to calls from myself and other concerned individuals in the striped bass management family. I think especially off North Carolina they undertook a tremendous effort to maintain a highly visible presence out there this year, and I really appreciate it.

ADJOURNMENT

CHAIRMAN TRAVELSTEAD: Okay, is there a motion to adjourn? So moved; we are adjourned.

(Whereupon, the meeting was adjourned at 10:25 o'clock a.m., March 23, 2011.)