

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

**Crown Plaza Old Town  
Alexandria, Virginia  
February 2, 2009**

**Board Approved May 4, 2009**

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1. **Approval of Agenda** by consent (Page 1).
2. **Approval of Proceedings of October 20, 2008** by consent (Page 1).
3. **Move to initiate an addendum including options to increase the coastal commercial quotas by 10, 15, 20 and 25 percent and adopt a 50 percent underage rollover** (Page 13). Motion by Mike Johnson; second by Vito Calomo. Motion failed (Page 14).
4. **Adjournment** by consent (Page 16).

## ATTENDANCE

### Board Members

George Lapointe, ME (AA)	Tom Fote, NJ (GA)
Terry Stockwell, ME, Adm. Proxy	Gilbert Ewing, PA, proxy for Asm. Fisher (LA)
Pat White, ME (GA)	Leroy Young, PA, proxy for D. Austen (AA)
Sen. Dennis Damon, ME (LA)	Eugene Kray, PA (GA)
Doug Grout, NH (AA)	Bill Van Dusen, PA, proxy for Rep. Schroder (LA)
G. Ritchie White, NH (GA)	Roy Miller, DE, proxy for P. Emory (AA)
Rep. Dennis Abbott, NH (LA)	Bernie Pankowski, DE, proxy for Sen. Venables (LA)
Paul Diodati, MA (AA)	Tom O'Connell, MD (AA)
William Adler, MA (GA)	Bill Goldsborough, MD (GA)
Vito Calomo, MA, proxy for Rep. Verga (LA)	Russell Dize, MD, proxy for Sen. Colburn (LA)
Mark Gibson, RI (AA), Vice Chair	Jack Travelstead, VA, proxy for S. Bowman (AA)
Kelly Mahoney, RI, proxy for Sen. Sosnowski (LA)	E. Bowden, VA, proxy for Del. Lewis, Jr., (LA)
David Simpson, CT (AA)	Michele Duval, NC, proxy for L. Daniel (AA)
Lance Stewart, CT (GA)	Bill Cole, NC (GA)
Jim Gilmore, NY (AA)	Mike Johnson, NC, proxy for Rep. Wainwright (LA)
Pat Augustine, NY (GA)	Steve Meyers, NMFS
Brian Culhane, NY, proxy for Sen. Johnson (LA)	A.C. Carpenter, PRFC
Tom McCloy, NJ, proxy for D. Chanda (AA)	Bryan King, DC

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

### Ex-Officio Members

Desmond Kahn, Technical Committee Chair

Kelly Place, Advisory Panel Chair

### Staff

Vince O'Shea  
Robert Beal

Kate Taylor  
Nichola Meserve

### Guests

Marty Gary, MD DNR  
Howard King, MD DNR  
Gordon Colvin, NOAA  
Sean McKeon, NCFA  
Bill Windley, MSSA  
Pat Keliher, ME DMR  
David Fahrenthold, Washington Post  
Candus Thomson, Baltimore Sun  
Chris Dollar, CD Outdoors  
Jed Brown, DC F&W

Ed Liccione, CCA MD  
Pete Dabbing, CGA  
Dick Brame, CCA  
Pete Himchak, NJ DFW  
Frank Kearney, CCA VA  
Carrie Kennedy, DM DNR  
Peter Burns, NMFS  
Peter Burns, NMFS  
Edward O'Brien, Chesapeake Beach, MD  
Arnold Leo, East Hampton, NY

## CALL TO ORDER

VICE-CHAIRMAN JACK TRAVELSTEAD: Good afternoon. This is the Atlantic Striped Bass Management Board. You're chairman, Mark Gibson, is on his way. I think his plane was delayed, but he should be here prior to the end of the meeting. Gene.

DR. EUGENE KRAY: I want to make a correction. I sent it into Tina already, but I want to go on the record for it. The Atlantic Striped Bass Management Board did not have Pennsylvania listed, so, therefore, we obviously are voting members of the Atlantic Striped Bass Board. Thank you.

VICE-CHAIRMAN TRAVELSTEAD: Thanks, Gene, we will make that correct.

MR. THOMAS O'CONNELL: As many of you may know, over the weekend a news article broke about a Fish and Wildlife Service investigation regarding illegal striped bass activity in the Chesapeake Bay. I would be happy to provide as much information as I have currently under Other Business this afternoon.

## APPROVAL OF AGENDA

VICE-CHAIRMAN TRAVELSTEAD: We will add that to Other Business. Any other items to add to the agenda at this point? With that, the agenda is approved. You also have a copy of the proceedings from October 20.

## APPROVAL OF PROCEEDINGS

MR. KELLY PLACE: Mr. Arnold Leo from New York had notified me that he was not included in the attendance list, and for several reasons he did want to be. You will note that his was also the last comment at that board meeting so he was present. Thank you.

VICE-CHAIRMAN TRAVELSTEAD: Thank you; we will make that change. Pat.

MR. PATRICK AUGUSTINE: Point of information, Mr. Chairman. I got a call from Brian Culhane and Arnold Leo. They are at the airport. About 45 minutes to an hour ago, the airplane had a flat tire. I wanted to let you know they do plan on attending.

VICE-CHAIRMAN TRAVELSTEAD: Thank you; we will look forward to seeing them. Any objections to the minutes being approved with that correction? Seeing no objections, the minutes are approved. We will take public comment. Do we have anyone signed up for public comment? Yes, sir.

## PUBLIC COMMENT

MR. SEAN McKEON: Sean McKeon, North Carolina Fisheries Association. I had a couple of comments and then a quick question for the board. First, we would like the board to consider an increase in the striped bass quota. It is a fully recovered fishery. We believe that an increase is in order, and I understand the science will back that up, of at least 25 percent with a rollover provision for underages.

As it is a fully recovered stock, I think a minimum of 50 percent rollover in underages would be in order, and we would ask you to consider that seriously. It is, as you all know, a very challenging time for our industry as well as other others, and I think this would certainly be to everyone's advantage, including the stock and other fisheries that are affected by the abundance of striped bass.

I would ask that you send another letter supporting opening the EEZ to the harvest of striped bass. We have a new administration. I know you have spelled that out very clearly in the past your reasons for doing that. I think you have supported it twice since I have been here, and I would just encourage you, with the new administration, if you would, to encourage them to rescind that executive order, that horrendous executive order of the previous president.

Third, I just have a quick question I would like to ask. I don't know the answer to this, but maybe some of you can help me. I am wondering how the states of Virginia, Maryland and Delaware account for the recreational harvest of striped bass during the months of November, December and January. Is that something that you could all bring up and discuss and just let us know how that is accounted for and what kind of mechanisms are in place to account for those harvests?

VICE-CHAIRMAN TRAVELSTEAD: In answer to your question, I think most of the states, certainly Virginia, account for the November/December harvest through the MRFSS survey. It is not run in January so there would be no estimate for the month of January from Virginia. I don't know if the other states are in the same situation.

MR. McKEON: So MRFSS other than January?

VICE-CHAIRMAN TRAVELSTEAD: Yes. Any other public comments? Seeing none, we're going to move on to the board issues. Nichola is going to give us an overview of that issue.

## BOARD CHARGE OVERVIEW

MS. NICHOLA MESERVE: The board has initiated and postponed the discussion of an addendum several times since the completion of the most recent stock assessment. The discussion was last postpone in October due to time constraints at the meeting and also board interest in having some additional analyses at hand.

Following that meeting, staff worked with commissioners to develop a list of tasks for the technical committee, including seven analyses to inform today's discussion of an addendum. The task list was provided to the technical committee in mid-December and Des Kahn, our TC chair, will present the responses from the TC today.

Staff is also handing out the accompanying written report. It should be noted that the report is preliminary because the TC did not have the opportunity to meet a second time to review the analyses that were completed by individual technical committee members.

Also in the board charge there was a request of the Committee on Economics and Social Sciences to evaluate management's program with the fourth objective in Amendment 6; that is, to foster quality and economically viable recreational, for-hire and commercial fisheries. On behalf of the staff, Melissa Paine will provide a progress report on that part of the charge.

## TECHNICAL COMMITTEE REPORT

DR. DESMOND KAHN: I'm going to go through the material we have developed in response to the list of tasks which you asked us to investigate, but there are two other issues that the technical committee, in our conference call, decided we should inform you about. The first issue is a collection of evidence that supports the idea and has been interpreted to indicate there may be an overestimation of angler effort by the MRFSS in recent years.

I'm just going to go through this for you real quickly. There has been some controversy about some of this. One point to remember is the estimate of effort, which is the number of trips in a year, determines the total catch estimates. They take that estimate which they get from the phone survey; they multiply times the catch per trip developed separately from their intercept of actual fishermen. This does not deal with any problems in that part of it.

Now effort can be determined or can be divided into either the number of anglers total that fish in a year; and, second the mean number of trips per year undertaken by those anglers they call avidity. The number of trips per year they term that avidity in MRFSS, just to clarify that. If you look at the estimated trips, if you plot them out they have been increasing particularly since around '99 or 2000.

That is going to tend to increase the estimate of total catch because they multiply those trips times the catch per trip. For that to have happened, either avidity has increased and all those people that fish are fishing more trips per year or else the total number of anglers had increased, or both.

When you look at the MRFSS estimates of that they term avidity, number of trips per year, has not increased, and in fact in recent years it has declined. The dark is the Mid-Atlantic north; the dashed line is the New England; the other line is the Mid-Atlantic south, so that is what you're seeing by region.

Okay, when you look at MRFSS, they go on their website, you can get their estimated number of anglers which they term participants; and when you plot that out, there has been an increase since about 2000. You can see that by that plot there. It is in all the regions that I'm portraying. Since they don't estimate avidity as increasing, it implicitly and explicitly, then, they estimate an increase in the number of anglers particularly since around 2000.

However, we have become aware of other information, and a lot of this was pulled together by Dr. Vic Crecco from Connecticut DEP. Other information does not support an increase in the number of anglers, and that is trends in marine license sales for Virginia and Maryland I am going to show you here and the estimates of the number of anglers produced by the Fish and Wildlife Service.

Let's look at this. Here is the Virginia data. The blue is '96 and the purple is 2006, so you see the saltwater licenses did increase slightly in Virginia over that period. The Fish and Wildlife Service shows a slightly higher estimate of total participants. However, the MRFSS is much higher than either especially for 2006. This trend occurred starting about '99 or 2000, and so we really see it in the 2006 estimate. There is quite a discrepancy here that is of some concern.

Here is the Maryland data. Again, the MRFSS estimate is not only several times higher for '96; it is also increased greatly for 2006. North Carolina instituted their license in 2007, and this was the first

– Fish and Wildlife only does their survey every five years. When you look at the Fish and Wildlife and the number of saltwater licenses match up pretty well, but the MRFSS was four times as high.

This is raising eyebrows and we're concerned that there may be something funny going on with these estimates here that could be affecting our estimate of catch. Okay, what that would do, if they overestimate effort it could overestimate catch and it could produce some bias in our catch-at-age modeling, which depends on that data, and that could possibly overestimate fishing mortality or stock size, so we are concerned.

The F in particular from the catch at age could be overestimated. We have to really run some simulation with the data and the model to see how it would actually work out. However, one point to remember is the tag recapture Fs are not affected by this estimate of total participants. That data is just the tags and their tag returns, tags released and tags returned, so it is not affected.

And when you look at the time series of these sets of estimates, the dashed line is from the most recent catch-at-age model. You see that since around 2002 here, there has been an increasing trend in F from the catch-at-age model, but the tag Fs have been declining. One other minor point here, some people have the idea that the tagging F is always lower than the catch at age, and this is not true.

If you look at the '98 and '99 period, the F from the tag estimates was actually quite a bit higher than what we're now getting from the catch-at-age model. The technical committee, in our conference call, decided that we would like to request that this issue be investigated by a workgroup.

This could affect all species and not just striped bass, but for striped bass such a high proportion of our catch estimates come from the recreational fishery, so it might have more effect on us than some other species if there is such a problem. One suggestion that has been made is that possibly the cell phone use where an increasing proportion of people do not have landlines in their home, so therefore they're not accessed by the MRFSS phone survey. This could be younger people. There could be an effect of this involved; we don't know. We just think it is something that should be thoroughly investigated hopefully by a workgroup.

MR. STEVE MEYERS: Thank you, Mr. Chairman. That report is interesting in addition to the other

seven things of which the board has asked you to look at for reporting on today. These are not essentially new topics for us. These are ones that we have identified and we have been looking at for some time. I would like to turn it over now to Mr. Gordon Colvin, who has been working on the MRIP Program to address these very issues, including the issue of cell phones and landlines and what that would mean for surveys. Thank you.

MR. GORDON C. COLVIN: The information presented seems to indicate that there is a systematic difference between the estimates of angler participation that have been produced by the Marine Recreational Fisheries Statistics Survey that we do and the surveys done every fifth year and now on the ones and sixes by the U.S. Fish and Wildlife Service and Bureau of Census as a joint venture. In fact, that is true.

I can assure most of you that this is not a new issue. In fact, for at least 20 years we have observed that the participation estimates, the number of anglers in the national survey and the participation estimate from MRFSS pretty much year in and year out, survey in and survey out, we do see higher estimates from the national survey.

I can recall this being of great interest to me in that these numbers ended up having some significance in decisions the states made with respect to apportioning their annual Wallop-Breaux grant revenue as they are required to do proportionate to the number of saltwater and freshwater anglers in the states. We have known about this for some time.

What I think is new and a little bit more significant than the departure of the numbers from each other that I don't think I heard Dr. Kahn mention is that there does seem to be in the most recent years, particularly over the last three periods of the national survey, a departure in the trends that the surveys show, which is more disturbing to us I think even than the difference in the numbers.

Our effort estimates and participation estimates are rising and have risen fairly significantly between '01 and '06; whereas, the national survey estimates of participation are declining over that same period. This is an important issue and we have recognized for some time that it is an important issue and as a consequence of that had undertaken some discussion internally and with the various parties we're involved in in the Marine Recreational Information Program about what sorts of approaches should be undertaken, what does this suggest we ought to do as we redesign,

which is what we're doing, the nation's survey of marine recreational angling.

There is I think two things that emerge right away. Number one, I think the discussion that is of greatest interest to you all I think has nothing to do, by the way, with the participation rates. The focus ought to be on the trips. We determine catch from our estimate of the number of trips. We determine participation from our estimate of the number of trips.

The thing that we start with, the thing that we determine that sets both of these in motion is the estimate of the number of trips, so I would encourage you to focus on that. What we see when we look at the number of trips is the same thing but perhaps to somewhat less clear degree than when we look at participation; coastwide our estimate of the number of trips in 2006 was higher than that from the national survey.

In their case angler days is the number we looked at, if any of you go in that database and look at it. It is not higher for every state. There are a couple of states that the angler day estimate is higher for. I think Connecticut is one of them and Georgia I think is the other. The other thing I would encourage anybody to look at is it is important that any analysis that is focused on the state for which the Marine Recreational Fishery Survey is done, which unfortunately makes it a little harder to look at things because it excludes all the west coast states. It includes all the Pacific states except maybe Hawaii. We might be able to look at Hawaii. It excludes Texas, which is a real big state.

Unfortunately, we can only really look at the MRFSS states when we do this comparison and it doesn't enable us to look at national figures and national summaries. We have to break it down to the MRFSS' states, but we're doing that. We're committed this year, in the MRIP Program, to initiate work that will specifically focus on an investigation of the underlying causes for the divergence not just in the estimates themselves, but in the trends of the two survey estimates.

The MRIP Program proposes and as a project on the drawing board to work with the Fish and Wildlife Service and the Bureau of Census to have our experts that we already have working with us go into the survey design for these two surveys, dissect them and come up with a reasonable hypotheses for the difference in the trends and an assessment of what

those hypotheses mean to us in terms of future design for both sets of surveys.

This isn't only a MRFSS problem; it is also a problem from the national survey. The Fish and Wildlife Service has agreed conceptually to get involved with us in this study. As soon as we have a budget, hopefully in the not too distant future, we will be able to get started on this and all of the other projects that we hope to do this year.

Now Wednesday at the Policy Board meeting Pres Pate will be here with me and Fords Darby and we will talk to you more at the Policy Board about the progress we have made to date on MRIP, and you will hear more than you've heard in the past about the technical side of things, about the survey design side of things, and also about the various projects that we propose to run next year.

We are looking and we have workgroups already working on survey design and all those sorts of things. We have a data analysis workgroup and a design analysis workgroup that includes representatives of the state survey programs, of our own agency, of fishery science centers and the fishery management councils who are addressing issues that will include I think the issue that has been put here today and have retained experts, including experts on survey methodology including probably Dr. Mike Brick, probably the leading authority today on the issue of how increasing cell phone use is affecting surveys in this country.

I think, Mr. Chairman, the bottom line is that under MRIP we're already looking into this and hopefully we'll have some results to share later this year or next year with all of the stakeholders, including you all, the commission and the fishery management community that may have or may not have – we will see how it goes – some applicability to your stock assessments and your estimates of catch.

With that, I will just back it down. There is a lot more information here if anybody is interested in it that we can talk about either questions informally or even better probably when we come back on Wednesday to talk about our specific plans for the FY 09 budget.

VICE-CHAIRMAN TRAVELSTEAD: Thank you, Gordon. Yes, Steve.

MR. MEYERS: Mr. Chairman, given the fact this will be discussed in greater detail on Wednesday, given the fact that we have already spent about half



of our meeting time discussing this number one topic that really was not on our agenda, I would suggest that if anyone looks at this, perhaps the commission science staff can meet with the MRIP staff to discuss various aspects of the nuances in the survey design. I have read the e-mail traffic of the technical committee and I was on that conference call. I think perhaps that would be most efficient way of resolving these issues and then also again with this report, on Wednesday there can be time for more follow-up on that. Thank you.

VICE-CHAIRMAN TRAVELSTEAD: Thank you, Steve. I like Steve know we are halfway through our one-hour meeting time. Are there any burning questions at this point for Des or Gordon on this? All right, Des, did you have anything else to offer on this specific subject?

DR. KAHN: Well, the only point I want to make is that we understand there is a new survey being designed, and we wish everybody well with that. Our problem as assessment people is we have to use the past data in our modeling. If there is some kind of problem with this data, we hope there could be developed a way to maybe possibly make a correction so we could get data that might be accurate.

We just feel it needs to be investigated, the whole thing, for assessment purposes. You know, it is our responsibility to take data and use it for assessment. It's not MRFSS responsibility to provide data for us. We have to make these decisions about what data is acceptable to use, so that is what we're concerned about at this point. Okay, could I move on, Mr. Chairman?

VICE-CHAIRMAN TRAVELSTEAD: Yes, please do, I know you have a number of other issues.

DR. KAHN: Okay, this is real quick here, just some new evidence that the mycobacteriosis epidemic in the Chesapeake Bay stock is having an impact on the stock. There is a new paper out. We discussed it in the committee; we have looked at it, not extensively but we have discussed it in a conference call. The title is *Mycobacteria-Associated Mortality in Wild Striped Bass From Chesapeake Bay*. These people were mostly from VIMS; also, the USGS and Coastal Carolina University. It was published last fall. Unlike the previous estimates of an increase in mortality rate in the Chesapeake due to this epidemic which were based solely on tag recapture data and the observations by pathologists, this new paper is based on research trawl survey data collected in the

Chesapeake by the VIMS Survey known as ChesMMAP.

They analyzed the age structure of the striped bass and looked at whether or not they were infected. What they found was that basically their analysis gave evidence that infected fish were dying off at a higher rate than uninfected fish. This was particularly noticeable for females older than I believe age six. They used techniques from epidemiology which we don't work with, but this decline in the prevalence of infected fish at older ages is interpreted as due to the fact that they died.

One point is the pathologists – I just want to quote – “It is generally assumed that mycobacteriosis in fishes is chronic progressive and ultimately fatal.” They also make the point that mortality from this epidemic, assuming it exists, is a cryptic thing. It is not like you have a whole school of fish that is killed and floats up on top.

It is not something you can necessarily just observe compared to some other fishkills you may be aware of. We are concerned. There are other papers about this. It has come out in the tag data evidence that natural mortality in that stock increased right around the time the epidemic occurred, and that is in our assessments. There has been another paper published on the tag recapture data that confirmed it, so it is a threat to the productivity of the Chesapeake Bay stocks, which are the largest component.

This is currently not reflected in catch-at-age models, and there is some issue with people saying, “Well, the landings haven't declined as estimated by MRFSS”, so that kind of raised some questions about the MRFSS landings to some people. The question we need to look at is if we didn't have a mycobacteriosis mortality what kind of landings should we be expecting. We have decided you should be aware of this new evidence that there is an impact.

And with that, I would like to move on to the tasks. One thing about these tasks, we did not have a chance to get together as a committee and work through these as a group face to face. We had a conference call where we assigned the tasks and then individuals usually sent in these responses you're going to see. They haven't been really vetted and sort of worked through by the committee, so they're to some extent preliminary.

This first task was to evaluate the effect of a range of increases in the coastal commercial quota, 15 percent,

20 percent, 25 percent and so forth, and see what effect that would have on fishing mortality. What we found right here, if you can see this table, if you went to the highest increase of 25 percent that was considered here, that would be an increase of about 60,000 fish. The impact on fishing mortality would be very minimal. It would be only about 0.01.

In that case, the F estimate would go from about 0.32 for these fish age seven plus or eight plus; only up to about 0.33. Remember there is about six or seven million fish age eight plus, say, in the catch, so that this small amount of 62,000 really has very little impact. That is a quick answer to the first one, and I could go into these in more detail. Questions?

MR. THOMAS McCLOY: I'm just looking at Table 2 in here which lists the commercial quotas for all the states. As you know and everybody else know, New Jersey does not have a commercial fishery, but we do have a commercial quota, about 370,000 pounds a year. I am just curious, one, whether that was used in the analysis; or if it wasn't, is it going to make any difference one way or the other?

DR. KAHN: Well, I don't believe it was used in the analysis. If you look at the printed material, what you're calling a quota was not included since it is not utilized as commercial.

MR. McCLOY: Well, just to follow up, if I may, it is not utilized as a commercial quota and it has been a long time since we came anywhere close to harvesting that quota, but it is available for the recreational fishermen to take. I would assume that if commercial quotas are going to go up that quota will go up for New Jersey, also. I am not suggesting that we might be catching it, but I think it ought to be taken into consideration in the analysis just to make sure it doesn't make a difference.

DR. KAHN: Good point; we didn't look at that.

MR. PAUL DIODATI: The projections of a commercial quota increase; for instance, 25 percent; is that based on 25 percent of weight; in other words, the quota poundage?

DR. KAHN: Good question. In the material it was first developed in weight, but when it is converted into numbers of fish it is actually the same increase, almost exactly 25 percent. It seems to be at one to one. If you increase the weight by 25 percent you're going to increase the number of fish by 25 percent as well. I believe you have a written version of these task responses that Nichola handed out. You can see

that in the tables there under Task 1 the increase is given in both weight and numbers, and I calculated like the 25 percent was the same increase, 25 percent in number of fish.

MR. G. RITCHIE WHITE: I just would add on top of New Jersey that New Hampshire has a very small commercial quota so we would want that included in as well. If there is going to be an increase in quota it is something that we can use for our recreational harvest if we want to.

VICE-CHAIRMAN TRAVELSTEAD: Des, you said that you all just looked at this by way of phone call and you are going to meet in person at some point to vet it further?

DR. KAHN: We certainly could. I think that would be wise because we didn't get a chance to really go over this as a committee, these results.

VICE-CHAIRMAN TRAVELSTEAD: Well, you have already heard two suggestions for changes. Any other questions at this point? Okay, keep going, Des.

DR. KAHN: Okay, Task 2, this one is we were to alter our regulations such that we maintain a two-fish creel as we do currently, but allow one smaller fish and one larger fish – and something seemed to happen to the table here. It is in your handout. Here is the kind of results that were obtained using conservation equivalency.

We could do, for example, an 18-inch minimum size and a 40-inch minimum size; 19 inch and 38. The way this would work, one fish would have a 19-inch minimum size and the other would have to be over 38 in this case, you see. There is no maximum in these, I don't believe. There are options here. Now just real quick, there are some caveats here.

If there were changes in things like natural mortality over time or weight at age, that could alter these results. But if we assume things are more or less as outlined here, that is the kind of results we could pursue if so inclined. Any questions on that one?

MR. R. WHITE: I see some examples in this table used F 0.20 and we're fishing substantially above that now; aren't we, so why would we have not used what we are now fishing?

DR. KAHN: Okay, that is a good question. Actually we had two estimates of the current F; you know, the catch at age which was estimating 0.31 and the tag base, which I believe was even below 0.2. One thing

to keep in mind is that the most recent catch-at-age model is very uncertain, and in the past they have always changed.

The F estimates have declined with additional years of data, so that is probably on the high end, the catch-at-age estimate. Second off, the current F does not affect these results. Even if we're fishing at a higher fishing mortality, you will still get the same results. They're equivalent in terms of their impact on a spawning stock biomass that is accumulated to the two at twenty-eight. That is the key thing.

MR. DOUGLAS GROUT: If it doesn't make any difference why did you have to have an assumption that the full F is 0.20, Des?

DR. KAHN: When you do these models, Doug – well, Vic Crecco is the one who did this. He was one of the originators of conservation equivalency back when we were developing our regulations. You do a yield-per-recruit type of modeling approach and you have to have an estimate of mortality to run the models. That's all I can tell you at this point, but it is part of coming up with these estimates of spawning stock biomass under different regimes.

MR. R. WHITE: I'm sorry; I still didn't understand your answer to me. If you plugged into the model a 0.30 the same results are going to come out, you're saying?

DR. KAHN: That is correct, Ritchie. They're equivalent. In other words, these minimum sizes are the equivalent to what you get if you had two at twenty-eight. They might not be the same exact amount of spawning stock biomass, but they will be comparable to the two at twenty-eight.

Task 3, this one was determine how wide the gap between point estimates of  $F_{target}$  and  $F_{threshold}$  must be to ensure that they are statistically different and advise on how estimates of terminal F should be compared to the reference points, particularly when the point estimate of terminal F is above  $F_{target}$  but below  $F_{threshold}$ .

You may remember  $F_{target}$  is .30, I believe; and  $F_{threshold}$ , we just revised that downward to 0.34, which is quite close, and there is reasonable cause for concern. I'm going to show you some things; I just want to mention a couple of things to keep in mind. One was just mentioned. There is a lot of uncertainty in the terminal estimate of F from a catch-at-age model, and that is due to this retrospective pattern where when we have added a few years more data,

now our terminal estimate of F for 2006 – I believe was the last one we had – has come down, so it is no longer 0.31 now. Now it is down to 0.26 or something.

That is the pattern we have seen. Now why would that be? Well, it is because your terminal estimates are most heavily based on your survey indices. As you add more data, the catch-at-age data itself from the catch in the stock has more influence, and so we have seen the pattern with this analysis both in ADAPT and the SCA that the estimates of F from the actual catch have tended to be lower than they were when we based them on the surveys in the terminal year and so forth. That's an important consideration here.

Another thing is there is uncertainty around the terminal year estimate, and I will show you the 95 percent confidence interval for that in just a second. Particularly for statistical catch-at-age models these are statistical estimates and they have uncertainty around them. We will look at that in a minute.

Then the other point that is not often discussed is that the reference points that we use actually have uncertainty around them although it is not often portrayed. We have certain things we use to develop these reference points which we have uncertainty about; and when that is incorporated, you'll see that there is actually a distribution instead of just one point when you look at it in that point of view. A fourth point is that when you're trying to see what the estimate of F is from the stock, it is important that we have two sets of estimates.

We also want to take account of what the tag recapture F estimates are telling us, which are often a little different than the catch at age, particularly the most recent years' estimates, the terminal year estimate. Let's look at a couple of things here. This is a little picture of the F estimate from the statistical catch at age that we used the last time, and look at this estimate.

If 2002 was the most recent estimate, the F is up around 0.25 for that year, but when we have added about four more years of data the F has now come down to below 0.2. So if we go to, say – and this was the terminal year and we say, hey, the F is – say it is 0.32 and we say we're over our target; it might be higher, we might say, well, it might be over the reference point, but yet when we add more years of data we will come back and we will say, "Hey, it really wasn't as high as the estimate gave us."

So, that is something we want to keep in mind when we react to these things. Now I want to show you something that is actually from our last assessment. Here is the estimate. The distribution line here is the actual confidence interval around our estimate of fully recruited fishing mortality, which was 0.31. You see it actually ranged. The 95 percent was from about 0.23 up to 0.4.

We're 95 percent sure the F was really between 0.23 and 0.4. See, even though 0.3 was the most likely single one, there is uncertainty around that. If you notice, our current reference point of 0.34 looked at as a point estimate actually falls within that, so there is some possibility that this F estimate was actually above our reference point of 0.34. Again, though, remember it is going to probably change based on what has happened in the past.

Here is another look at some previous work done on striped bass by Alexei Sharov from Maryland and Dr. Tom Helser, who is now with NMFS. He used to work with Delaware. Here is a distribution of a difference reference here, the black, and here is the distribution of the estimates of fishing mortality for a given year, and you see there is some overlap here but not much.

If you take account the uncertainty around the reference point, you get a slightly different picture than just looking at a point estimate. So, all these things come in play when you're trying to make a decision about that. I just wanted to show you again this graph, which is a plot of the most recent estimate of F, which is the green line, from the statistical catch at age versus the tagging, which is the darker line, and you see that in recent years the catch-at-age F has really increased, but yet back in the nineties the tagging estimates we have currently was higher.

So, we have this discrepancy here, and it makes us a little uncertain as to what exactly is F. We don't necessarily want to take this terminal estimate from the catch at age as gospel. We might want to take it with a certain amount of salt. Those are some considerations. You have to look at a given year and really get into the data and look at these factors. It is hard to make a blanket statement that you would use as your guide in all cases. That is one response that might not give you what you were looking for.

We have Task 4. Okay, let's talk about Task 4, which was 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. We didn't get real far with this one in my estimation. All that was done for this at this point was to look at the North Carolina and Virginia harvest from Wave 1, which we have estimated, and see what percentage of the total catch in 2006 was due to that portion of the fishery. Table 7 in your handout on Page 8, if you look at the total harvest, not including discards, it was about 4.5 percent of the total catch of age – I guess these are the total of all ages.

Then, if you include discards it was about 3 percent of the removals, including discards. We didn't get to look at how it affects the existing age structure. That would be a lot more extensive. However, while it has some affect, it is only a few percent of the total. You can see in that table it is primarily affecting the older ages. You probably knew they were larger fish. It's not a major impact but it is having some impact, something detectable.

Okay, Task 5 was assess the long-term effects of recreational and the commercial discards on the striped bass population and how changes in these rates would affect the age structure in female SSB. This was a difficult one to deal with by the person who worked on it, Gary Shepherd. However, what he did was assume that discards were equivalent to fishing mortality.

He did get some surprising results, I thought. This is a projection of the total abundance, all ages combined under some of these scenarios, where he looked at different levels of F as proxies for including or not including discards, so he is just looking at varying fishing mortality. Total abundance did not change much; however, if you look at the older ages, even continuing at the F of 0.32 he found that abundance would decline.

He has got to assume values for recruitment now. This is a long-term projection, and the higher the F, of course, more the decline in the older fish. Now, again, this is an analysis that we really haven't had a chance to talk over or go over as a committee, so I don't think we've really answered this question at this point, just some preliminary looks at it.

Okay, let's look at Task 6. That was one we really did not get to; analyze recreational regulatory options that could increase the proportion of age 15-plus striped bass to 3 percent and 5 percent, using size and bag restrictions. We really don't have an answer for you. There was some previous work that is included in the handout, but I have not been able to get to look at that myself at this point.

I'll just have to say if you want us to work on that, it is going to have to be down the little bit. The basic thing is, of course, you're going to have to reduce fishing mortality and catch to some extent to get those increases. I can't tell you a lot more than that because we haven't got into it.

Task 7 is the last one so I'll be through soon. This was about otoliths versus scale ages, and the task was refine the age-length data used from the 2007 assessment; using the stored otolith scale samples processed in 2008 from striped bass 31 inches and larger. Now, you probably know this but the problem with scale aging occurs primarily with older fish.

That is because as fish get older they don't grow larger; their scales don't really grow that much larger, but they're piling up annuli every year right on the edge, so it gets hard to distinguish them. Otoliths tend to be clearer and easier to read at older ages, and here is a plot of some data collected by Virginia, one of the states that has got quite a lot of this where we have both otolith and scale ages from the same fish.

If you look here, what you see is that this line that is in the graph would be equivalent to one to one; otolith age and your scale age were equal. But as you see, when you get up to older otolith ages, say this 20 years old, the scale ages are only about 15, so it really affects fish as they get up above about 10 or 11 years of age. We have seen this before.

What is happening is we're using the scale ages, so we're reading a fish as 15 when in fact it is probably more like 22. Some of the fish that were actually up to 25 with otolith ages, one fish was only 17. Now, what that does is it tends to compress our age structure from what it probably is. We think otoliths are more accurate.

What we're doing is when we develop our catch at age using scales, we're showing a stock that has a more truncated age structure. Consequently, when you put it in an catch-at-age model, the model estimates at the higher mortality, which is transferred to fishing mortality, and it may not be accurate. It is probably overestimating the mortality.

If you look at these slides here, this is from a paper in process by Hank Liao from Old Dominion University, Cynthia Jones and Alexei Sharov. They have got this paper that is about to come out. Now, they used Virginia otolith ages and they applied it to the whole coast, so they got a different catch at age

based on these otolith ages for older fish. It really had an impact.

If you look at that graph in the upper-left corner, that is the estimate of the total number of fish. They used a catch-at-age model and they ran the two different catch-at-age matrices; one with otolith ages and one with scales. What you see is when you're using the corrected run with the otolith ages, the estimate is that there is more fish, about 10 million more fish in recent years than when you use the scale ages.

This argues that the scale ages are resulting in an underestimate of the stock in the catch-at-age models. Okay, the same thing appears for SSB in the upper-right graph. Again, with the otolith ages you get a higher estimate of spawning stock biomass than you do with scale ages. Down here in the lower left you see the pattern of fishing mortality, and there again the F estimate in most years was lower with the otolith ages.

Let's look at the terminal year. With the scale ages the terminal year was about – it looks like about 0.33 with this analysis with scales, but with otoliths it is only 0.2, so you see it can make quite a difference in these. The lower right shows that when you estimate the recruitment with a catch at age using otolith ages you get a much more erratic recruitment. This fits with the young-of-the-year indices from recruitment surveys.

They're more erratic than we see in the catch-at-age results, and that is probably because using scales we tend to smear higher year classes and put some of them in the adjacent years, so it reduces the peak year classes by a smearing effect, and we don't get the really clear picture that we can get apparently with the otolith data.

So, it does make an improvement; however, as you know otolith data is more expensive to develop and process. I think it would be an improvement, and these analyses indicate that, but there is a question of feasibility. Several states are now collecting some this data. Pat Campfield from the commission has been working to develop more of this data. So, we've got more and down the road we may be able to take a more intensive look and decide if we can really go in this direction. With that, that concludes our responses, Mr. Chairman.

VICE-CHAIRMAN TRAVELSTEAD: Thank you, Des. In the interest of time – and you, Des, indicated that some additional work probably needs to be done, a closer look, in-person meeting with the technical

committee, and Bob tells me there is money in the budget for that meeting. It would probably be TC meeting at the March Technical Committee Meeting Week.

We're getting close to our end time. I would suggest that if members have comments or questions or want to see variations in what has been presented to you today, that you get that to the staff as soon as you can so that the technical committee can take that up at their March meeting. Any objections to that approach? Seeing none, thanks, Des, for that report; we appreciate it very much. Melissa.

### **CESS REPORT**

MS. MELISSA PAINE: Mr. Chairman, I will keep this very brief. CESS was asked to look at this task given to them by the board to complete the socio-economic analysis required to evaluate management's performance with the fourth objective of Amendment 6. That was to foster equality and economically viable recreational for-hire and commercial fisheries.

There was kind of a primary task on top of that which was that understanding there is insufficient time and funding for a comprehensive analysis before the next board meeting, the board asked for a state-by-state evaluation of available data quantifying participation, effort, dollars spent, et cetera. Staff is passing around a summary of CESS's discussion on this task.

The bottom line is that the data that is available is pretty limited on a single-species basis by state. That is described a bit further down on that first page of the handout. What can be done are estimates to get at expenditures and economic impacts such as sales, income and employment.

Those can be done with economic impact assessment models, and those have been developed recently by Jim Kirkley on the commercial sector, and he is actually a member of CESS. Brad Getner and Scott Steinbeck developed a model for the recreation sector. Again, those are described a bit below.

CESS actually just wanted to get more clarification on what the board requested of them, and that is explained a bit more on the second side. If the board is just looking for the economic effect of striped bass fisheries in terms of expenditures and the ripple effect through the economy, then CESS is able to do those kinds of analyses and in actually a fairly short timeframe.

But if the board is looking more for what is included in the language of the task and looking at the viability of the fishery in terms of how the effort, expenditures and revenue have changed over time, if that is what the board is looking for, then we're going to need a little bit more direction on the timeframe that the board wishes to look at.

They asked that because of the recent economic issues in the economy. Some adjustments are going to have to be made between the years of 2006 and 2008. The most recent models are looking at 2006 data; and so if you want to look at more recent years, adjustments are going to have to be made in restructuring of models, which will take some time, approximately six months. I'm not sure how much will be able to be answered today. CESS is willing to look into this further but just given a little more direction from the board. Thank you.

VICE-CHAIRMAN TRAVELSTEAD: Questions of Melissa or any further direction from the board on this? Yes, Terry.

MR. TERRY STOCKWELL: It seems to me concerning the clarification, from my perspective we really need to address both these issues. The TC is going to need some time look through its issues. I'm not sure if the CESS will have time to look at the second option over this period of time and get back to us at the spring meeting or not. Is that going to be rushing your schedule?

MS. PAINE: It is possible. What can be done is that CESS can look at the most recent model as it is structured for 2006. What they could do is look at 2008 values and just kind of plug those into the 2006 model. Those can be provided by the next meeting, but to get a more accurate estimate and if you wanted to make those adjustments for recent events in the economy, then that would take a longer time period. If the board requests it, then that analysis can be done.

MR. STOCKWELL: You know, from our perspective it has been a great discussion, and I know there is a lot of thought and some effort for action, and I'm not leaning in that direction. I want to know exactly what we're doing and be slow and deliberate and careful. I would appreciate any additional comments and hopefully CESS can continue its good work.

VICE-CHAIRMAN TRAVELSTEAD: Any objections to that approach from the board?

MR. MIKE JOHNSON: Mr. Chairman, I hear what my fellow board member is saying, and I know in the last meeting we talked about striped bass and, okay, now it's over, we're out of time, let's move on. We spent half of the meeting talking about cell phones today, and we're out of time and moving on. I would like to put a motion on the board to take action and see what this board thinks about it.

I heard that a 25 percent increase in quota would have a nil effect. I would love to put 50 percent out there and a 50 percent underage rollover because I know we will negotiate that. For the sake of some movement, **I would like to put a motion on the board of 25 percent quota increase and 50 percent underage rollover.** If anyone would second that, I would welcome it.

VICE-CHAIRMAN TRAVELSTEAD: Is there a second to the motion? Seconded by Vito. Before we get to that motion, do you have enough guidance at this point to proceed?

MS. PAINE: I think so. The only thing I didn't get an answer on was the timeframe if you wanted to look at the changes in the economy. So from 2006, did you want the 2008 values to just be plugged into the most recent model; and then did you want a comparison over time back to – I just need an idea of the timeframe for comparison.

VICE-CHAIRMAN TRAVELSTEAD: Any suggestions on that? Terry.

MR. STOCKWELL: I think we're going to have to go with what you have the time for between now and the spring meeting. I hear our fellow commissioners request for immediate action, and I am going to drag my feet until we have these answers.

MS. PAINE: I'm sorry; I just meant for the actual economic analysis; the timeframe to look at, say, from the year 2000 to 2006, that kind of thing.

MR. GROUT: I might suggest going from '95 when we had a fully recovered fishery up to the present.

VICE-CHAIRMAN TRAVELSTEAD: Any objection to that? Okay, are we there now?

MS. PAINE: We are; thank you.

## **DISCUSSION OF INITIATING AN ADDENDUM**

VICE-CHAIRMAN TRAVELSTEAD: Okay, thank you. We have now, with the motion, moved on to Agenda Item 5. The motion again was to, I assume, initiate an addendum for a 25 percent increase in the commercial quota with an allowance for a 50 percent forward transfer – or a forward transfer of an underage up to 50 percent?

MR. JOHNSON: Correct; you have summed it up correctly.

VICE-CHAIRMAN TRAVELSTEAD: Okay, that was seconded by Vito. Other discussion on the motion? Pat.

MR. AUGUSTINE: Mr. Chairman, I was going to word it a little differently, but, Mr. Johnson, I'm glad you put that motion on the table. The technical committee submitted documents to us that indicated we could use one of three. Now, if we're going to create an addendum to go to the public would we not want to leave all three options on with the data that is in there as opposed to focusing on just the one at 25 percent and then the 50 percent rollover? I would ask you, Mr. Chairman, if you would address that.

VICE-CHAIRMAN TRAVELSTEAD: Well, I see this motion as one that is initiating an addendum process. As you know, that comes back to the board multiple times before it is finalized. There is always opportunity for board members to add alternatives to it. If you want to do that now, that's fine.

MR. AUGUSTINE: Well, with that, Mr. Chairman, I would like to have those as part of the addendum, offering up three possible choices as the technical committee reviewed it, whatever those three were, 15, 20 and 25 with a specific agree with your 50 percent rollover.

VICE-CHAIRMAN TRAVELSTEAD: Any objection to the maker of the motion to looking at those options?

MR. JOHNSON: No, sir.

VICE-CHAIRMAN TRAVELSTEAD: Okay, I guess we have a friendly amendment. Other comments on the motion? Vito.

MR. VITO CALOMO: First, I enjoyed your report. I understood it very well and it was enlightening. Mr. Chairman, we talked about the economics. We know that our fishing industry has problems throughout the range. We know that the economics of this country has problems throughout the range.

Mr. Chairman, we have stock that is built very well, rebuilt for years, abundance for years; having more disease now because I believe there are too many of them. Even asking for a 25 percent increase in the commercial catch was considered to have no ill effect. We as managers during the course of the time that I have been around are very quick to say no or to stop or to cease or cut back, but when there is a fishery that is thriving like the striped bass we have a hard time of letting go.

I think caution is always good, but how many years of caution do we need to allow the fishery to bloom at a time that would probably help a lot of people because of the restrictions there are on other species that are not in quite the abundance as the striped bass. The report says we would not hurt the striped bass at a 25 percent increase, but I know it would help the human part. I hope my fellow commissioners would look forward and vote in the positive. Thank you.

MR. R. WHITE: Mr. Chairman, I look at the situation a little different than my good friend across the room. I come away this afternoon with a lot of uncertainty. I see a disease issue that we don't have a handle on that could have a major impact. We hear about a law enforcement issue that could be substantial; we don't know. The 2008 numbers I understand are not good.

You have issues in the northern range that are trending down substantially. Maine and New Hampshire, especially Maine, a good chunk of those anglers didn't see any striped bass this year. I guess I don't see things quite as positively as some, and I think it is time for caution. We have had a number of proposal come forward and each one has a little impact on mortality, but I haven't seen anything that has combined them all.

We increased mortality a little bit for Maryland, we increased mortality a little bit for Pennsylvania and Delaware. This would be a little increase in mortality but I haven't seen something that has put the whole picture together on what is the total increase in mortality, adding in the disease issue. I guess at this point, until I hear more, I err on the side of caution and I won't support this.

MR. STOCKWELL: Ritchie pretty eloquently laid out my thoughts on what I see as a creeping F and listening to a report that was preliminary and expressed a fair amount of uncertainties. This may be the time for action or it may not be. I don't think today is the time for action.

MR. AUGUSTINE: Mr. Chairman, could we add another item to this addendum for consideration? It would be Task Number 2 that had the chart relative to the gap between the recreational size limit options which would give us another tool in the box that obviously has been vetted by the technical committee where they indicated you could use – you would end up with conservation neutral in terms of SSB versus for the two fish.

Sooner or later, if it were made available as a tool in the box for states to use that, it would make it much easier I think for states who decide to go that way. I would like to include it as part of this addendum for consideration.

VICE-CHAIRMAN TRAVELSTEAD: Why don't we handle this motion first and then we will see where we go from there. Paul, go ahead.

MR. PAUL DIODATI: To that point, Mr. Chairman, this plan already allows conservation equivalency and any state could choose any of those alternative regulations. The other thing is I thought it was pretty clear that the TC hasn't really vetted all of this, and I had questions on almost every one of the task results, which was good work, but I still had questions, but I thought it best to wait until it gets vetted through the full TC. To include them in the addendum right now I think is just way too early.

VICE-CHAIRMAN TRAVELSTEAD: I agree with you, Paul. It is clear from Des that what he has discussed were individual assignments to individual TC members followed by a phone call with at this point no face-to-face discussions amongst the members. Let's keep that in mind.

MR. GROUT: Mr. Chairman, my points have already been made. I was going to make Paul's points that I think we need to wait until we get a report from the full technical committee here.

MR. A.C. CARPENTER: The way that this motion is worded the increase in the commercial harvest and the adoption of an overage; would they be two separate items on the addendum so that they could be treated separately at the time of the adoption?

VICE-CHAIRMAN TRAVELSTEAD: I think so. Bill.

MR. WILLIAM GOLDSBOROUGH: Just a clarification, Mr. Chairman. The seconder made a statement I wasn't clear on, something to the effect,



Vito, that the report – I think you meant the technical committee report said that a 25 percent increase in quota would not hurt the stock. I wasn't sure I heard that from Des and wondered if he could comment on that, if that is correct.

DR. KAHN: Well, the analysis that was done indicated that in terms of fishing mortality a 25 percent increase in the coastal commercial quotas – now not counting New Jersey or New Hampshire, just the ones listed that currently have a commercial fishery – would increase by about 62,000 fish, and that would be equivalent to about 0.01 increase in fishing mortality.

VICE-CHAIRMAN TRAVELSTEAD: You can draw your own conclusions from that. Any other comments on the motion? Vito.

MR. CALOMO: I won't be redundant, but I will say that it was about three years ago, maybe four, that no one seemed to have listened to Vito speaking again about menhaden, but where are they? They're not in the Chesapeake Bay, they disappeared. I kept saying they're in the ocean coming around to the east coast.

And here they are last year, knee deep, the year before came around. After three meetings, three years gone by, the technical committee and the scientists says they are in the ocean. Well, let me go back to where I live on the east coast here and the northern section of the Atlantic States Marine Fisheries Commission.

Guess where the majority of striped bass are? They're in the ocean, they're on the ocean side, not in state waters like they have been for years. There are more people who want to open up the EEZ because they're in the ocean. You take an airplane ride, you can see them in the ocean. There are people that sneak out there and know they're in the ocean. That is where the majority have migrated. Reasons; I am not the scientist; I don't disagree with that, but they're in the ocean. There is an abundance of them in the ocean. Thank you.

MR. TOM FOTE: I hate to disagree with Vito, but I guess I have to basically – based on a lot of their time in the bays, the estuaries, the rivers, and in those bays and estuaries and rivers it is important to have menhaden so they can feed off. My other concern is that when we look the otoliths, it gives me real concern because we're basically underestimating how old the fish are. We need to get these things clarified.

Again, with law enforcement, I have been questioning for years how we basically record catches. We found all kinds of problems in summer flounder years ago, and I still don't think it is all straightened out. We know there are all kinds of problems in certain areas of New York on striped bass and in certain areas of Maryland now it seems the same problem. I don't know what the real commercial catch is or what the illegal catch is, but the estimate is pretty high, the illegal catch is, the same way it is on other species that we are know are going on with blackfish and everything else. I am very concerned at this time.

VICE-PRESIDENT TRAVELSTEAD: Any other comments? Vito, one last comment and then we're going to comment.

MR. CALOMO: Tom Fote has never agreed with me so why start now, now that he back?

VICE-PRESIDENT TRAVELSTEAD: All right, let's take a minute to caucus and then we will vote. I have been asked to read the motion: **Move to initiate an addendum including options to increase the coastal commercial quotas by 10, 15, 20 and 25 percent and adopt a 50 percent underage rollover. Motion made by Mr. Johnson; seconded by Mr. Calomo.**

During the caucusing it was asked of me whether or not this addendum would – if this motion is approved, whether the addendum would come back to the board for final action prior to the technical committee having a chance to meet and finish their work on these issues. The answer is no; that the technical committee will be meeting in March.

If the motion passes the staff would begin preparing an addendum. It would come back to the board after the March meeting for your review and for another vote to send it out to public comment or add other options or whatever, so there is a lot more that would have to go on to finalize this before it goes out to public comment. It is not going to happen that quickly. Paul, do you have a comment?

MR. DIODATI: Just one question about the motion and if this passes; would this addendum be locked down to these two issues? In other words, once we approved this addendum you couldn't broaden it by adding some recreational measures?

VICE-CHAIRMAN TRAVELSTEAD: Well, my impression is you could because by that time you're going to have heard from the technical committee on

other issues that you may want to add to it. You will have an opportunity to do that, I guess, at the next board meeting, which would be May. Yes, Dave.

MR. DAVID SIMPSON: Yes, again, to timeline, I guess. If we were trying to contemplate some kind of changes for 2010, what would be the latest commission meeting that we would need to initiate action on this; would it be May? It certainly isn't this meeting. We have to have two board meetings, so it could even be at the summer meeting; couldn't it?

VICE-CHAIRMAN TRAVELSTEAD: Yes.

MR. SIMPSON: Okay, so we have time on this even for 2010?

VICE-CHAIRMAN TRAVELSTEAD: Yes. Okay, everyone clear on that? With that, everyone ready to vote? That's right, there was a request for roll call.

REPRESENTATIVE DENNIS ABBOTT: Mr. Chairman, I would like to request a roll call.

MS. MESERVE: State of Maine.

MAINE: No.

MS. MESERVE: State of New Hampshire.

NEW HAMPSHIRE: No.

MS. MESERVE: Commonwealth of Massachusetts.

MASSACHUSETTS: Yes.

MS. MESERVE: State of Rhode Island.

RHODE ISLAND: No.

MS. MESERVE: State of Connecticut.

CONNECTICUT: No.

MS. MESERVE: State of New York.

NEW YORK: Yes.

MS. MESERVE: State of New Jersey.

NEW JERSEY: No.

MS. MESERVE: Commonwealth of Pennsylvania.

PENNSYLVANIA: No.

MS. MESERVE: State of Delaware.

DELAWARE: Yes.

MS. MESERVE: State of Maryland.

MARYLAND: No.

MS. MESERVE: District of Columbia.

DISTRICT OF COLUMBIA: Yes.

MS. MESERVE: Potomac River Fisheries Commission.

POTOMAC RIVER FISHERIES COMMISSION: Yes.

MS. MESERVE: Commonwealth of Virginia.

VIRGINIA: Yes.

MS. MESERVE: State of North Carolina.

NORTH CAROLINA: Yes.

MS. MESERVE: Fish and Wildlife Service.

FISH AND WILDLIFE SERVE: (No response)

MS. MESERVE: National Marine Fisheries Service.

NATIONAL MARINE FISHERIES SERVICE: Abstain.

VICE-CHAIRMAN TRAVELSTEAD: **Tie vote; the motion fails.** Anything further to come before the board? Pat.

MR. AUGUSTINE: Mr. Chairman, I would like to move forward with an addendum that would lock into place the recreational size limit options for conservation equivalency in neutral terms. Although we have the ability to do it now, the first time we have seen a technical document from the technical committee.

Their comments were the results from the conservation analysis were very robust to changes in the choice of constant M, et cetera. It seems like the right way to go. States will not have to figure out what would be a good combination of the two. Although we have the option now, this would lock in for the near future what combinations they could use that would be viable.

VICE-CHAIRMAN TRAVELSTEAD: Pat, you're talking about the items under Task 2 from the technical committee?

MR. AUGUSTINE: Yes, Mr. Chairman. How would you like to handle that?

VICE-CHAIRMAN TRAVELSTEAD: Well, as Paul pointed out we already have the opportunity for conservation equivalency, and these are just simply examples that the TC has provided for us. I don't think you need to do an addendum to proceed along those lines.

MR. AUGUSTINE: Fair enough.

### **OTHER BUSINESS**

VICE-CHAIRMAN TRAVELSTEAD: Anything further to come before the board? Tom, your other business item.

MR. O'CONNELL: Mr. Chairman, I will try to be brief, but there may be some questions that follow. As many of you work hard during the week and you get to Friday afternoon looking forward to your weekend, every now and then you get surprised by the fact that something occurs that is going to require some more over the weekend, and that happened this past week.

Several years ago our Maryland Department of Natural Resources tipped the U.S. Fish and Wildlife Service investigators of some poaching activity of striped bass in the Chesapeake Bay. They initiated a collaborative investigation over the last several years. The information was brought to my attention late summer, but it was not privy too much detail.

On Friday the Fish and Wildlife Service investigators filed criminal actions against I believe five watermen, two seafood dealers and a restaurant. That information was reported in the news media this past weekend. I wanted to just make you aware of that information, understanding that we do not have a lot of the information before us today.

We believe that the information reported in the news article is correct. Just to give you a sense of the magnitude of this, several individuals of those five admitted to illegally taking more than \$1 million of striped bass over the last five years. This is very disturbing news to us given the amount of resources we put into monitoring this fishery.

On that sad note, we would like to commend the Investigation Office of the Fish and Wildlife Service who worked closely with the Maryland and Virginia Natural Resource police officers over the last several years to bring this case up. We began to realize the significance of some these accountability measures over the last couple of years.

When it was brought to my attention last summer, we began to make some changes in the accountability of our striped bass commercial fishery. We realized that those actions last summer were not enough, and we took this an opportunity to propose regulations that are underway right now to do an overhaul in the management of our commercial striped bass fishery.

Our proposed regulations are planned to take effect in April of this year, and the regulations were developed in coordination with the investigators within the state as well as the federal government. We believe that these actions will address the problems that occurred, but we are committed to working closely with the Fish and Wildlife Service as well as this commission to keep you informed of the details as they become available and determine what additional steps may be necessary. If there are any questions, I will try to answer those. Jack and A.C. I think also have the similar level of detail that I have. Thank you.

VICE-CHAIRMAN TRAVELSTEAD: Thanks, Tom. I would just like to take this opportunity to thank the enforcement arms of the Fish and Wildlife Service and the two states for the great effort they put forward to discover this problem and take care of it appropriately. Pat.

MR. AUGUSTINE: I want to apologize but I am not going to apologize to Maryland for what it said in the paper that I said. I did not say you would come to the table and eat humble pie. There isn't a person around this table that would ever assume that I would say something like that. If I was going to say it, I would be more blunt.

I was called by the reporter and asked what would happen at ASMFC and I suggested that she really call either Vince or down here for those answers, but she said, "Well, you have been at it for ten years so what would you think the board will do?" I said, "Well, understanding how the process works, if states are found out of compliance, illegal activities are going on, somehow or somewhere along the way the quota will eventually be readjusted or adjusted from that state."

I said, "Yes, they're going to have a hard time; they're going to have to come to the table and probably explain what happened and what the status of things are there." I believe the reporter took her prerogative and put the spin on it. I don't use that kind of language nor would I say that to a fellow state that sits at this table that I am a part of. That is where it is. Thank you.

MR. PLACE: Mr. O'Connell, is there any indication that this crime spree is any more widespread than what has been reported?

MR. O'CONNELL: It is difficult to comment not knowing the details of the case, but it sounds as though the investigation is ongoing and they're continuing to take action against some other individuals.

MR. PLACE: As the investigation proceeds, if you would, when you have the opportunity, let the advisory panel know what the report is. I haven't obviously talked to them about that; I just found out about this. I am sure they will be interested and I am sure they will want to discuss it.

MR. DIODATI: First of all, I just want to thank all the law enforcement organizations that were involved in this; congratulations to them. You know, oftentimes we lose sight of these cases a year or two down road as they go through the legal process, but is it appropriate for the commission in a case like this one, that we should be encouraging the authorities to seek maximum penalties?

VICE-CHAIRMAN TRAVELSTEAD: I think it is appropriate. I mean, I certainly wouldn't object to something like that.

MR. DIODATI: So maybe that could be a letter probably from the policy board because very often fisheries cases lose their way and sometimes a letter like that could be used by a prosecutor to show how serious a matter this is for the public.

VICE-CHAIRMAN TRAVELSTEAD: Would the way to go on that be to bring that up as an issue at the policy board, Vince?

EXECUTIVE DIRECTOR JOHN V. O'SHEA: I think so. I think the guidance may be that we continue to work with Maryland, Virginia and the Fish and Wildlife Service and at the appropriate point when we get the appropriate target, then send a letter expressing the commission's concern along the lines

of what Paul said. I think it would be a question of direction and timing on sending that.

MR. McCLOY: Mr. Chairman, I would just like to take a minute. I think everybody here probably knows Tom Fote who is sitting to my left, and, surely, Tom is no stranger to ASMFC. You have all had the opportunity to work with him in the past, and you're going to have the opportunity to work with him in the future because Governor Corzine has just recently appointed him as the governor's appointee from New Jersey.

VICE-CHAIRMAN TRAVELSTEAD: Welcome back, Tom. In the interest of time I think we're going to have to wrap it up here. Ritchie.

MR. R. WHITE: Very quickly; can we get the two reports that were given today electronically sent to us? Thank you.

## ADJOURN

VICE-CHAIRMAN TRAVELSTEAD: Is there a motion to adjourn? I see your hand, Arnold, but we're 40 minutes beyond our scheduled time. If you have a question probably on the law enforcement issues, we will be glad to answer it after the meeting. Is there a motion to adjourn? We are adjourned.

(Whereupon, the meeting was adjourned at 2:35 o'clock p.m., February 2, 2008.)