

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

**Crown Plaza Old Town
Alexandria, Virginia
May 4, 2009**

Board Approved August 18, 2009

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INDEX OF MOTIONS

1. **Approval of Agenda** by consent (Page 1).
2. **Approval of Proceedings of February 2, 2009** by consent (Page 1).
3. **Move to approve the terms of reference as laid out in the CESS' white paper (Page 8).**
Motion by Terry Stockwell; second by Doug Grout. Motion carried (Page 8).
4. **Move to initiate an addendum that will (a) develop a commercial quota rollover of up to 50 percent of a state's unused commercial quota, and (b) provide for an increase in coastwide commercial quota utilizing the percent increases in the analysis developed by the technical committee** (Page 9). Motion by Michelle Duval; second by Pat Augustine.
5. **Move to divide the question addressing the increase in commercial quota first and then the quota rollover provision second** (Page 9). Motion by Pat Augustine; second by David Simpson. Motion carried, 12 in favor, 3 opposed, 1 abstention (Page 10).
6. **Move to initiate an addendum that will provide for an increase in coast-wide commercial quota utilizing the percent increases in the analysis developed by the technical committee: 15, 20, 25 and 30 percent** (Page 9). Motion by Michelle Duval; second by Pat Augustine. The motion failed, 6 in favor, 8 opposed, 2 abstentions (Page 15).
7. **Move to initiate an addendum that will develop a coastal commercial quota rollover of up to 50 percent of a state's unused commercial quota** (Page 9). Motion by Michelle Duval; second by Pat Augustine. Motion carried, 10 in favor, 4 opposed, 2 abstentions (Page 18).
8. **Adjournment by Consent** (Page 20).

ATTENDANCE

Board Members

Terry Stockwell, ME, proxy for G. Lapointe (AA)	Leroy Young, PA, proxy for D. Austen (AA)
Doug Grout, NH (AA)	Roy Miller, DE, proxy for P. Emory (AA)
G. Ritchie White, NH (GA)	Bernie Pankowski, DE, proxy for Sen. Venables (LA)
Rep. Dennis Abbott, NH (LA)	Tom O'Connell, MD (AA)
Paul Diodati, MA (AA)	Bill Goldsborough, MD (GA)
William Adler, MA (GA)	Russell Dize, MD, proxy for Sen. Colburn (LA)
Mark Gibson, RI (AA), Chair	Jack Travelstead, VA, proxy for S. Bowman (AA)
David Simpson, CT (AA)	Catherine Davenport, VA (GA)
Lance Stewart, CT (GA)	Michelle Duval, NC, proxy for L. Daniel (AA)
Jim Gilmore, NY (AA)	Bill Cole, NC (GA)
Pat Augustine, NY (GA)	Mike Johnson, NC, proxy for Rep. Wainwright (LA)
Brian Culhane, NY, proxy for Sen. Johnson (LA)	Steve Meyers, NMFS
Tom McCloy, NJ, proxy for D. Chanda (AA)	A.C. Carpenter, PRFC
Tom Fote, NJ (GA)	Dave Perkins, USFWS
Gilbert Ewing, PA, proxy for Asm. Fisher (LA)	

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

Ex-Officio Members

Desmond Kahn, Technical Committee Chair	Kelly Place, Advisory Panel Chair
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Staff

Vince O'Shea	Mike Howard
Kate Taylor	Nichola Meserve

Guests

Jed Brown, DC F&W

*Additional members of the public in attendance but not recorded.

CALL TO ORDER

CHAIRMAN MARK GIBSON: I am going to call the Striped Bass Board to order. You may see some revolving chairmanship here because I'm the only delegate from Rhode Island and there will be some point in the meeting when I want to speak some of the issues. At that point I will turn the chairmanship over to Bob Beal so be prepared for that. The first order of business is the agenda. I have had several requests to speak under other business. Tom.

MR. THOMAS O'CONNELL: I'd be happy to give the board an update on the striped bass investigation that I brought up at the last meeting.

DR. DAVID PERKINS: If we have time discuss the Winter Tagging Cruise that would be great.

MS. MICHELLE DUVAL: I just wanted to bring to the board's attention a letter that was written by North Carolina's Marine Fishery Commission regarding striped bass in the EEZ.

APPROVAL OF AGENDA

CHAIRMAN GIBSON: Thank you, we will add those three items under other business. Are there any other requests for changes or adjustments to the agenda? Seeing none, is there any objection to proceeding with the agenda as modified? Seeing none, that is how we will proceed.

PUBLIC COMMENT

I am not aware of any public comment on the sign-out sheet, but is there anybody from the public who wants to address this body on items that are not on the agenda today?

APPROVAL OF PROCEEDINGS

Seeing none, the next item is the proceedings from the February 3, 2009, meeting, which Jack Travelstead chaired on my behalf. Thank you, Jack, I was on the runway waiting to get here.

Are there any requests for adjustments or changes to those proceedings? Seeing none, is there any objection to approving the proceedings as written? Seeing none, the proceedings from the February 3, 2009, board meeting stand approved. Now, the technical committee report.

TECHNICAL COMMITTEE REPORT

DR. DESMOND KAHN: The technical committee did have a face-to-face meeting, and we did get a chance to go over the list of seven questions and the responses that have been developed. The report that has been distributed does have those, somewhat revised in some cases, responses.

MS. NICHOLA MESERVE: I just wanted to add that staff has copies of the report from the technical committee. It was part of the supplemental materials, but if any commissioners would like a copy of it, please raise your hand and it will be passed out.

MR. KAHN: The report is 17 pages. I'm not obviously going to be able to cover it all in detail. I would recommend when you get a chance that you go through some of these. Due to time constraints I'm just trying to cover the highlights here today.

As an introductory comment I just wanted to mention that a number of the analyses that we present in the report are based on the terminal year F from the Statistical Catch-At-Age Model for 2006, which was 0.31, as you may remember, but there are certain things that you want to keep in mind when looking at those analyses.

First, the past performance of model indicates that that estimate for 2006 will probably decline when we add more data. We're on record as of the last assessment stating that specifically, which is quoted in the report.

Second, there is some evidence I presented the last time that suggests that the MRFSS recreational landings may have been overestimated in recent years.

Third, we have accumulating evidence that the mycobacteriosis epidemic in the Chesapeake Bay could be causing an increase in natural mortality for the Chesapeake stock, and the model does not account for that.

Fourth, I presented and it is presented in this report evidence of a potential impact of under-aging older fish when we use the scales as we do currently. You will see in the analyses when otolith ages are substituted the older fish become older using that aging structure, and the impact on the catch-at-age analysis, at least for VPA, which the only evidence we have so is the VPA run using both, shows that those older ages indicate the stock is larger, the age

structure is more extended, the mortality rate is lower including fishing.

These are some of the things to keep in mind when you're looking at some of those analyses. The last point is the tag-recapture estimates of fishing mortality are considerably lower. In fact, the coast-wide estimate was only 0.13 for 2006, so just keep those in mind.

Okay, let's go to Task 1; that was the one where we were asked to evaluate the effect of a range of percent increases such as 15 percent, 20, and 25 percent in the commercial coast-wide quota – that is excluding the Chesapeake Bay – and evaluate the effect of those increases on the fishing mortality rate.

Now, the last time we didn't include certain quotas, and we were asked to revise that. We didn't include the New Jersey quota which they currently use for their bonus fish recreational program, but that is a sizable quota of 321,000 pounds. Then some smaller quotas were Connecticut, New Hampshire and Maine.

Now, currently none of those allocations, which the total is 351,000 pounds, are used commercially, but the states want to reserve the right in the future to use them for commercial catch. The New Jersey one is a little complicated because part of it is used now for their additional recreational catch. It's a minor part of that.

We did not go through the process of removing those additional recreational catches from the catch at age, so there is a small amount of double-counting here because New Jersey was counted twice in effect, or a portion of it was. Second, the technical committee wanted to state that we would prefer to have the results of the 2009 stock assessment in hand before we could fully assess the impacts of such an increase. But, we had two different analyses with slightly different approaches, and they both found that the largest 25 percent and even 30 percent in one case would only increase fishing mortality by 0.01, so that was a consistent result of the two different analyses.

Okay, the second task is we were asked to determine which recreational size limit options are conservation neutral in terms of the spawning stock biomass per recruit to two fish at 28 inches, the current predominant coast-wide regulation. The size limits should maintain the two-fish creel limit but allow for one smaller fish and one larger fish.

The last analyses were conducted by Dr. Gary Nelson from Massachusetts and Dr. Alexei Sharov from Maryland. This one was conducted by Dr. Victor Crecco, Connecticut Bureau of Maine Fisheries. You see up on the screen the table with various options. Basically, if you reduce the minimum size for one fish, then you increase the minimum size for the second fish. The smallest minimum size here was 18 inches for one fish and a 40-inch for the second fish.

Now, there are a couple of things to keep in mind here. These results are sensitive. If there were major changes in growth rate and also if there were a systematic rise in natural mortality over time these results would be affected by that, so in that case they would not be strictly accurate. Now, some members of the committee did raise questions about the approach used here.

It should be pointed out that this is a basic conservation equivalency method that Dr. Crecco has used previously. I think it is currently in place for some state regulations. It has also been used for some other fisheries. Some of the points made were if we reduced the minimum size we would probably increase the total catch or at the least the number of fishermen who came home with a fish would probably increase, which is true.

That doesn't mean that fishing mortality would increase, however, necessarily because there are more fish at those smaller sizes. Remember, we're talking about a ratio of the total number that determines the fishing mortality. Currently when anglers harvest striped bass, according to MRFSS, the average creel is about 1.3 fish.

If we were to go to one of these alternative regulations people might be more likely to catch the smaller fish. They would also be less likely to catch the second fish at the larger minimum size limit. The mean catch per trip of people who harvest fish might decline, closer to one; however, the total number of trips harvesting fish would probably increase. These are taken into account in the methodology.

However, the technical committee recommends that these results serve as a guide and that any state wishing to implement alternative regulations should still develop and submit a proposal for review by the committee.

Task 3; this was a fairly technical question. Let me just read it for you. Determine how wide the gap between point estimates of Ftarget and Fthreshold must be to ensure that they are statistically different.

That's the first part. The second part was advice on how estimates of terminal fishing mortality should be compared to the reference points, particularly when the point estimate is above F_{target} but below $F_{threshold}$.

Now, I did have a chance to meet with a statistician from the University of Delaware about another issue, and I brought this topic up. What I have on the board there is actually not in the report because it was developed after the report came out. The fact is neither F_{target} nor $F_{threshold}$ have a variance around them. They are just numbers. We don't have a variance for either one. Consequently we cannot statistically separate those two numbers. They are just two numbers. There has got to be some variation to use the size in statistics. That is the answer to the first part.

The second part, if you look in the report at Figure 2 – I don't know if you have it in front of you, but Figure 2 portrayed a confidence interval around the estimate of fishing mortality from the statistical catch-at-age model. This is a 95 percent confidence interval. It runs from 0.23 to 0.39. Now what we can say is we're 95 percent sure that the correct estimate of fishing mortality is in that interval, 0.23 to 0.39. Consequently we cannot separate that estimate from the overfishing threshold of 0.34. We can't separate it from 0.31, obviously, and we can't separate it from anything within that interval statistically.

Okay, Task 4; analyze catch data from the Wave 1 Winter Fisheries off North Carolina, Virginia and Maryland to determine how this fishery affects the existing age structure of the striped bass population. That is a tall order which would take really a full-fledged rerunning of the stock assessment model. We may be able to do something like that this summer.

The first thing we have to do is to come up with estimates of the catch in Wave 1 off those states. We now have MRFSS coverage of North Carolina. However, we don't have MRFSS coverage of Virginia or Maryland in Wave 1. The method we have been using to estimate Virginia depends on the ratio from North Carolina of the number of tagged fish recaptured in relation to their MRFSS estimate of landings. We take that ratio, get the number of tags recaptured off Virginia in Wave 1 and use that ratio to scale up an estimate of what the Virginia landings would be.

If you look at the chart – it's hard to read the print – each grouping of bars is a year. So 2008 is all the

way on your left and then 2007. The first two years were part of the last assessment.

What happened apparently in the last two years was that the catches in North Carolina did not increase to the extent that – they actually declined; whereas, the catches off Virginia apparently increased, although we don't have solid estimates, based on the number of tags recaptured. This was true anecdotally. People said that the striped bass did not go as far south in the last two winters, as I understand it.

If you look at those two bars we have two different sets of estimates for Virginia. One is based on the strict application of the method we used previously. That estimated the 2007 catch at 363,000 – that's landings now, not catches actually – 363,000 fish in Virginia in 2007; 855,000 in 2008, Wave 1.

Now, this seems a little high. We have an alternative estimate which relied on an averaging of the ratios and not using just the year specific, and that reduced – if you see the light tan bar to the right in each group – to 121,000 in 2007 and 190,000 in 2008, so these seem more reasonable. And, by the way, there were no tags recaptured off the coast of Maryland in Wave 1, so we assume by this methodology that the landings were zero.

We want to make the point that it is apparent there were some large catches in Virginia in Wave 1, and we think the board should take measures to try to get the MRFSS covering that state in Wave 1 because the method we have presently is a very rough method. These are large fish. There are quite a large number of them being landed so it is an important part of the catch that we have very shaky estimates for.

We can't currently, as I said, estimate the actual impact on the age structure, but Gary Nelson from Massachusetts in 2006 calculated – this was 2006, the last assessment – that, if you look at Table 6, the percent of total removals at age in that year for some of the older ages, 9, 10 and 11, were about 10 percent of the total removals from the coast-wide stock for the whole year, so that is some impact at least. That is the best we could come up with. By the way, these numbers came from an analysis conducted by the Virginia Marine Resources Commission primarily.

All right, I would like to move to Task 5. That was to assess the long-term effects of recreational and commercial discards on the striped bass population and how changes in these rates would affect the age structure and female spawning stock biomass. This is

one of the analyses that did take the statistical catch-at-age results at face value that I referred to at the beginning.

What was done in this analysis was basically just to assume an increase or decrease in discarded fish would be an increase or decrease in fishing mortality. I just have one other graph. That is the one for spawning stock biomass portrayed on the screen. You see that in this case the range of F estimates went from 0.2, assuming a decrease in mortality and discards and thus mortality, up to 0.4 if there were an increase.

So, you see that that range of fishing mortality has quite a range of impacts on SSB. At the low end it would cause the stock to actually increase over the next ten years, and at the high end would cause a pretty significant decrease. That is what we have got for the discard impact.

Okay, Task 6; now this is the one we didn't have an answer for the last time and since then Dr. Crecco again produced an analysis for us. This one was to analyze recreational regulatory options that could increase the proportion of age 15-plus striped bass in the population to 3 percent and 5 percent using size and bag restrictions.

Now, in this case he used a model that was previously developed several years back. Some of you may not be familiar with it. It was developed by, I believe, Dr. Louis Rugulo and his co-workers at the Maryland Department of Natural Resources. It is known as the Harvest Control Model, and it is based on the Maryland Young-of-Year Index and growing those fish up through time.

What he found was that – this is assuming that natural mortality is constant now – in that case raising the coastal minimum size from 28 inches to 29 inches would boost future abundance of age 15-plus striped bass by about 3 percent. If the minimum size was raised to 30 inches it would boost the future abundance by about 5 percent. That was the answer that strictly met the request, just an increase in the minimum size.

Now, he did point out that if higher natural mortality occurs due to, say, a myco outbreak the overall abundance of age 15-plus striper would be 60 to 80 percent lower by 2015 compared to the constant M. So, that's a factor we are starting to try to take in account, what impact that could have. However, if that were to be true, increasing the minimum size as

listed here would still cause an increase in abundance of older fish relative to maintaining it at 28 inches.

This brings up a point that I should have mentioned in the previous one where we had the two minimum sizes. The committee wanted to bring to the board the issue of potential increase in contaminants among bigger fish. This report has an appendix with information on the consumption advisories from various states.

Apparently bigger fish can have higher levels of mercury. When you look at another major contaminant, which is PCBs, they apparently start losing PCBs at a certain rate and at a certain point it balances so they don't necessarily accumulate them as they get above a certain size. That is an issue we wanted to bring to the board's attention and consideration for some of these minimum size regulations.

Okay, Task 7, this one was refine the age-length data used for the 2007 assessment, using the stored otolith scale samples processed in 2008 from striped bass 31 inches and larger. Now, we had actually two separate analyses. One was conducted by Dr. Alexei Sharov and Andrea Hoover from the Maryland Fishery Service and another was conducted by Hank Liao, Alexei Sharov, and Dr. Cynthia Jones.

As I you see, I showed you this the last time. The figure up there shows the effect of using otolith ages and rerunning the VPA. You see the white dots are the otolith ages and the black dots are the scale-aged fish, and you notice that the estimate of fishing mortality tends to be significantly lower when otolith ages are used in the analysis.

Now, a couple of caveats – that's with the VPA. It could be different when we run a statistical catch at age, but in general what we get is we get more older fish and that means that the mortality is not as high as we have a more truncated age structure. It would also mean there are more fish in the stock according to these catch-at-age models.

Both of the teams that worked on this found that the otolith ages tended to be older for fish above, say, age 10 or 11, and that could have an impact. So, what does that tell us? That tells us that currently using scale ages, we have a significant amount of aging error for older fish, and otoliths in general are considered by fishery biologists to more accurate than scales and clearer. So, we're kind of operating with a handicap to some extent using scale ages, and

it has certain impacts on the analysis we do. I would be glad to answer any questions about these items.

CHAIRMAN GIBSON: Are there question for Des? Yes, Doug Grout.

MR. DOUGLAS GROUT: Des, I think the technical committee did an excellent job here on a wide range of tasks here. There was only one thing that surprised me here; and that is if you go to Task 5 and we look at Figure 6 and Figure 7 graphs, I notice that under fishing mortality rates the only fishing mortality rates that result in either a level SSB or age 8-plus or an increase is 0.25 or lower.

I kind of expected the leveling, given that is pretty close to our target, that there would be at an F 0.32, that we would see a leveling of the SSB or age 8-plus, but clearly this analysis shows that at that level of fishing mortality there would be a rather significant decline in both of those. That surprised me given some of the analyses we have seen before.

DR. KAHN: Well, actually, to tell you the truth, I share your surprise. This was done by Gary Shepherd. I asked him why this was occurring. The thing that is kind of striking about the graph is if you look the peak on this appears – it looks like about 2003. Then we have seen a decline already through 2006 according to this.

I wish I could answer that or comment on that. I think it is something we're going to have to explore further this summer. I'd like to learn more about why this gives this appearance. I can't make a judgment as to whether it is totally accurate or not at this point because we didn't get a chance to really get into how or why this happened. I asked him that and I don't have an answer yet.

MR. A.C. CARPENTER: My question deals with the otolith aging. It's in one of the figures that you did not put up on the screen, but it is the age one recruitment. Looking at it from 1981 up until the early nineties, them seem to be fairly consistent and then something happened there in 1991 or '92, maybe '93, and from then on there is absolutely – can you help me with this?

DR. KAHN: I think that is very important. That is a clear illustration of the impact of aging error. When people have done simulation studies of this type of effect, what happens is, take one of those peaks with the otoliths ages, the white dots, and think if you were aging fish in that year class over time and you

were off by a year here or there; what would happen? You would assign that fish to an adjacent year class.

So what happens is you tend to reduce the height of the big year classes and you tend to bring up the height of the adjacent weaker year class. You tend to smooth everything out. It is called smearing of year classes. Of course, you're back-calculating to estimate how big that was at age one. This is probably the most striking effect of these four figures to me because it's a known effect of aging error. You're kind of spreading fish out among all the year classes instead of assigning them correctly. I hope that helps you out.

MR. CARPENTER: Why wouldn't that same thing have occurred in the earlier years? I mean it's so dramatic where it changes.

DR. KAHN: Well, that's a good question. I believe the reason is that we didn't have any actual large recruitment events in those early years. Our spawning stock was still relatively low, and it wasn't until we built up to a certain spawning stock biomass that the stock was able to produce big year class.

MR. PAUL DIODATI: Des, it looks like the aging error is fairly systematic, so did the technical committee consider that maybe the true answer is somewhere in the middle of these two?

DR. KAHN: I don't remember any discussions to that effect, no. Are you talking about all the effects or just --

MR. DIODATI: Well, I'm just looking at otoliths versus scale aging and then the analysis of F. It looks to me like otoliths are consistently lower and scales are consistently higher, and the real answer is probably right in between.

DR. KAHN: Well, myself and most biologist I believe that work with scales and otoliths would – it has pretty much come down to the consensus that otoliths are much closer to the most accurate age for most species. There are some species where otoliths are not that much of an advantage, but for most species that I'm aware of the consensus is that the otoliths are about as accurate as you can get.

MR. DIODATI: Right, so it is more likely then that the true Fs are quite a bit lower than what we were originally estimating them to be?

DR. KAHN: Yes, apparently if we had otolith ages, obviously they would be lower and they are believed

to be more accurate, especially for older fish because when you get older fish the annuli tend to pile up around the margins with scales in particular. It is very difficult to distinguish them clearly, and that is why it is particularly – the differences particularly appear when we're aging fish age 10 and 11 and older, but that has this kind of impact. We think the otoliths in general would be more accurate. Now we haven't done this analysis with the statistical catch-at-age model yet.

MR. DIODATI: Could I go back to the recreational catch estimates particularly for Virginia Wave 1? You did answer some questions about that, but I'm also looking at the MRFSS data for the past four or five years or so that was provided in the handout that was just given to us. It is part of a memo from a member of the advisory panel.

The public perception and also the trend in the MRFSS reporting is that recreational catches have been going down over the past four or five years, pretty much every year in most states, and it is fairly dramatic in most of those states as well and even in Virginia and completely inconsistent with that increase in Wave 1 catches in Virginia.

I am only talking about Virginia because that is the only one that we really have good information on in Wave 1. If you want to call it good; I don't know. But in that graph alone that is up there I think your catches go up to about 800,000 fish, which seems to exceed the MRFSS estimate for the whole year. Do you have any thoughts on any of that?

DR. KAHN: Well, the 800,000 is surprising. It is a little hard to take. We're a little skeptical on that. And, remember, that's a very rough estimate based on the only method we could come up with, which was using the number of tag returns in that same time as an index. But, I think the second method where we were using an average ratio, that still comes up with 190,000 fish, so either of those is quite significant.

I wouldn't say they're inaccurate, but I really couldn't comment. I was talking about this with Mark that we have an index we do. It's the MRFSS catch per trip from the private boat sector, Mid-Atlantic and New England combined. It's not based on the actual total trips. It's just the catch per trip from the intercept survey. It has performed very well when we have tested against catch-at-age estimates of abundance going back through time. It is a very close mirror of that. That has dropped sharply the last two years, since 2006, so something apparently is going on there.

MR. DIODATI: So, while the technical committee did seven important tasks, there wasn't an eighth one to look at the more recent drops in the recreational catches, then? That hasn't been done?

DR. KAHN: That is correct and that will be part of our assessment this summer, I believe.

MR. G. RITCHIE WHITE: Are we going to continue on with the otolith study; are you going to continue to age additional – I know we collected, I think, 50 in New Hampshire last summer.

DR. KAHN: Well, I know there are ongoing collection efforts. The question is do we have enough or what will it take to get enough to actually use them to age at least some segment of the recreational catch. We will hopefully be evaluating that this summer as we do the assessment, look at the numbers and see what we get.

MR. R. WHITE: So you would recommend continuing to collect?

DR. KAHN: I personally think it is the best way to go in terms of getting the best information about the status of the stock, and I think most people would. The problem is how feasible is it and how costly is it? In Delaware we have been able to collect some. Pat Campfield from the commission asked us and we were able to get racks from large fish caught in our fall fishery. They had the otolith intact, they got the rack, we can get the lengths and we can age them that way. We have picked up some fish like that and that might be one way to explore.

DR. PERKINS: So in the report we talk about with the bias potentially overestimating fishing mortality. Would this bias have any effect on how we actually go about setting the F target to begin with as well?

DR. KAHN: Let's see, are you talking the otolith-scale issue in particular?

DR. PERKINS: Yes, exactly.

DR. KAHN: Well, no, when we set a target or a threshold we're talking about the actual fishing mortality rate. Now, the trick is in getting an accurate estimate of that. The reference points are not taking any kind of bias into account; so when we compare our estimates with those reference points, it is important to keep in mind any potential biases that we may think are affecting those estimates.

CHAIRMAN GIBSON: Any other questions for Des before we go on to the next report? Seeing none, thank you, Des. The next report is the Committee on Economics and Social Sciences.

COMMITTEE ON ECONOMICS AND SOCIAL SCIENCES REPORT

MS. MELISSA PAINE: I will be providing the report. Jim Kirkley was supposed to be here but he was unable to attend today. He is the vice-chair of CESS. Just to give the board a brief reminder as to the task that was given to CESS in relation to Objective 4 of Amendment 6, that was given to them back in December of last year.

The task was to complete the socio-economic analysis required to evaluate management's performance with the fourth objective of Amendment 6 to foster quality and economically viable recreational, for-hire and commercial fisheries. At that time the board understood that an analysis wouldn't be feasible in time for its next meeting, and so what was asked for was a state-by-state evaluation of data available to quantify participation, effort, dollars, etc..

In February of '09 the Board received a status report of that data availability. At that time it requested that CESS look at the expenditure and economic estimates in terms of sales, income and employment. These will be determined using existing models for a time period from 1995 from when the fishery was fully recovered to the most recent year possible given models that existed, and that was up to 2006, and possibly estimates from more recent years.

CESS has been discussing that task since that time, and they are apparently able and willing to provide an economic impact assessment and give estimates on a state-by-state basis. What they would like to convey to the board is that they strongly recommend that in order to provide information that may be based for management decisions, that appropriate work needs to be undertaken to quantify not only the economic impacts but also economic values or net benefits, as well as the social impacts of the commercial, recreational, and for-hire striped bass fisheries.

The rationale for that is described in the white paper that was included in your supplementary materials and is also being handed out right now. CESS also wanted to say that while they acknowledge that the states aren't required to use economic value and social impact information, that they do strongly recommend that those metrics be used even though

they might require a bit more time and some more funding to carry out.

CESS proposes a series of terms of reference which are being passed out to you right now and we might be able to show up on the screen as a way of laying out a plan to address this task. What they're essentially saying is review comprehensively all the existing data and literature that would be necessary to estimate social and economic impacts and economic values of these fisheries.

Then from that they would be able to determine what is available right now and can be used, but then also what else would need to be performed in order to address this task. They propose to develop a work plan that would be presented to this board in August. That plan would contain recommendations or proposed studies with associated costs and timeframe for carrying those out.

At that time, in August, this board could then review those options and then task CESS further as they see fit. The timing of those subsequent reports would be contingent upon whichever tasks the board chose at that time. That's the update of where CESS is at in terms of this task.

CHAIRMAN GIBSON: Thank you, Melissa. Any questions or comments from the board on this report? Terry.

MR. TERRY STOCKWELL: Thank you for all the work that you have been doing on what to the state of Maine is a very important task. The letter we all received today from David Pecci is a very accurate description of the status of the fishery in Maine right now.

I think that the work that the CESS is doing right now goes hand in hand with the work the technical committee is doing on the stock assessment and has a direct bearing upon whether or not we initiate another addendum. I am looking forward to your report in August.

CHAIRMAN GIBSON: Okay, any other questions or comment? I think the next order of business would be to approve the terms of reference as guidance to the CESS. Terry.

MR. STOCKWELL: Mr. Chairman, **I would make a motion that we approve the terms of reference as laid out in the white paper.**

CHAIRMAN GIBSON: Seconded by Doug Grout. Is there any discussion on that motion? Paul Diodati.

MR. DIODATI: I have no problem with it, but it's the first time I'm really looking at it. I mean it would be more beneficial for me to spend at least an hour or two with some staff members who have experience in doing these kinds of socio-economic analyses. I would be able to give better input if I had that opportunity. I know it is on the agenda for today. I don't want to delay this either so if there is no opportunity to look at it outside this meeting and come back with some comments I'll certainly vote to approve it as is, but I would prefer to have a couple of days away from the meeting.

CHAIRMAN GIBSON: Okay, anyone else from the board share that? I guess I'm looking for some guidance from staff on what the consequences would be if we don't send some kind of a go-ahead signal here at this point.

MR. R. WHITE: Paul, if we approve this with the ability to add things would that meet your needs? I mean we have done that in the past, I know.

MR. DIODATI: Yes, I would just like the opportunity to provide input on the terms of reference. If we can help improve that I would like an opportunity to do that, so, yes, contingent on additional comment.

CHAIRMAN GIBSON: That sounds like a fair approach to me. If board members, after several days with staff have additional input funnel them to myself and the staff and we will see what we need to go with that. I think we don't want to delay them giving us another report at the August board meeting.

MS. MESERVE: In lieu of approving them today the other possible option would be to use a FAX poll within a week or two of this meeting, after revisions have been received, to approve the terms of reference.

CHAIRMAN GIBSON: Is that okay with you, Paul? We have a motion right now and it has been seconded.

MR. DIODATI: I'm prepared to approve the motion provided I could provide additional input in the next week or two.

MR. GROUT: The only thing I would ask is that in addition to sending them to the staff and to CESS, provide those comments also to the rest of the board.

MR. STOCKWELL: I am very comfortable with Paul's suggestion.

CHAIRMAN GIBSON: Okay, thank you. Anyone else on this? Is there a need to caucus on this motion? I'll call the question. All in favor; any opposed same sign; abstentions; null votes. **It is unanimous.** Thank you. Des.

DR. KAHN: Mr. Chairman, I just wanted to make a point here. This is the first time I saw the letter from Captain Pecci. In the text of his letter he talks about the data attached show trends of reduced recreational landings, but in fact the tables are of total catch, including discards. For example, Delaware shows 277,000 in 2008. Our landings were about a tenth of that, so there is a big difference between total catch including releases and the actual landings. You need to keep that in mind, I think.

CHAIRMAN GIBSON: Thank you, Des, for that clarification. I think that takes us to next part of the agenda, which is discussion about initiating an addendum. At this point I am going to let Bob take over so in the event Rhode Island needs to make some comments on this I will be able to do so.

DISCUSSION OF INITIATING AN ADDENDUM

MR. ROBERT E. BEAL: Thank you, Mark, I think. I think the brief background, as the board is aware, is that at the February meeting there was a discussion about initiating an addendum. A motion was made and failed for the lack of a majority. As part of that discussion there was also a request for the technical committee to complete the tasks that the chairman of the technical committee just reported on.

I think the technical committee has lived up to providing the information that the board has asked for to support the discussion that we're about to have. So with that, I think it would probably lend the most structure to this discussion if we started with a motion, if anyone had one available, and then we can start the discussion from there. Any motion on an addendum?

MS. DUVAL: Again, I appreciate the efforts of the technical committee in everything that they did to tackle these tasks. It was not a small job. I would just like to preface this motion by pointing out that we do have a stock that is not overfished and overfishing is nor occurring. Right now at least from the

commercial side we have no tool to deal with any quota underages that might occur.

By my reading of the technical committee's analysis we could withstand some potential small increase in the commercial quota. To make things exciting I will propose a motion that is very similar to the motion that we had last time that we **initiate an addendum that would provide for a commercial quota rollover of up to 50 percent of the unused quota as well as provide for a potential increase in the coast-wide commercial quota utilizing those percent increases in the analysis that the technical committee presented here.** Thank you.

MR. BEAL: Is there a second to the motion; Pat Augustine seconds.

MR. PATRICK AUGUSTINE: Mr. Chairman, **I will second that motion, but I also would move to divide the motion.** When we discussed it the previous time, it didn't get enough traction to be passed. I think the combined two parts of the 50 percent and the increase in quota became a dilemma for a lot of folks. So if I may move to split it and I get a second on that, I would appreciate it. Thank you, Mr. Chairman.

MR. BEAL: All right, there is a motion to split the question. I guess the split would be initiating an addendum for the 50 percent rollover and initiating an addendum for the quota increases that are included in the technical committee analysis.

MR. AUGUSTINE: Yes, and I were to have my choice, Mr. Chairman, I would take the second part first, to look at the increase first and then the follow-on motion would be to address the 50 percent rollover because that might have some flexibility to go greater or smaller.

MR. BEAL: Let's get the motion up on the board as it was originally made, then we will consider splitting it. Michelle, does that cover the motion that you made?

MS. DUVAL: Yes, I think so with it should be commercial quota rollover instead of quotes.

MR. BEAL: And, Pat, you have seconded that motion.

MR. AUGUSTINE: Yes, I did second the motion and then I made a motion to divide.

MR. BEAL: Okay, Pat has made a motion to divide the question addressing the increase in commercial quota first and then the quota rollover provision second. Is there a second to the motion to divide the question? Seconded by David Simpson. We will get the motion to divide the question up on the board. While that is being perfected on the board, we will have a discussion on initiating an addendum that will provide an increase in coast-wide commercial quota utilizing the percent increases in the technical committee analysis, and I think that was 5, 15 and 25 percent.

MS. MESERVE: Right, the task was written as 15, 20, and 25 percent. One of the analyses included percentages from 10 to 25 percent, and one included 15 to 30 percent. It would be helpful if the maker of the motion would specify which range of increases you're looking for.

MR. BEAL: We will go back to Michelle as the maker of the original motion.

MS. DUVAL: I think using the percent increases ranging from 15 to 30 percent, please.

MR. BEAL: Okay, thanks. I had Paul Diodati, Ritchie White and a number of other hands.

MR. DIODATI: First, just some questions. When is the next full assessment of the stock; when will that take place?

DR. KAHN: That is scheduled for this summer.

MR. DIODATI: This summer?

DR. KAHN: It will be presented in the fall, I believe, November.

MR. DIODATI: Okay. And, I'm trying to think back to the current amendment, Amendment 6 has a bunch of triggers set forth and things that deal with "what if conditions" if the Juvenile Recruitment Indices for certain areas fall short after a number of years. I'm trying to recall what it may have had for the adult stock, if there was something like that.

For instance, I guess the question I have is more relative to this recreational catch that has been dropping off and the CPUE that you mentioned of that recreational catch also, consistently dropping off over the past three to five years, I guess. I'm a little bit concerned about that even though the percent increase for the commercial catches result in such a modest increase in the overall fishing mortality.

The fishing mortality from your initial study of otoliths versus scales suggests that it might be lower than where we thought relative to the reference points. I am still not understanding what is going on with that recreational catch dropping off as much as it seems to be. In my view it might warrant waiting until this next full assessment is done so that we have a better understanding of that or if the technical committee responds before then with some understanding of what is going on with the recreational CPUE dropping off as much as it has.

MR. BEAL: Paul, Nichola can answer your question about the triggers in Amendment 6.

MS. MESERVE: There are several triggers. If SSB falls below the thresholds or if fishing mortality goes above the threshold, then the board should consider adjusting the management program; or, if SSB falls below the target for two consecutive years and the fishing mortality rate exceeds the target in either of those years, the board should also consider a revision; or if the fishing mortality target is exceeded for two years and SSB falls below the target within either of those years; and also the Juvenile Abundance Indices, which you mentioned.

MR. BEAL: Paul, a follow up.

MR. DIODATI: So relative to the SSB values we haven't hit any of those triggers?

MR. BEAL: No, I don't think the last assessment indicated that they have.

MR. R. WHITE: To help clarify this from my standpoint, could the motion list the options that would be available in the addendum? In other words, would there be an option for status quo, an option for X percent increase, an option for another percent increase? That might be a little clearer.

MR. BEAL: We can try to work those in here before we vote on the motion as we have this discussion.

MR. GROUT: Given that about two years ago we presented a stock assessment that said that we're not overfished and overfishing continues not to be occurring, I certainly understand where the commercial industries are coming from here. My concern at this particular time – I know there was a lot of discussion about this and it took a long time to get to this point, but I've seen that we did already make some adjustments that may have the potential to increase F; for example, the approval of

Delaware's plan and also changes in Maryland plan for the spring fishery. I'm a little concerned with that.

The other thing that has happened since that assessment first came out is that we recalculated the threshold reference point and brought it down much closer to our target. The reason I brought up my question for Des earlier was seeing this estimate of 0.32 causing a decline in SSB when I fully expected that because of the strong year classes that we had in 2000, 2001 and 2003, that we should start seeing an increase in SSB. So for all of the reasons I am a little bit skeptical to a change like this until at least we get the assessment.

I don't have a problem with moving forward with this addendum and starting the process, but it would be very important to me that there be a caveat that this not be implemented until after we see what the stock assessment is.

MR. BEAL: Thanks, Doug. Before I move around the table, it sounds like folks are starting to comment on an increase in commercial quota provisions of an addendum. I think we should probably have a vote on whether the board would like to divide the question or not. If the answer is yes or no, we will proceed accordingly.

If we can vote on the motion to divide with the idea that we will tackle the discussion of initiating an addendum with the commercial increases first, then the second part would be initiating an addendum with the commercial rollover provision. If we can vote on that motion I think that will make things a little bit more clean.

Is there a need to caucus on the motion to divide the question? Seeing none, it looks like the board is ready to vote. Those in favor of dividing the question please raise your hand; those opposed; null votes; abstentions. **The motion carries** so we will tackle the first question which would be is the favor of initiating an addendum that includes options for increases to the coast-wide commercial quota.

MR. STOCKWELL: Bob, I would like to echo Paul's and Doug's words of caution at this point. Following Des' report this afternoon, we heard "skeptical", "surprising". He laid out five bullets that indicated to me that we absolutely need to wait and see what the stock assessment has to tell us. It may be the right thing to do, but I can't go home and address the Dave Pecci's of the world of seeing precipitous drops in their landings and their businesses with any increases of F. We have had a

creeping F over the last couple of years and any addition is not acceptable at this point.

MR. ROY MILLER: Mr. Chairman, briefly, we have already noted perhaps the shift in population abundance of striped bass with the potentially large increases in the Virginia catches, for instance, in the winter fishery and potential decreases in the New England fishery. Something is happening out there; and for the reasons already stated I think I prefer to see the stock assessment before we move to increase coast-wide commercial quotas.

But while I have the mike, I have a question, and that is in regard to the first part of the motion. Is says develop a commercial quota rollover of up to 50 percent. Is that referring to coastal states only or does it include Chesapeake states?

MR. BEAL: Right now I think let's try to focus on the first question which is commercial quota increases and then we will can go back to the maker of the original motion and talk about the details of the commercial rollover; if that is okay, Roy.

MR. O'CONNELL: I would just echo what I have already heard is that I would be very concerned with going forward at this point in time recognizing the stock assessment will be forthcoming this fall. The only thing I would add to what is already stated is that if the addendum does get approved and go out to public comment in late summer, the public is going to have a lot of questions regarding the status of the stock, which is going to be very difficult for us to answer pending the stock assessment becoming available in another month or two after that.

MR. CARPENTER: I would like to speak in favor of the motion. I think that the commercial quotas have been held stagnant long enough in the face of the increase in population. As far as the timeline goes, I think the length of time it is going to take to develop the addendum is going to have us having the stock assessment and the addendum coming together in the fall annual meeting, and we would be able to move forward or stop the addendum at that point in time. By delaying you're essentially delaying the commercial increase another full year.

MR. WILLIAM A. ADLER: Mr. Chairman, I wanted to ask about the stock assessment. A lot of the discussion is about waiting until – is it going to be on track to be delivered to us this fall?

MS. MESERVE: At this time we do expect an on-time assessment. The Tagging and Stock Assessment

Subcommittees will be meeting in August for assessment workshops. There will then be a Technical Committee meeting in September to approve their work, and then we expect to present the results to the board in November.

MR. BEAL: Des, you're comfortable with those answers?

DR. KAHN: We have in the past at least have had a pretty good record in being able to produce the assessments on time. You never can tell if something unusual happens, maybe it could be hung up but I don't expect it to be at this point. I wouldn't want to bet my house on it or anything.

MR. GIBSON: I have conflicted on this for some time. I think A.C. is right that the commercial quotas have been really strangled for some time. I can't explain in Rhode Island why 90 percent of the fish are taken recreationally, so I would really would like to see a commercial increase of a marginal amount I think what we're talking about.

Still, there seems to be some clouds swirling around here, and I don't know if they're going to turn into a storm or just blow over. But with the questions about mycobacteriosis and declining catch rates which seem have to a greater geographic spread now than just the Gulf of Maine, I think it would be risk prone for us go down this road right now.

I am in favor for waiting to see what the assessment says and see what we can find out about increasing mortality rates and so on before we proceed. If those clouds don't bring rain and a storm to us, then I would be willing to ahead at that time. Thank you.

MR. DIODATI: If we did approve a motion to develop a new addendum, what exactly is the timeline again? I heard A.C. say it would come back for the annual meeting in fall, but that seems optimistic. Given that we haven't seen the addendum, I imagine we would want to see some options in it other than this simple increase in the commercial quota. It would have to come back at least to the board. We would have to get a plan development team together, draft it, come back in August, I imagine, so we get to look at it, maybe approve it for public hearing in the fall, so won't it be sometime after the fall meeting?

MR. BEAL: Well, the short answer is it depends on how many things are included in the document. If it just the two issues that are included on the board, the staff could develop that and bring it back for board

consideration in August. If a number of other issues get included in the document that take considerable technical committee analysis or considerable time to draft that, I think it is going to delay the speed of the document.

I think at this time it is hard to say until we know all the issues that would be included in the document. This is striped bass so having things move smoothly through in a draft addendum in August and a final approval at the annual meeting is probably fairly unlikely. That is just my speculation at this point without knowing exactly what is in the document.

MR. THOMAS FOTE: One of my concerns has been for the last couple of years is what is going on with the Chesapeake Bay and the pollution problems and all the bacteria and everything else that is going on. I asked the question the other day when we were sitting around talking with the state is what is the contribution of the Delaware and the Hudson into the coastal migratory stocks?

We made an assumption years ago that it was 25 percent of something like that and has that changed over the period of time? You know, if I'm looking at the catches that are going down, what I'm looking at are the catches of the states that basically depend on the Chesapeake Bay for their fisheries.

Maine's fishery I think for a long time depended on really the stocks of what was going on in the Chesapeake Bay and the same thing with New Hampshire and a few of the other states. I am sure if that's part of the problem. If I look at the Maryland catch, that is a dramatic catch going down, and Virginia, not including the winter fishery, is also a dramatic catch going down.

When I look at New Jersey and New York, our catches have pretty much stayed the same over the period of time; you know, a slight reduction, but again we basically focus on the Delaware and Hudson River stocks, especially in New Jersey. Before I move anything, I want to know what is the overall stock contribution; has it changed over this period time?

I basically asked the same question about ten years ago and never really got an answer, because we basically had the set formula in place. My concern is I think the Chesapeake Bay stock is having a real problem because of pollution and everything else that is going on. I think that is part of the falloff for the catch and so I do want to anything that would

basically hamper that stock assessment since we are fishing on three different stocks.

MR. AUGUSTINE: Mr. Chairman, it seems like we're dodging the bullet again. We're talking about there is a possible impact on the stock. We think there may be a lack or a loss of big fish in certain waters, baits have changed, water temperatures have changed. The bottom line is it seems like every time we put off making a hard decision and in this particular case a commercial sector happened on the short end of the stick, their bag limit or quota has increased once in the last five or seven years.

And even at that, when you look at the results of the harvest limit plus the dead discards that come out of the quota sector, which quite frankly are pretty well contained in terms of total numbers -- I guess it turns out to be a couple million a year -- yet over the last six or seven years we have seen the recreational catch and harvest start at 9, 9, 15, 19 million fish. And we look at the dead discards that, and although folks say, well, they released it live, if they were a diver and went down to the beach and saw how many fish were laying belly up down in the trough along the shoreline, they would realize that their discards are a hell of a lot more than 5, 10, 15, 20, 25 percent.

So, the question is what are we protecting? Are we protecting the fish so that recreational fishermen can continue to grow in terms of numbers and harvest their fair share of two fish per person or are we being fair and equitable in allowing the commercial sector, which is a valid group just as the recreational is in terms of what it brings to the economy -- those people that don't fish who like to eat striped bass want to be able and eat a fish off the marketplace.

So, it just seems to me that from a management point of view we have to step up to the plate and say what is the status of the stock, what is the threshold for the spawning stock biomass, is it indeed 15 or 20 percent over what the threshold was? Are we doing single-species management and by having an over-abundance of striped bass in my mind are surplus, what is the negative affect that those striped bass are having on fish down the food chain?

We can't blame all the demise of the winter flounder strictly on striped bass. We say there are the birds, we say they're the seals, but the bottom line is they are eating down the food chain. Whether they're porgies, black sea bass, it doesn't matter what they are. So, if in fact we're going to try to keep our spawning stock biomass above that threshold, the question we have to answer is how far above that threshold?

We keep throwing out here to the public, well, we'll look at it again later and we'll look at it again after another report. The reality is it is time for us to make a decision, and I would support moving forward with an addendum. And if in fact the report comes out at the end of the year that we do have a problem, then let's address then, but in the meantime I just feel we are derelict of our duty if we don't move forward to get the process underway and moving along that line of an addendum.

We have put off the commercial sector for every single year. Data indicates that the technical committee reported what the impact would be on the stock is minimal; can't even measure it; zero zero 1 percent or zero zero a tenth. Let's be realistic so I am in favor of moving forward with an addendum, take the first part, give the three or four options – I think Ritchie may have mentioned we need two or three options within the caveat of what we would offer, whether it's 5, 10, 15, 20, 25, 30 percent, whatever that is.

I do not agree we should break it down to a zero, 15, 15, 30. If what went out to the public in terms of our documents that we had that says 10, 15, 20, 25, whatever those numbers are, I think we should move forward with those, let the public take a look at them, let's get their input before we just arbitrarily make a decision here not to go forward.

We've done the exactly the same thing with summer flounder; regional management, well, we'll do that next year. Well, you know, it's three years and we still haven't accomplished anything. I don't want to beat a dead horse. I want to move a process that is fair and equitable to all states and all sectors, so I would support this addendum a hundred percent. Thank you, Mr. Chairman.

MR. FOTE: One of the things I didn't bring forth at the last meeting when I basically heard about the illegal catch, and it was nice to read in the newspapers where actually one of those persons is going to jail over that. But when we basically do a management plan and we do stock assessments we basically figure – the law enforcement figures out what is the probability – I'm trying to look at the right word, but what is the success rate of actually doing what the regulations say.

And as the word went on with the illegal fishery in Maryland and Virginia, I think we need to re-evaluate the figures that we have been using for those states. And also the catch – you know, I don't know the total

number of fish yet and how much we have been underestimating the catch was, and is this just the tip of an iceberg that goes on in other states. I'm not sure it is.

You know, we know there is a lot of illegal fish going into Philadelphia and we know it is going into New York. There are serious concerns of what the catch actually is on certain sides of this. So, I believe if we're going to do this we also – the fact that, you know, years ago when we had summer flounder years ago and we basically found that there was illegal catches going down, there was no basically payback for those illegal catches that went on for a period of time because there would be – by the time the case comes to court, it's two years, three years down the road.

If we're going to do an addendum to the plan, one of the things I'm going to look back is how do we take care of issues as this one was a major issue when we see the number of fish that were being caught.

MR. DAVID SIMPSON: I guess I'm just wondering how it will work as a practical matter to try to move in parallel with an addendum and an assessment. I appreciate the urgency some states have to get going, but aren't we going to produce a document that's using dated information and we're going to review it at the very same time that we're going to accept a new assessment or at least be presented with a new assessment. I think it is bad timing wise.

REPRESENTATIVE DENNIS ABBOTT: Mr. Chair, everyone that has spoken makes a good argument from the own point of view, but I think as managers it doesn't strike me as being the right thing to do knowing that you're going to be provided an assessment in the very near future to at the same time want to move ahead with an addendum in parallel or actually ahead of it.

Pat Augustine talked about beating a dead horse, but we're trying to put the proverbial cart in front of the horse so we're not going to get anywhere. I think that with all the things we've heard, Mr. Gibson said that there are clouds out there and I think that we should take the cautionary approach at the present time.

I think we also said some years ago that we would put in a plan that would last for three years before we made any changes, and we're probably getting close to that point but at the point in time that we're at now it seems to me most sensible that we would wait until we got the assessment report and then at that time decide where we want to go.

One side of the argument is saying that it is an automatic that the assessment would lead us to wanting to increase a commercial catch or a recreational catch, wherever the catch would, but we really don't know that to be so and we won't know that until we hear what they have to tell us come November, so I would urge the board members at this time to vote down this motion and let us sit here and wait until November, hear the assessment report and make a thoughtful decision to the benefit of all parties at that time. Thank you.

MR. BEAL: Thank you, Dennis. We will go back to Michelle Duval as the maker of the motion, and I think that about covers it for a trip around table. Then we will go to the audience for brief comments on the motion.

MS. DUVAL: Mr. Chairman, I just wanted to briefly echo A.C.'s comments as well as Pat's comments that it does seem as though given the timeline issue that the information that folks will be looking for from the assessment would come before the board before any final approval of an addendum will move forward. Thank you.

MR. ARNOLD LEO: I think truly you would have to be living in a commercial fishing community to know how frustrating this process has become. Year after year we're hearing the same thing, we have to have for better data or whatever. Look, the best available data was available in 2007 and nothing was done, and that data showed clearly that you could have increased the commercial quota, and that's the best available data that we have right now.

And as has been pointed out, the 2008 data will become available in about a year; and if it shows that an increase in the commercial fishing was unwise, then adjustments can be made. But in the meantime you've got commercial fishing communities who are literally coming apart at the seams from lack of income through quota management.

I want to further point out that in the recreational fishery, to hear that they're concerned about landings going down somewhat in the last couple of years, I think I need to remind them that in 1998, ten years ago, they landed 12 million pounds and in 2008, in other words ten years later, they landed 25 million pounds. That is a hundred percent increase in ten years.

That can't be an indication of a stock biomass that's in trouble. There are other factors that may have

accounted for a recreation decrease such as the price of gas, the economy being poor, people being unable to afford charters and even to go to the seashore to go fishing. I just think that it is not really at this point an ethical way to be dealing with this particular fishery, what is going on here today.

I mean all of the facts point to an increase in the commercial fishery having an insignificant impact on the spawning stock biomass. If somehow this new stock assessment turns out to show that miraculously in the last six months the stock has fallen apart, well, then we can adjust it. I would suggest that one of the sectors of the fishery that needs the most adjustment happens to be the recreational discard and that –

MR. BEAL: Arnold, let's try to wrap it up in the next minute or so, please.

MR. LEO: I just did.

MR. BEAL: Even better.

MR. PATRICK PAQUETTE: My name is Patrick Paquette. I'm the government affairs officer and past president of the Massachusetts Striped bass Association. I also serve as the chairperson of the Massachusetts Chapter of the Recreational Fishing Alliance. I came early for this discussion. I was supposed to be here Wednesday and I came early just for this discussion.

A lot of the concerns have been brought up about the timing and the beginning of an amendment with the assessment coming out this summer. I just want you to think about fiscal responsibility for a moment an committing staff time when we're fighting with some other fisheries that affect the striped bass fishery, about committing to having an amendment begin and the paperwork done, and then the stock assessment is going to come out. I keep hearing, well, if it was bad we could stop it. Well, why not just wait and do it in order and do it right. I think it is way more important to do it right and to do it fiscally right, especially when we don't have enough science to get the answers that you guys are going to be debating in river herring while our river herring and striped bass fishery has been taken away from us in New England. I am just asking you to consider the management and staff management.

Secondly, I want to follow up on Mr. Fote's comments. Our organization is known to be filled with commercial striped bass fishermen, and I can tell you that it is our experience and my experience of being a former permit holder for about 12 years, that

our catch is massive in Massachusetts. It is large. So, let the stock assessment come out, let's let the answers and the best available science tell you if you start it. If you start a ball rolling down the hill today, you might not be able to stop it in August or September. I mean if you do something like this it has to be done right. That's it, thanks.

MR. BEAL: Thank you. I think that was it for public comment. Any other comments around the board or any additional discussion? Yes, Mike.

MR. MIKE JOHNSON: Bob, I have heard a lot of comments. Mr. Adler mentioned fisheries managers, and that's exactly what we are, but this moving ahead is not a fisheries management issue. It is a bureaucracy management. Pat so politically stated, no, we will wait until later; no, we will wait until later. Well, the safest way for any board to make any management decision is to continue to do nothing, and that is what we're doing.

All we're asking from our state – and I think I heard the supporter say – is let's keep moving with the paperwork so we don't disadvantage this industry any longer in the event the stock status says what it is. As Pat also said, we started discussion on the previous one and haven't gotten it done yet.

If these kinds of discussions continue on and we have a new stock status and it's good, it's liable to be two more meetings, three more meetings, and then there is two years down the road. I know North Carolina would certainly not want to catch these fish if we didn't believe these fish were available.

We would not argue this point if we didn't that our commercial industry has been disadvantaged long enough. We need to carry something home that says we're at least moving forward and trying to do something for you that does not hurt the fish stock today. Nothing we would decide to do in either of these motions would hurt the fish stock today. I challenge anyone to show me how it would. Thank you.

MR. BEAL: Thank you, Mike. Any additional discussion around the table. I don't see any. I will read the motion into the record. As Ritchie White requested, the percentages have been included in this motion. Status is not listed up there, but that is always one of the options in any addendum that a management board initiates.

With that, **the motion is move to initiate an addendum that will provide for an increase in**

coast-wide commercial quota utilizing the percent increase in analysis developed by the technical committee: 15, 20, 25 and 30 percent. Motion by Michelle Duval; seconded by Pat Augustine. With that, we will have a 30-second caucus.

(Whereupon, a caucus was held.)

MR. BEAL: All right, all those in favor of the motion to initiate an addendum please raise your right hand; those opposed like sign; abstentions, 2 abstentions; null votes. **The motion fails, six votes in favor, eight in opposition, two abstentions.**

That brings us to the other half of the divided question that we had earlier and that is to **initiate an addendum allowing a 50 percent quota rollover for the commercial fishery.** Roy Miller had a question to the maker of the motion, Michelle, on whether this rollover is just the coastal quotas or if it impacted the bay quotas well.

MS. DUVAL: I guess that's a question for all of you. If that's a provision you would like to have for the bay quotas, then, sure.

MR. MILLER: A followup, Mr. Chairman. It's my understanding the bay quotas are managed a little differently than the coastal quotas. Perhaps I have lost touch a little bit over the years with how the bay quotas are generated. Perhaps my Chesapeake colleagues could refresh my memory, but as I recall it is based upon tag-based F estimates and that type of analysis.

REPRESENTATIVE ABBOTT: Mr. Chair, is it not my recollection that we haven't, as a practice, done rollovers for underages and wouldn't that require an examination by the technical committee to study the effects of rolling over an underage, what effects that would have on the fishery in future years?

MR. BEAL: There are two ASMFC plans that I can think of off the top of my head that do have quota rollover provisions. Spiny dogfish allows a 5 percent rollover once the stock is fully rebuilt. The menhaden addendum allows for some of the Chesapeake Bay reduction cap to be rolled over into the following year provided that it is under-harvested the previous year. So there are two provisions, but a number of our plans have explored it, summer flounder, scup, black sea bass in particular, and decided that it was not appropriate for those fisheries.

EXECUTIVE DIRECTOR JOHN V. O'SHEA: Mr. Chairman, I think in some cases as well with

rollovers, when you're into looking at the federal component of that, there is concern that with a rollover that potentially the following year could technically add and result in overfishing by the federal standards. That feeds into sort of a reluctance in some of our plans to have a rollover, but it is this connection to the federal regulations that drives that.

MR. DIODATI: I think it has been clarified, but I initially had a question about what the rollover actually meant. It is a state-by-state basis. If you don't achieve your quota in a particular year, then half of the amount that wasn't achieved you would be able to count it in the next year, so that's essentially how it goes; that's what it means, right?

MR. BEAL: That is my understanding.

MR. DIODATI: And is there transferability of striped bass quota allowed in the plan between states right now?

MS. MESERVE: The plan does not currently address interstate transfer of quota.

MR. DIODATI: It was my understanding that transferability wasn't allowed because I know that we've paid for overages in the smallest amount in past years. You know, an underage that could be applied, I would much rather see a provision that would allow states to join in a coastal quota. If you don't achieve your quota it is probably because the fish aren't there, but they're probably elsewhere.

So, if North Carolina or another state wasn't able to get their quota in a particular year, I think it would be appropriate for another state to be able to harvest that if the fish were available. I would much rather see that kind of a provision than a rollover. The rollover itself doesn't make a lot of sense to me.

DR. KAHN: I might be wrong and I would like to be corrected if so, but I thought that the Chesapeake Bay jurisdictions are given a total catch allowance and then they allocate it between recreational and commercial sectors within that. Is that correct? They don't strictly – okay, it is a little different than on the coast where you have a hard commercial quota.

MR. R. WHITE: It seems like from what I heard from Michelle is that the intent was that this be coastal commercial quota; and if that is the case, I would like to see the word "coastal" added in there. Thank you.

MR. BEAL: Michelle, are you okay with that? Pat Augustine, as the seconder you're okay with that. They both indicated yes. Tom Fote.

MR. FOTE: Again, my concern right now, because I'm not sure of the confidence levels with law enforcement on basically an existing plan going on forward. This would basically promote the fact of hiding fish so you would get a bonus in the following year until I have more confidence in what is going on. After listening to the person from Massachusetts, I am not ready to vote for something like this because this would just promote trying to hide fish so you get an extra benefit the following year.

MR. STOCKWELL: I am not opposed to the principle of this, but I have a couple of questions about the mechanics. Is that a one-year carryover only?

MS. DUVAL: Yes. I don't know about Pat and I just sort of speaking off the cuff here, but I think we could certainly within an addendum develop a stepwise approach to a quota rollover up to 50 percent of the unused quota if that would make you feel more comfortable.

MR. STOCKWELL: I am just concerned about it ballooning out over a couple of years and having the effect that Paul was thinking about. Also, would it be contingent upon an annual review by the technical committee?

MS. DUVAL: I guess I don't understand your question.

MR. STOCKWELL: Well, if we're looking to have a rollover, there may be a whole host of other issues that we just about an hour ago, another myco outbreak or some other natural issue, there may be a particular reason why there should not be a rollover, so I would feel comfortable if this principle is to move ahead, that there be an annual review by the technical committee so we don't just automatically have a rollover and in fact affect some disaster that we could well prevent.

MS. DUVAL: I would be amenable to having a review by the technical committee, definitely.

MR. BEAL: So, based on that, if this were to move forward we would ask the plan review team to roll both of those issues into the addendum. Pat Augustine.

MR. AUGUSTINE: Thank you for that clarification, Michelle. It would just seem to me if we really develop this, if we put it out to the PDT, we might want to look at rollover to be no more than collectively a certain amount. I would hope that if it does get developed, that one of the options might be that the board could say you could have no more than in the second year a rollover of 10 percent; in other words, the first year up to 50 percent, but after that you cannot retain more than 10 percent of that the following year.

We're doing that with ICATT in tuna fish and it seems to lock in the players. Therefore, people won't constantly hold back and then hit the market all at one time, which would have I think a very detrimental effect upon the stocks. Thank you.

MR. BEAL: I think moving forward, if this were to pass and the plan development team puts this together, they can weave in options that prevent sort of the banking of commercial quota to allow one state to have somewhere down the road four or five years' worth of quota essentially stockpiled and then they can really hammer the stock. I think that is what the latest bit of discussion that I'm hearing is concerned about. We can ask the plan development team to include those options.

MR. R. WHITE: I guess I don't have any problem with the general concept, but I guess I would ask why this is necessary. Have we had substantial amounts of coastal commercial quota that has not been used? Usually the problem is the other way, that we're overtaking and the state has to cut back the following year. I guess that would be one question.

Even though I don't have a problem with the concept, I think the timing again, the expense and the effort going into an addendum right now when in the fall maybe at that point we'll have additional items to go into an addendum or we will take up the increase in the commercial quota at that time if the stock assessment comes out fine. I just would like to see this delayed.

MR. BEAL: Michelle, do you want to respond to that question.

MS. DUVAL: I'll just say that we haven't harvested much more than roughly a hundred thousand pounds of our coastal commercial quota for the past several years, and our allocation is 480,480.

MR. R. WHITE: I mean if that is ongoing, then I guess my question would be how do you see using

this? If you're not able to take what you're allocated each year, how will you use this in the future?

MS. DUVAL: I think in giving something to the commercial industry that, yes, there would be opportunity should the fish show up a following year for them to be able to utilize that quota. I think there is just the sense that there has been a lot of giving back to the stock for the past several years and just wanting the opportunity to be able to do that in a resource-minded way.

MR. BEAL: Any additional board comments on the second part of the divided question? Seeing no hands, is there anyone in the audience to comment specifically on the motion that is on the board? Dr. Daniel.

DR. LOUIS DANIEL: Just to clarify the point, the intent all along has been to roll over up to 50 percent of a total quota. So, for North Carolina we have got 480, so you would never bank than 240 no matter what you went under. This year we're well under 240 to bank, but we'd only be able to bank 240; and then the next year if we had underage, we couldn't bank anymore to keep from having that stockpile effort.

The problem we're running into is this EEZ problem. If we could have fished four miles off the beach this year, we could have caught a million dollars worth of fish, but because of the EEZ closure we couldn't. That's been the trend in the last few years. If we get fish come into the beach, the fishery lasts two days.

So, it's kind of an opportunity here to take advantage, if we do have the weather and the fish come to the beach, to get an extra day or two out of the fishery that they may not have but three or four times every decade, it seems like it is going. From North Carolina's perspective, that's what we were trying to do and take advantage of that when the conditions are favorable.

MR. BEAL: Thank you, Dr. Daniel. Any other comment on the motion? If not we will have a 30-second caucus.

(Whereupon, a caucus was held.)

MR. BEAL: I will read the motion into the record. **Move to initiate an addendum that will develop a coastal commercial quota rollover of up to 50 percent of a state's unused commercial quota.** Motion by Michelle Duval; second by Pat Augustine. All those in favor of the motion please raise your

right hand; those opposed like sign; abstentions, two abstentions; null votes.

The motion carries ten votes in favor, four in opposition and two abstentions and zero null votes. So with that, I think the plan would be to initiate this addendum; ask the plan development team, which may just be the plan review team at this point, to pull something together specifically on this issue and bring that back at the August meeting for consideration by the management board. Any other discussion on this agenda item of initiating an addendum? Ritchie White.

MR. R. WHITE: Just to back up for a second, going before the plan review team, that means through the technical committee or is that one and the same?

MR. BEAL: Well, I'm not sure we actually have a plan development team on the books for striped bass. A lot of times in that case we will ask the plan review team to sort of serve as the plan development team. That's what I meant by that comment.

MR. R. WHITE: So this will go through a technical analysis?

MR. BEAL: Yes, we can ask the technical committee to comment on the potential impacts of quota rollovers.

OTHER BUSINESS

MR. BEAL: Okay, with that, that brings us to the three items of other business. Tom O'Connell, I think you were first.

MR. O'CONNELL: I just wanted to provide the board with an update on the striped bass investigation; a reminder that the Fish and Wildlife Service is leading the investigation. Maryland DNR is cooperating in that investigation. We have three full-time officers on that investigation.

To date there have been two fish wholesalers and fourteen individuals who have been charged. Sentencing has begun, and you probably have seen some stuff in the newspaper. Sentences have included up to 15 months in prison and fines up to \$245,000, including restitution and miscellaneous fines.

Vince O'Shea, the executive director, did send a letter to the lead prosecutor. Jack, A.C., and I had a chance to review that letter. Hopefully, that was very helpful. More information than that at this point in time I do not have available. The officers involved in

this investigation are not permitted to provide any details of the case until the lead prosecutor approves of them providing those details.

In addition to the ongoing investigation I mentioned that we had proposed new commercial striped bass accountability measures at the last board meeting. Those measures have been approved in April and are now implemented.

Lastly, our General Assembly approved a bill that provides our department greater authority and flexibility with looking at penalties associated with commercial licenses that include the possible suspension and revocation of a commercial license; and pending more information on the case will determine whether or not those involved in Maryland will have their licenses suspended or revoked. That is all I have at this point in time and I would be happy to answer any questions.

MR. BEAL: Thank you, Tom. Any questions for Tom? Ritchie White.

MR. R. WHITE: Are there any numbers of fish involved at this point that is an official amount at this point? I have read some things in paper, but can you help on that?

MR. O'CONNELL: All I can say at this time is what I have read in the paper myself about the 600,000 pounds. We don't have the details as to how many of those fish were illegal, not reported and accounted for. It could be all of them; it could be none of them. I don't have any more information at this point in time.

MR. GROUT: Oftentimes when someone gets jail time, it is suspended by the judge. Do you know if any of those jail times have been suspended at this point?

MR. O'CONNELL: I am not aware of that.

MR. DIODATI: I guess it seems to me this is the first time I can recall of an incident that has resulted in that high a level of fish. It would seem that, as we're talking about quota underages and increasing quotas, the amounts we're talking about – in fact, I heard someone talking about their quota – oh, it was Lou Daniel just a little while ago – is, what, 450,000 or something like that; and here we are we're talking 600,000 that exceeds the entire quota for North Carolina.

It seems like when these incidents occur there has to be a level where that is an overage, and someone has to be accountable for that. Maybe that needs to be part of this addendum that a state would be held accountable; when an incident like this occurs in their state, then it comes off their next year's quota. Maybe that is a consideration for the addendum.

MR. O'CONNELL: Not to underscore the significance of the issue but just a reminder that the poundage occurred over a five-year period.

MR. CARPENTER: I was going to make that same point, but I would also say that the Potomac River Fisheries Commission is following all of the information that is ongoing, and we will be conducting hearings on any of those fishermen that did also hold a Potomac River license once the federal government is finished.

MR. BEAL: Thank you. Any other questions for Tom or comments on Paul Diodati's notion of including this in the addendum? Jack Travelstead.

MR. JACK TRAVELSTEAD: If we include something like that in an addendum where a state is penalized when they make an effort to find illegal catch, I wonder how many states will put forth an effort to detect illegal catches. You proceed down that road to detect illegal harvest but suddenly you see that it's a large amount; do you immediately tell your law enforcement officers to stop because the state might be penalized the following year with the subtraction of that amount of quota from that state?

I think any attempt to penalize a state for enforcing its laws would be the wrong direction to go. I think it would have the exact opposite effect. I think you need to encourage states to be doing more of this. This was a multiyear effort by several agencies that stuck to it, and now it is resulting in some good actions that hopefully will prevent this type of thing from occurring in the future. But to now say that there are going to be penalties for that effort; I don't know, it just doesn't quite make sense to me.

MR. AUGUSTINE: I just think that the states involved in this process of identifying and fining and throwing in jail, basically thrown in jail those folks that have committed this murderous act, I'll call it, because they have killed a lot fish illegally and made a profit of it; I think we need to wait, stay the course, give them all the support they can, let them continue with the effort that they've got going on, and let them deliver that information to us as it unfolds.

I agree with Mr. Travelstead, for us to go forward and even consider penalties above and beyond anything at this point in time, until the whole case is resolved, I think is not only premature but it does send the wrong message. I applaud personally and support your efforts in what you're doing. Thank you.

MR. BEAL: Thank you. We're winding down on time here; Ritchie White.

MR. R. WHITE: I guess I would look at the comments of Jack and Paul from the standpoint of I don't think Paul was saying to penalize a state. I think Paul was saying that here are fish taken within the context of a commercial fishery and shouldn't that be reflected in the commercial quotas that state has. I don't think it is penalizing; it's just taking into account a harvest, whether it be legal or illegal.

MR. BEAL: We seem to have opposing views on whether to include this in the addendum or not. I don't know if anyone wants to make motion to include this or just keep it under consideration for future meetings. Seeing no motions, the second other business item was the striped bass cruise. I think Dave Perkins or Wilson Laney is going to introduce that.

DR. WILSON LANEY: Mr. Chairman, just a quick update for board members since I was out on the ship when you all last met. The 2009 Cooperative Winter Tagging Cruise took place between January 28th and February 7th this year on the Research Vessel Cape Hatteras, which is operated jointly by Duke University and the University of North Carolina, Chapel Hill, Institute of Marine Sciences.

We made 210 tows of which 204 were processed. The stripers were very difficult to find this year. We only tagged 146 striped bass. The bottom-line reason can be summed up I think in two words; distribution, number one; and weather, number two.

The weather was good enough for us to work inshore early week. We trawled all of the areas that we have traditionally fished without finding any significant concentrations of striped bass at all. When the weather did finally moderate somewhat and enabled us to get offshore, we found them very far offshore relative to where we've always found them in the past; specifically, 15 to 20 miles off of Virginia Beach, and we only tagged 146.

From a tagging perspective, it wasn't as successful as all of our previous trips. It actually was the lowest number in the entire 22-year time series.

With regard to Atlantic sturgeon, however, we continue to have really good success on that species. We caught 31 of those, we tagged all of those and released them. We also, for the first time ever, working in collaboration with Dr. Duane Fox at Delaware State University, put 13 radio transmitters in the larger of those sturgeon.

And also working with Dr. Roger Ruleson and his graduate students at East Carolina University, we tagged with radio transmitters also 50 spiny dogfish. The reason for that is that North Carolina Sea Grant has enabled him to put a listening fence of receivers south of Cape Hatteras. The intent here is to try and determine whether or not the spiny dogfish that are tagged north of Cape Hatteras are moving south of Cape Hatteras. It gets to the stock identification issue.

Just one other real quick note of thanks as usual to our major partners in the Cooperative Winter Tagging Cruise, which are, of course, NOAA; the states of Maryland and North Carolina – quite a few of Tom's staff and Louis' staff went out with us – also, to Vince and the ASMFC staff for sending folks out.

One other real quick note and that is initially we thought that for the 2010 cruise we would back aboard the National Marine Fisheries Service Research Vessel Oregon II out of Pascagoula, Mississippi. However, I was just informed last month that the Oregon II is going into the yard for a major refit so that she can continue to be used for another half decade or so.

Steve Meyers and I will be working, once again this year, to secure an alternate vessel for the 2010 Cooperative Winter Tagging Cruise. Hopefully, after 2010, when the Oregon II is refitted, we should have the use of that vessel into the foreseeable future, but time will tell on that. I would be happy to answer any questions, Mr. Chairman.

MR. BEAL: Any questions for Dr. Laney? Seeing none, we have one more item under other business is that is a North Carolina letter to the National Marine Fisheries Service. Michelle Duval is going to introduce that.

MS. DUVAL: Just as a quick point of information for the board, North Carolina's Marine Fisheries Commission sent a letter to Dr. Lubchenco dated

March 20, 2009, that Toni is passing out right now, requesting that she reconsider the EEZ regulations. For discussion, we might want to bring this up at the Policy Board later on in the week. I think Steve Meyers has a quick follow up as well.

MR. STEVE MEYERS: Mr. Chairman, we do have a response from our Administrator for NOAA to the North Carolina letter, which we will distribute for the policy board's consideration.

ADJOURN

MR. BEAL: Thank you, Steve. That concludes my list of other business items. Is there anything else to come before Striped Bass Management Board today? Seeing none, the Striped Bass Board will stand adjourned.