

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

**Crowne Plaza Hotel
Alexandria, Virginia
August 19, 2008**

Board Approved October 20, 2008

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1. **Approval of Agenda by consent** (Page 1).
2. **Approval of Proceedings of May 5, 2008** by Consent (Page 1).
3. **Move to accept the recommendation of FMSY equals 0.34 as the F threshold; an F target of 0.30, which is the current target; an SSB threshold of 30,000 metric tons (approximately equal to the 1995 female spawning stock biomass as calculated in the catch-at-age model adjusted by sex ratio); and an SSB target of 37,500 metric tons (equal to 125 percent of the SSB threshold)** (Page 7). Motion by Patrick Augustine; seconded by Dr. Gene Kray. Motion carried (Page 9).
4. **Move to accept the FMP Review conditionally upon submission of Rhode Island's report** (Page 16). Motion by Patrick Augustine; second by William Adler. Motion carried (Page 16).
5. **Adjournment by consent** (Page 17).

ATTENDANCE

Board Members

Terry Stockwell, ME, proxy for G.Lapointe (AA)	Gilbert Ewing, PA, proxy for Asm. Fisher (LA)
Pat White, ME (GA)	Douglas Austen, PA (AA)
Sen. Dennis Damon, ME (LA)	Eugene Kray, PA (GA)
Doug Grout, NH (AA)	Frank Cozzo, 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), Chair	Harley Speir, MD, proxy for T. O'Connell (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	Steve Bowman, VA (AA)
Everett Petronio, Jr., RI (GA)	Catherine Davenport, VA (GA)
Sen. V. Susan Sosnowski, RI (LA)	Del. Lynwood Lewis, Jr., VA (LA)
David Simpson, CT (AA)	Louis Daniel, NC (AA)
Sen. George Gunther, CT (LA)	Bill Cole, NC (GA)
Jim Gilmore, NY (AA)	Jimmy Johnson, NC, proxy for Rep. Wainwright (LA)
Pat Augustine, NY (GA)	Steve Meyers, NMFS
Brian Culhane, NY, proxy for Sen. Johnson (LA)	Jaime Geiger, US FWS
Tom McCloy, NJ, proxy for D. Chanda (AA)	A.C. Carpenter, PRFC (AA)
Erling Berg, NJ (GA)	

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

Ex-Officio Members

Alexei Sharov, Technical Committee Rep.	John Tulik, Law Enforcement Committee
Kelly Place, Advisory Panel Chair	

Staff

Vince O'Shea	Nichola Meserve
Robert Beal	Brad Spear

Guests

Rob O'Reilly, VA	Frank Kearney, CCA-VA
Michelle Duval, NC DMF	David Nobles, CCA-VA
John Frampton, SC DNR	Kelly Mahoney, RI Senate Policy Office
Mark Aiken, RI DFW	Mike Stone, Virginia Beach, VA
Wilson Laney, US FWS	Mike Standing, Virginia Beach, VA
Mark Alexander, CT DEP	William Lowery, Tappahannock, VA
Dick Brame, CCA	Neil Lessard, Eastville, VA
Alan Risenhoover, NMFS	Ryan Rogers, Reedville, VA
Joe Fessenden, ME Marine Patrol	Frank Pohanka, Reedville, VA
Dave Ellenton, Cape Seafoods	

CALL TO ORDER

CHAIRMAN MARK GIBSON: Welcome to the Striped Bass Management Board.

APPROVAL OF AGENDA

CHAIRMAN MARK GIBSON: The first issue for consideration is the agenda. Are there any additions or corrections needed for the agenda? Any objections to approving the agenda as written? Seeing none, **the agenda stands approved** as presented.

APPROVAL OF PROCEEDINGS

CHAIRMAN MARK GIBSON: The next item of business is the proceedings from the May 5th, 2008, management board meeting. Are there any requests for edits or corrections to the minutes? Seeing none, is there any objection to approving the minutes as written? Seeing none, **those proceedings stand approved**.

PUBLIC COMMENT

CHAIRMAN MARK GIBSON: Our next order of business is public comment. Is there anyone who has indicated a need to speak to the board on an issue not on the agenda? Yes, sir.

MR. MIKE STONE: My name is Mike Stone from Virginia Beach. I am a private businessman now and a recreational fisherman. I am here to represent the recreational fishermen on the striped bass management issues. We're building a consensus to open up and request opening up the EEZ. Right now Congresswoman Thelma Drake has convened a committee, of which I'm co-chair, to study the issue.

We have found it so far to be favorable in the eyes of the people in Virginia Beach. We have city councilmen on this committee. We have a hotel/motel/restaurant association, recreational fishermen and charterboat skippers. We have got some other people here that will speak on that. I know I've only got a few minutes and I want to make this quick.

We're not asking to change any specifics on how you people and the boards manage the stock. We're asking for a management plan of the EEZ. I want to make that very clear that it is a management plan request. They'll touch on some things as they speak on why we think we need this.

We would like to implement permit fees for striped bass to go to research and law enforcement efforts, a fish index number for all the people that partake in the striped bass fishery in the EEZ to help quantify and study the striped bass, a reporting system back to NOAA or NMFS. I'm retired from the Virginia Marine Police.

I was in the JEA Program for several years when it first started with the Virginia Marine Police, so I have firsthand knowledge of the situation that is going on inside that three miles. That being said, I know I'm limited on time. I spoke with Jack Travelstead. He has been at one of the meetings before. He has been very helpful with this. Again, we want to make sure that everybody understands we're not trying to go out and plunder the ocean.

We just want a management plan because it is so congested. The fishery is large now with all the people participating in it, and some of the other people will get on that, the cost of fuel, all these different issues. Now, in closing, what I would tell you is this. I promised Jack Travelstead that we would not inundate his office with e-mails as some of the people on these committees.

We had several busloads of people that wanted to come up today and we cancelled it. We told them no, that we're not going to handle it that way. I don't think that would be fair to you guys to have a large crowd in here. What we did is we chose six people plus myself to come up in lieu of that.

I promised Jack Travelstead we wouldn't inundate the governor's office or any office with erroneous e-mails or bantering and that kind of thing, but I just wanted to give you an idea of what we did at the Virginia Beach Fishing Center. We put the word out through several meetings to let us know your feelings on opening up the EEZ to a management plan, and, again, a management plan.

The results were this book right here. This is just one of the books. If you can see the pink tab down below, from that pink tab down were negative about opening up the EEZ. From that pink tab up are in favor of opening up the EEZ, and this is statewide. There are 1,396 responses in here. Of that, 1,290 were favorable of opening up the EEZ to a management plan.

Again, if you give us one fish, that's all we're going to do; if you give us two fish – two fish is two fish is the way to look at it regardless of where you catch them. You guys manage the plan, implement the

licensing, implement user fees, implement indexing. Whatever you feel is necessary to do, we will back you 100 percent. We just want to open up the EEZ for some reasons that these gentlemen back will explain. I think that's about all we've got to say it because I know we're limited on time.

CHAIRMAN GIBSON: Thank you. Is it your intention to have all these people speak to the EEZ, all the ones listed on this list?

MR. STONE: I just know they're here to talk about the EEZ and their opinions on it.

CHAIRMAN GIBSON: Well, my concern is that this body doesn't have any jurisdiction over striped bass management in the EEZ, and we're under a presidential executive order for there to be no fishing in the EEZ. I'm not sure this body can deliver to you other than to hear what you're interested in doing.

MR. STONE: Well, that's why we're here, sir. We're here to let your group know that there is a concerted effort in the offing to open up the EEZ and what we want. We don't want any rumor to go around that we want to go out and change anything other than a management plan for the EEZ. In talking to Mr. Travelstead, he said that this would be a good forum to come out and let your group know what we're trying to do.

CHAIRMAN GIBSON: Thank you for your comment. Mike Standing, who is next? Please make your comments relatively short to this. Again, this body doesn't have jurisdiction over this, but we can hear what you have to say.

MR. MIKE STANDING: I appreciate the opportunity to speak, and I'll make this as briefly as I can. I don't want to reiterate too much what Mr. Stone spoke to. My name is Mike Standing; I reside at Virginia Beach, Virginia. I am a restaurant operator, charterboat operator, and I am also the founder and director of the largest striped bass tournament in the country, having over 1,500 people participating in the middle of the winter.

To enjoy and appreciate what we have there and our neighboring states is quite a sight to see what there is; and to see everybody congested in one area is also another sight. It's very critical to my livelihood, obviously, so plundering the ocean, as Mr. Stone referred to, is not our intention. It is critical that we keep it a healthy, successful striped bass fishery.

I believe if people on this board, where you said you don't have jurisdiction, but if this board chooses that they don't agree with it and choose to disagree with what we do in our moving forward from here, although you don't have jurisdiction, it would be nice to have healthy conversations and perhaps have a point of contact perhaps with Mr. Stone in the future so we could discuss this before we try to take something away without having good thought and reason to it. Anyhow, that's all I have to say. You'll hear a few words from people, and I appreciate the opportunity. Thank you.

MR. WILLIAM LOWERY: I am William Lowery. I live in Tappahannock, Virginia. I fish in the Chesapeake Bay and Atlantic Ocean. I'm also a restaurant owner and charterboat captain. I represent the Virginia Coastal Charterboat Association, which is made of North Carolina, Maryland and Virginia charterboat captains who are in a hundred percent agreement of creating a management plan that allows fishing in the EEZ.

As a group now we go 20 and 30 miles up or down the beach to get our customers their limit. It becomes tougher and tougher every year with the cost of fuel and to find a happy medium between what we have to charge and what someone is willing to pay. We would appreciate your consideration of this and thank you for letting me speak.

MR. NEIL LESSARD: Neil Lessard from Eastville, Virginia. I would just like to say I concur with everything that they have spoken about. That's all I'd like to say.

MR. RYAN ROGERS: My Ryan Rogers. I'm from Reedville, Virginia. I fish the Chesapeake Bay and the Atlantic Ocean. One of my main concerns – and I realize this is out of your jurisdiction – is if we could get some healthy discussion to open the EEZ. One of our main problems is now when we leave Virginia Beach and go beyond the three-mile line bluefishing, sea bass or whatever, we are harassed by law enforcement under the influencing that we are rockfishing.

With the price of fuel and what are our customers pay to come down and go fishing, we would just like to have an opportunity for a management program to see the amount of fish that is out there off the coast of Virginia that has never been researched and give us the opportunity to fish for them. Thank you.

MR. FRANK POHANKA: My name is Frank Pohanka of Reedville, Virginia. I represent myself, a

recreational fisherman. I fish the Chesapeake Bay and the Atlantic Ocean. I am in favor of a management plan which would include the EEZ. I don't want to take anymore of your time. Thank you.

MR. DAVID NOBLES: Good afternoon. My name is David Nobles. I am President of CCA, Virginia. Currently our national policy on opening the EEZ supports the past National Marine Fisheries Service assessment of the stock at which they agree that it was not time to open up the EEZ to striped fishing.

With a new assessment coming out, CCA will take the point that we will discuss it through the ASMFC CCA Committee, which Dick Brame – I think most of you know him – chairs that committee for CCA and member states all along the east coast where striped bass are important. If the stock status comes back to where it will be suggested that we open it, at that time CCA can re-evaluate our national position and if possible find support for opening if the stock can stand it; and if not, we will have to stay with the status quo at this time. Hopefully your words, before the day is up, show us a growing and healthy fishery. Thank you.

CHAIRMAN GIBSON: Thank you, sir, and that concludes the public comment on that topic. The board will take those comments under advice.

TECHNICAL COMMITTEE REPORT ON UPDATED BIOLOGICAL REFERENCE POINTS

CHAIRMAN GIBSON: The next agenda item is the technical committee report on updated biological reference points. You will recall that was postponed from our last meeting and we have a possible action item in terms of adopting those.

MR. ALEXEI SHAROV: Good afternoon, ladies and gentlemen and colleagues. My name is Alexei Sharov. I am a technical committee member and a stock assessment subcommittee member. I have the honor and pleasure to present this to you for the technical committee because of my proximity to the management board, mostly geographical, of course.

As you remember, the latest striped bass stock assessment has been successfully peer reviewed at the SARC 46 Stock Assessment Review Committee in Woods Hole last winter. However, the review panel advised to the technical committee that we should update the biological reference points, specifically the overfishing definition.

They recommended that we review the assumption of the 50/50 sex ratio that was used in the developing of the previous reference point. They've also suggested that we re-estimate the FMSY, which is the overfishing definition, based on the new estimates of the population size as they came out of the assessment. Finally, they also recommended to revise or change the biomass threshold which was defined as the spawning stock biomass of the population in 1995. Since the new assessment produced new values and new estimates of the SSB, those should have been revised as well.

Briefly, the previous FMSY calculations have been based on the so-called Shepherd-Sissenwine model which combines the yield-per-recruit approach and the stock/recruitment model. As the stock/recruitment model, the so-called Shepherd Model was used as an input, we used the estimates of the population size from the VPA or ADAPT, and, indeed, we did assume the one-to-one or 50/50 sex ration. When the spawning stock biomass was calculated, we used both female and male biomass. We used, also, the combined male and female maturity ogive.

The partial recruitment vector was used from the VPA, and we assumed 25 age groups in the population. In the revised estimate of the FMSY we developed an empirical sex ratio; that is, we've looked at the old available data on the sex ration on the coast and the producing areas. All those data were used to derive the sex ratio at age.

The spawning stock biomass now is based only on the female spawning stock biomass since the females are the ones that are producing eggs and larvae. We used, obviously, female maturity ogives. We used the partial recruitment from the current accepted model, the statistical catch-at-age model. As a result, we adopted the averaging approach for the stock recruitment curve; that is, we tried different stock recruitment models.

Since there was no one that was the preferred option, we ended up averaging the results from several models that were tried. This is a demonstration of the sex ratio at age based on the data that we've had. As you can see, if you start with the younger ages we do see from the empirical data approximately a 50/50 ratio, but it changes starting approximately with age five or six and the proportion of females rapidly increases and the population becomes 100 percent females at ages 15 or so.

The next step is the most critical figure essentially that defines the estimated value of the updated F at MSY . The dark blue data points that you see here are the single-year data points for the spawning stock biomass and the corresponding recruitment level that this spawning stock biomass produced.

Several curves that were drawn here represent different theoretical models that were tried. As you can see, the shapes of those are different. As you might recall from the stock assessment training, the curves that are dome-shaped, they belong to the class that is called the Ricker type of curve. This is the most important part where the more dome-shaped the curve is, that means the more overcompensation in the production there is, which means that the stock is most resilient and can withstand higher fishing pressure.

The flatter the line is the less resilient the stock is and usually leads to the rather low fishing mortality that corresponds to the maximum sustainable yield or $FMSY$. Unfortunately, we're facing the situation where the number of data points that we have, the number of observations that we have don't allow us to make a firm conclusion as to what is the true nature of the stock/recruitment relationship for striped bass?

Therefore, given the data that we have, we can draw different curves or use different models that would, from the statistical point of view, be equivalently acceptable, and therefore it is nearly impossible to choose one over the others. However, after some discussion we have eliminated some of the models; for example, the Beverton-type model; and we were left with two types of models, the Ricker type and the Shepherd's model type.

For each of them two different types of the error structure was considered based on the preferences of the committee members. After a long discussion, we have concluded that in this situation our best estimate at the moment would be the average for the two models, and that ended up to be a mean for all the models that were considered, which is 0.34, as you can see on this slide in the lower right corner.

I can read for you the model results for individual models that varied from 0.37, 0.42, 0.31, 0.3, so you can see that the range is pretty significant and the consequences are also different. However, like I said, after intensive discussion the group agreed that averaging in this case would be the best option considering the uncertainty.

Therefore, the Striped Bass Technical Committee recommends we adopt the new $FMSY$ of 0.34 as the threshold overfishing definition. We recommend we maintain the current target F at 0.3, considering the new biological reference point as an interim value. The technical committee had an extensive discussion that we believe that it is possible to develop a new biological reference point that would account for management objectives, and that would be up to you decide and maybe have a detailed discussion as what your objectives are on how would you like to see this fishery.

Because the $FMSY$ reference point was elected as the overfishing definition, simply following the historical development and the fact that the $FMSY$ was adopted in the Magnuson-Stevens Act as an overfishing definition; however, this reference point simply reflects the – it is the management towards the maximum biological yield which is traditional for the large commercial fisheries where your goal is, indeed, to obtain the maximum yield from the population in terms of weight.

For this particular fishery where the recreational component is so significant, this might not be the best option. The TC, after discussion, decided to refrain from offering you specific alternative reference points, but they would like to have some direction from the board. If the board decides actually what type of fishery we want in the future, the TC in turn may continue to work on the technical issues and develop alternative reference points.

Then, finally, we recommend to adopt a biomass threshold at the 1995 level of the female spawning stock biomass, which is equivalent to 30,000 metric tons; and the biomass target, which is 125 percent of the threshold, which is 37,500 metric tons. We recommend to adopt the definition of the spawning stock biomass with the empirical sex ratio that we observed.

The bottom line about the status of the stock, with the change of the reference points, the status of the stock as described previously has not changed; that is, striped bass are overfished and overfishing is not occurring. The latest estimate of the fishing mortality for 2006 was 0.31. The analysis of the statistical catch-at-age model showed there is slight retrospective bias, which leads to slight overestimation of the fishing mortality.

Therefore, we expect that this value of 0.314 at 2006 is likely to go down with the addition of the new data when we will run the assessment the next time. The

current female SSB for 2006 is estimated at 40,639 metric tons. This is just a graphic demonstration for you for the spawning stock biomass trend. The two horizontal dotted lines in the lower part of the graph represent the old threshold and the old target for the spawning stock biomass.

The dotted curve represents the estimate of the SSB using the old method. The red lines, both horizontal lines represent the new threshold, the new target, and the red curve represents the most recent estimates of the spawning stock biomass. As you can see, the current estimated spawning stock biomass is both above the new threshold and the new target; however, there is a declining trend, and you might keep this in mind, but the future trend in the SSB and F is not possible to predict at the moment.

Finally, the graph for the fishing mortality, the full F from the statistical catch-at-age model indicates that we are under the old threshold and under the new threshold, and we are exceeding at the moment the target, but like I said the TC members believe that the most recent F estimate will go down with the new update. That concludes the evaluation of the reference points. Thank you.

CHAIRMAN GIBSON: Thank you, Alexei. Are there questions from the board for Alexei? Yes, Rob O'Reilly.

MR. ROB O'REILLY: I'd like to reply to Alexei's question on the reference points. It seems that flounder is now being managed by SSB/R percent MSP; and when that occurred, you know, given the maturity schedule for summer flounder compared to some of the other species managed by percent MSP, you know, I took a second look and there are plenty of species, both in the North Atlantic and also in the South Atlantic, which are managed by SSB/R, striped bass is very similar in some ways to red drum because it has an early maturation of four for females; full maturation by eight or nine; a longevity maybe not as long as red drum, but still 25 to 30 years.

Did the technical committee consider those types of reference points or have time to even do so, and how do you think they would lend themselves to striped bass, because what I see is a real problem. We have faced before where we've had the same threshold and target; and even though they're different on paper, I suspect that threshold of 0.34, that F and the Target F probably are not statistically different.

I also know that for the stock performance to achieve that target or threshold, there is pretty good likelihood that in the next several years it will be over even the threshold and we will have to rely on advice from the technical committee, which is fine – I mean, that's good to indicate to us that there is a pretty good likelihood that fishing mortality rate has some retrospective bias and will come down, but other than that we really don't have some good signs.

When you said the trend in the SSB is in decline, I mean it really has dropped off since 2003 quite a bit based on your graph. I guess some of that is a little bit of a statement, but the most important part is the percent MSP; is that something that's worthwhile to go forward to look at; is that one of the things you talked about?

MR. SHAROV: Yes, the technical committee and the stock assessment subcommittee discussed this as an option. The beauty of percent of the maximum spawning potential reference point is the fact that it is purely based on the live history parameters so you do not need the information on the stock and recruitment. Unfortunately, the life history parameters, as you know, are such that if you would elect to use the percent maximum spawning potential as a new reference point – the recommended values that were offered to the Management and Scientific Community by Mason-Sissenwine when they published their paper, their analysis, where they introduced this approach, they recommended that at least 20 to 30 percent of MSP or maximum spawning potential should be left in the population in order for the population to successfully reproduce.

If we choose this range, the fishing mortality would have been much lower than 0.34. It would be closer to like 0.2. Based on the stock performance, the technical committee believed that there would be a very restrictive point that is probably not optimal because, you know, based on what we've known – what we know about the population performance in the past, we know that the population can successfully reproduce strong year classes while enduring fishing mortality well above 0.2.

Certainly, you're free to elect such a reference point and then you will be very proactive and probably precautionary. However, that comes with some issues of the lost potential in harvest. For that reason we thought that would not be the best reference point to offer, even though it was discussed.

On your second issue of problems with comparing and deciding whether we're overfished or not

because the target and the reference points are close to each other, it is a problem from the statistical point of view. It doesn't matter which reference point we're using, the current FMSY or the percent MSP, our biggest challenge is to estimate what is the current fishing mortality and how confident we are in that level. If we will learn how to do this confidently, then we will be able to compare it with the reference point, whatever it is, whichever you elected.

CHAIRMAN GIBSON: Thank you, Alexei. Any other questions from the board for Alexei? Okay, seeing none, we will move on. The next item is the possible action from the board; that is, adoption of the technical committee's recommendations. They have a recommendation for new values of F threshold of 0.34; F target remain the same, 0.3; biomass threshold, 30,000 tons; and a target of 37,500.

As Alexei noted, it would not change our perception of stock status in terms of overfishing or overfished status, but I would point out I think his graphs clearly show that adoption of these would reduce our margin of error; that is, the current pattern of fishing mortality, current estimate of F fishing mortality would be closer to those two standards than before, and a declining biomass would be closer to the biomass threshold than before.

I think those are important considerations. The other recommendation they have is that this be an interim set of reference points and that this board provide further guidance to the technical committee on what the striped bass population attributes of the fishery and attributes of the stock ought to be in the future.

I think Alexei appropriately noted that FMSY may not be the objective for a fishery that is dominated by a recreational fishery, trophy fisheries, small fisheries in the producer areas and so forth, but they're not going to get any traction on that until we give them what our vision and objectives are for the striped stock and fishery in the future.

So that's what I understand the course of action is, and it's my understanding we can adopt these reference points within the current framework of amendments and addendums that exist, but the possibility of an additional addendum action following this were there members of the board that think the fishery ought to be modified in some way. What is the board's pleasure on the existing reference points? Pat Augustine.

MR. PATRICK AUGUSTINE: Thank you, Mr. Chairman. What is the downside if we don't adopt

these in the interim because you said there was a possibility they may have to be changed; not that I wouldn't make a motion to adopt them?

CHAIRMAN GIBSON: Again, as I pointed out, we would have more of a margin of error. We would be further ahead in terms of how far we are above the biomass targets and thresholds. Similar with the fishing mortality rate, I suppose we would be vulnerable to criticism of not having adopted the most recent scientific information. That's something for the board certainly to consider.

MR. AUGUSTINE: I would like to follow that up with a motion then, and I'm not sure I can clearly state it as it was stated that we have to recommend this. I'm going to try to take from this paragraph on Page 5. **Move to accept the recommendation of FMSY equals 0.34 as the F threshold; an F target of 0.30, which is the current target; an SSB threshold of 30,000 metric tons – in parentheses it says, “approximately equal to the 1995 female spawning stock biomass as calculated in the catch-at-age model adjusted by sex ratio,” close the parenthesis; and an SSB target of 37,500 metric tons (equal to 125 percent of the SSB threshold).** That's my motion, Mr. Chairman.

CHAIRMAN GIBSON: Thank you, Pat. Is there a second to that?

DR. EUGENE KRAY: I'll second it.

CHAIRMAN GIBSON: Seconded by Gene Kray. Discussion on the motion. Dave Simpson.

MR. DAVID SIMPSON: I guess this is more of a question for Alexei, but in the assessment it seems – I may be oversimplifying but it seems like all of this is about the recent estimate of recruitment, which was high which calls into question the shape of the stock/recruitment curve. Again, I think if you look at these curves, the only thing that is clear to me is if you get below 18 or 20,000 tons you have a pattern of – you have a relationship between the stock and recruitment.

Once you get above that, it is pretty much independent, and so I'd be very wary of changing our management program literally based on the last recruitment estimate that we got. I mean, my sense is the stock is doing very well, and the idea of changing the course of management based on a single unexpectedly high recruitment event and that leading us to believe that we have to fish more conservatively just strikes me as being unnecessary and perhaps a

little bit illogical. My sense is that we're best to stay the course as we are now.

MR. O'REILLY: A similar vein of thinking, the 2001 year class in particular, I know not from being on the subcommittee but on the technical committee, really is responsible for the outcome that you see. I guess it would be important maybe to hear from Alexei just a little bit of detail about that and what Dave is suggesting is sort of transitory because of that 2001 year class strength, which was a problem for the stock/recruitment.

MR. SHAROV: Well, yes, indeed when we've investigated the effect of the individual data points, I would like to remind you that the previous estimate was calculated – the previous estimate of FMSY was calculated in 2002. At that time the latest data point that we had was 2001, I believe, from the VPA. Since then we have added five more data points, five more years. Those years had variable recruitment levels with a high level of spawning stock biomass, but recruitment varied from very low to very high. The 2001 and 2003 year classes, those were very strong year classes, and, indeed, they did have a significant effect on the overall estimated FMSY or the shape of the curve.

So, yes, I understand your concerns that you might see those changes just because of the few data points. We realize that; however, I have to caution you that if you decide to stay with what you've had previously, you have to remember that the previous FMSY was estimated using a similar methodology or the same methodology.

But on the historical period when the stock was growing from very a very low level to the really high level, so this calculation would then be based mostly on the period of low abundance to average abundance for the period of recovery. That certainly is not representative of what the population the capable, so there is a certain risk associated with that.

At this point we can argue back and forth, but only the future will give us a chance or provide us with the answer probably in 20 years or maybe 40 years as accumulate our observations. At this moment we just have to weigh the risk that is associated with the choice of one reference point over the other.

CHAIRMAN GIBSON: Thank you, Alexei. Rob, I just want to make sure you remember that was the 2003 year class and not 2001 I think you were speaking to in terms of high influence. Doug Grout.

MR. DOUGLAS GROUT: Just a brief clarification and then a comment. Alexei, the 30,000 metric ton SSB threshold is the 1995 value of the statistical catch at age. I would support this motion because I believe it updates and makes current our thresholds for our stock assessment. I think we have to look at this in the future from a standpoint like many other species that as the stock assessment is conducted and we have additional information, that the reference points will be changing at the same time, and I think it is time for us to start managing in that way.

MR. PAUL DIODATI: Just to make sure that I'm understanding this, by adopting this motion it does not change anything at all within the framework of how we're managing this stock; and in that regard it almost seems knee-jerk to me. I think that the subcommittee goes on to say that these interim values, that more work needs to be done.

It doesn't make sense to me to come back here in six months or a year to adopt something else that could be even more liberal. I think that is not in our best interest to react that way. I think that I've heard some other things that are more compelling to me to act on, such as maybe it is time to look at our goals in managing the various fisheries.

We heard about the folks that are supportive of reopening of the EEZ. I think those are the things that these reference points could be applied to in some context, so I think we're more in need of either an addendum or a new amendment to address the bigger picture items, which would include these new reference points. You know, statistically speaking they don't even appear that much different to me. A 0.41 and 0.34, what is that, less than 20 percent difference.

Given our error in measuring these things, it doesn't really mean anything to me. Having said all that, I can support this motion because it doesn't mean anything. Either way, it's not going to accomplish any charge, but I think we should be thinking more down the line in terms of the bigger picture.

CHAIRMAN GIBSON: Thanks, Paul. Yes, I agree, I don't think this changes an awful lot other than it adopts the most current information, the currency that the SSB is computed in the most recent stock/recruit data and sets the stage for the bigger picture discussion and possible adjustment of reference points based on other fishery objections. Anything else? Yes, Ritch White.

MR. G. RITCHIE WHITE: Thank you, Mr. Chairman. I agree with Paul although I look at this somewhat as process in that the peer review said to address this issue. We have looked at it and even though it doesn't accomplish a lot, I think from a process standpoint I think it makes sense for us to adopt this and listen to the peer review and act on what they recommend. Thank you.

CHAIRMAN GIBSON: Anyone else want to comment on the motion?

MR. KELLY PLACE: I have the same concerns that Rob and Paul and I think Jim had, the statistical difference between the current and the proposed threshold. It is so small; I'm concerned that right now the fishery has been configured based on the current reference points. I'm concerned that if we do some major changes like was suggested earlier, opening the EEZ, that we're going to have a scenario like we had in 2000, which you remember we all had to come up with a 14 percent reduction in the age eight and older fish.

I'm concerned that if we just say open up the EEZ, the F on the large fish will – and I'm not against or for that, but we will find ourselves over the threshold right away. I think it's almost a predictable thing that with these new reference points and a fishery configured on the current points is almost a prescription for finding ourselves in an overfishing situation whether or not it actually exists or not.

I tend to agree with Paul and Jim that it is a little bit of a knee-jerk. I would like to see a little bit more discussion before we do this because, like Paul said, I think it may cause us problems in the very near future possibly. That being said, I'm not necessarily for it or against it. I would just really like to look at the implications of the proposal for at least another meeting. Thanks.

CHAIRMAN GIBSON: Thank you, Kelly. Comments or discussion on this motion? Are you ready to caucus for the question? A moment to caucus.

(Whereupon, a caucus was held.)

CHAIRMAN GIBSON: Okay, are we ready for the question? Okay, all those in favor of adopting the new reference points, please raise your right hand; any opposed, like sign; any abstentions; null votes.
The motion carries.

DISCUSSION ON INITIATING AN ADDENDUM OR AMENDMENT

Okay, that sets the stage for the next order of business, the possibility of initiating an addendum. You recall that there was some board interest prior to the stock assessment and updated reference points of possibly liberalizations in the fishery depending of where things came out relative to the stock assessment, peer review and updated biological reference points. We've just had some earlier discussion about the technical committee's request to us to provide additional advice on what this fishery should look like for the long term.

Now that we adopted this framework of reference points, their ability to potentially estimate new values to deliver different policy objectives that we might specify, so this is the time to have some discussion about that and decide whether we want to move in that direction. I'll open it to board for discussion on that. Paul Diodati.

MR DIODATI: I think I've heard enough today that suggests that we should take this task on. There are a couple of items that I think could be addressed through the addendum process, although it is not clear to me where the line changes from addendum to new amendment, if I could get my memory refreshed on that. For instance, developing new fisheries, goals and objectives in the plan or anything that addresses recommendations about the EEZ; are these addendum items or are we talking about a new amendment?

CHAIRMAN GIBSON: Nichola, do you want to address that, where the lines are between addendums and amendments.

MS. NICHOLA MESERVE: Up on the screen now are the measures in Amendment 6 that are subject to change under adaptive management. They include the overfishing definition; the rebuilding targets and schedules; recreational management program, including mandatory use of circle hooks; prohibition of the use of treble hooks; prohibition of bait fishing in spawning areas; closure during warm weather periods; the commercial management program; monitoring programs; state reporting requirements; bycatch, monitoring and reduction provisions; law enforcement reporting requirements; implementation schedule; any other management measures currently included in Amendment 6.

CHAIRMAN GIBSON: Any other comments or discussion? Paul, that seems like a fairly short list

relative to some of the meaty things we talked about a few minutes ago.

MR. DIODATI: Yes, I don't immediately identify in this list the potential to change the overall management goals for either the recreational or commercial fisheries. To identify a new biological target for those fisheries, I don't see that up there. I think that is what I gather needs to be discussed, so that suggests that an amendment might be in order if we want to go down that road. I would support that.

CHAIRMAN GIBSON: It seems to me what Alexei had opened sort of our thought process about was some fairly meaty fishery objectives other than maximum sustainable yield, you know, as policy and fishery objectives, whether it be percentage of trophy fish in the population, in the fishery, you know, those kind of quality of catch experience type issues that may relate more to a recreational fishery than simply maximizing commercial poundage.

I am not getting the sense that those are in an addendum package and require a fair amount of discussion from this board before we could even come to agreement as to what a package of alternatives or options might look like. Nichola, you were having a sidebar about the overfishing definition.

MS. MESERVE: If the board were to consider alternative values to FMSY as the overfishing definition, then that would be for the addendum, but if it requires more discussion than that, then you are correct about an amendment.

CHAIRMAN GIBSON: Anyone else on the board want to weigh in here? Terry Stockwell.

MR. TERRY STOCKWELL: Thank you, Mr. Chair. While the overall stock appears to be doing very well, the catch in Northern New England this past year has been quite dismal. In fact, there has been a multi-year in declining abundance altogether, so I'm a little anxious about doing anything too aggressive. You know, is this just a redistribution issue; I'm not sure. The large fish are disappearing. This year the schoolies have disappeared. Before we open Pandora's Box, at least from the northern end of the range we would like to stay the course and see our way through this.

CHAIRMAN GIBSON: Thank you, Terry. Anyone else want to weigh in on a possible action? Ritchie White.

MR. R. WHITE: I guess I would question have we accomplished the goals in Amendment 6. Before we start looking at changing it, have we done what we said we wanted to do in that amendment?

MR. AUGUSTINE: Thank you, Mr. Chairman. We did but we didn't open the EEZ, so, yes, to a degree we have accomplished what we set out to do. One of the major elements was in view of the fact that the board was managing striped bass, our recommendation was to open the EEZ, as you recall, and then we had our recent change with the president's order and so on. We're almost done with Amendment 6.

Listening to comments around the table, I don't think of anything that jumps to mind where we need to move forward with a new amendment yet alone an addendum. I think we've covered most of those items.

EXECUTIVE DIRECTOR JOHN V. O'SHEA: Thanks, Mr. Chairman. It is my recollection that in addition to the four years it took to develop and approve Amendment 6, that the stated goal of Amendment 6 was to have a long-term management plan for a fully recovered species. I think we approved that four years ago now.

CHAIRMAN GIBSON: I don't disagree with that characterization. I'm just following up on the recommendations that have come from the technical committee, which are that these be interim reference points rooted in MSY-type concepts, and they're awaiting advice from us as to what you would like to see in a striped bass fishery. Other than the fact that it's restored, what attributes would you like to see, and then they can tackle modifications to these reference points to try to deliver those attributes. Pat Augustine.

MR. AUGUSTINE: Well, Mr. Chairman, it just seems until we get to an ecosystem-based management approach to managing these single species that we're dealing with, I've often asked the question as how many more striped bass do we have to have in the ocean and do the surplus, quote-quote, above the threshold – and there are some folks that are not going to like what I say, but the reality is what kind of damage are those fish doing to the sub-species below them, including the forage fish that other species are feeding on?

I've never heard that put on the record to ask the technical committee to look at that. I know the Chesapeake Bay folks have spent many, many

thousands of dollars and hours looking at the food chain for the striped bass and so on in the Chesapeake Bay, and they came up with some interesting results as to what they feed on, when they feed on them and so on.

The bottom line is they're opportunists, whatever is there they're going to eat, so to speak. It just seems to me until we make a quantum move to look into ecosystem management for striped bass, bluefish and weakfish together, it just seems to me we're limited to single-species management.

The question that still remains open and unanswered is what are the extra fish above and beyond the threshold doing to the other sub-species? I'm not trying to start a fight with anybody. I'm just saying it is a question. Look at what has happened to winter flounder. We blame weather conditions and water conditions, lack of eelgrass, lack of phytoplankton, zooplankton, et cetera, on that end, and yet what is eating them?

Well, we claim we don't have a lot summer flounder and now we find that we have quite a lot of summer flounder. In Long Island Sound you find that you'll catch fluke anytime of the year, after March and April when the fluke are in, and every one of them is spitting up three to five to ten to fifteen little small winter flounder. Are there winter flounder?

If you talk to the old fishermen on Long Island, the commercial guys, and they fish in 60 to 80 feet of water, they have their daily limit of quota. Things are changing; fish are moving. We have different bait in our water now. We've had butterfish up in the back bays on the South Shore, all different size classes. All of these conditions are going on simultaneously, yet we're single-species managing. Until we look at a bigger picture, where we include something else, I think to go forward with anything other than single-species management, let's stay where we are right now for the short term.

MR. DIODATI: Well, just to answer Pat's question, I learned a long time ago when it comes to striped bass, you can't have too many fish in the sea. But having said that, I think that Pat is absolutely right. I can see just looking at the current information that in many years we've been as much as 65 to 70 percent over our biomass target, which I don't know of any other fishery that we've had 70 percent more biomass than what we've targeted for.

I think what is going on with impacts to other fisheries is very relevant when it comes to this

fishery. What we do about that, I'm not exactly sure, but I'd be very comfortable either with an addendum or an amendment. I think there is plenty to discuss. I don't think we're going to make decision today, but maybe there is a way to draw up a list of objectives that we'd like to accomplish, and then maybe we can decide at a future meeting whether or not it fits in the addendum or amendment box or maybe we're still accomplishing the goals of Amendment 6; I don't know.

MR. ROY MILLER: Mr. Chairman, relative to a question that was raised in regard to Amendment 6, I just happen to have a copy of Amendment 6 with me. In looking through the list of seven objectives there, my quick read of this is that we have, indeed, accomplished the first six objectives in Amendment 6.

The only one I have a question in mind about is Objective 7, establish a fishing mortality target that will result in a net increase in the abundance of age 15 and older striped bass in the population relative to the 2000 estimate. I don't know where we are in regard to that one. But, if we have reached that one, if we have, then you could say we have addressed all the objectives of Amendment 6. I don't know in my own mind yet whether that necessitates an additional amendment or whether we simply address the issues that we have discussing with an addendum. I guess I'm leaning towards the addendum. Thank you.

CHAIRMAN GIBSON: You have the advantage of me; I don't have that list in front of me, but Alexei could probably address for us whether or not we have the ability of estimating a fishing mortality rate on older striped bass. I don't remember what the plus-group convention is in the SCA model, but he could address that for us.

MR. SHAROV: Well, it is essentially continuing the same plus-group formulation as in the past so it is 13 years and older are all combined into the plus-group.

CHAIRMAN GIBSON: So I guess the answer, Roy, is we can't estimate fishing mortality yet on old striped bass beyond 13. Yes, it's just to establish a fishing mortality rate target for the older fish, and I guess the point I was making is we can't estimate what fishing mortality rate is at this point on older fish, so it would be hard to compare it to any target.

Having just read that, it strikes me that is some of the discussion that has been going on or that embodies some of the discussion that has been going around the board as to what do you want the attributes of this

population to look like? You can have the population restored in terms of MSY considerations are fully restored and have achieved the majority of management objectives, but they're all alternative population outcomes depending on age at entry into the fishery, the fish distribution and the fishing mortality rates at age and so forth.

It seems to me some of that is embedded in that objective. It doesn't sound to me like we're getting a lot of traction on ideas. I know that every time we talk about this to the technical committee they come back and say, "We want to know what you want to do before we can tell you how to get there." Then we say, "We don't know what we want to do; can you tell us what it is and maybe we can decide where we want to go."

I'm going to going to come back to Alexei. You've heard this discussion. In following up on Paul's suggestion, is there an ability to generate a short list of things that this board might think about in terms of that final Amendment 6 objective, an alternative population states that we might have an interest in?

MR. SHAROV: Did I understand you right, that you're asking do we have any fantasies? I think, yes, we probably could come up with some general ideas just as a starting seed for you to begin with if that is what you wish.

MR. GROUT: Mr. Chairman, this discussion sounds very familiar, right before the adoption of Amendment 6, the long and lengthy discussion of what is a quality fishery, and it all depends on whether you want yield or whether you want catches of fish. I contend that when we developed Amendment 6 we tried to put all of that in there, and I think that one objective that sits there and says there will be a net increase in age 15-plus fish as one of our objectives was an attempt to get at that.

Now we don't have the ability to measure the net increase in abundance of age 15-plus fish because we lump all the ages over age 12 or 13, but the abundance of age 12 and 13-plus fish have increased since the adoption of Amendment 6. So we are achieving that objective with an FMSY threshold and a target of 0.30 that we've used as the target. I think we've been successful.

I think the goal of this plan was long-term management of this instead of the knee-jerk reactions that we had in the past. I think we've got the tools here to work with. There may be some minor modifications that I think some jurisdictions in an

addendum form, but I don't think we need rewrite the whole plan because I think we have a good set of goals and objectives and we are meeting those right now.

MR. A.C. CARPENTER: Thank you very much. My question is more one of a substantive nature in the form of do we have any money in the action plan or in the commission's budget to initiate either a full-blown amendment or an addendum for striped bass, a species which is restored, which really doesn't need anything, when we have other species that are in critical need of addendums and amendments and other things.

I question the need for this and also the financial and time commitments it is going to require and whether we'd be better spending the commission staff and our own staffs, technical committees and others on some other problems other than striped bass, which to my mind is not a problem.

CHAIRMAN GIBSON: That's a good point, A.C., and I would refer that question to Bob Beal.

MR. ROBERT E. BEAL: Thank you, Mr. Chairman. The short is, no, we don't have the financial resources in the 2008 budget and the accompanying action plan. Last year when the commission developed the action plan and budget, there was a discussion on potential reaction to the peer-reviewed stock assessment that came out a few months ago. The idea at the time was let's see what the results are.

We can initiate developing a list of things that may want to be considered and sort of start down the road of compiling lists of things that some of the board members may want to see in the future. Then depending on the content of that list, we'll put some resources in the 2009 action plan and budget, and then we can address that through an addendum or amendment, whatever is appropriate, in the '09 action plan.

MR. CARPENTER: Well, as a followup to that I think that we've just asked the technical committee if they can provide that kind of a list. I don't see any need to take any additional action at this point. We can ask them to work with the PDT and try to provide that, but we don't have the resources now so let's move on.

CHAIRMAN GIBSON: Yes, it strikes me where we're at is requesting of the technical committee sort of that list that I tried to articulate earlier and maybe a review of Amendment 6 objectives and some

statement as to what we have achieved or not achieved and then we can take it from there since there isn't consensus here for initiating any kind of action at this point. Roy, did you have something else?

MR. MILLER: Thank you, Mr. Chairman. I'm looking for an opinion from you or from anyone else. Considering that notwithstanding the subject of resuming or not resuming fishing for striped bass in the EEZ that has already been brought forward today, two of the more contentious portions of Amendment 6 that we have lived under since 2003 are the two-fish creel limit and 28-inch minimum size limit for all recreational fisheries outside of the Chesapeake Bay and Albemarle Sound, coupled with the present commercial allocations done on a state-by-state basis based on, admittedly, now somewhat dated historical catch information. So, my question is if we were to take another look at those two management components, would that require an amendment or an addendum?

CHAIRMAN GIBSON: Nichola, can you respond to that?

MS. MESERVE: It appears from Amendment 6 that any aspect of the commercial management program can be changed through an addendum and that there are certain parts of the recreational management program that can be changed; not including the size and bag limit.

MR. MILLER: I just want to make sure I understand that. You're saying that the commercial allocation could be addressed through an addendum but not the 28-inch limit, two fish a day; is that what I understood you to say, Nichola?

MS. MESERVE: I correct myself. There is the last line that says, "Any other management measures currently included in Amendment 6 could be changed," so, yes, both of the commercial and recreational regulations that you mentioned could be changed through an addendum.

MR. HARLEY SPEIR: It appears to me that we're having trouble dealing with success. We have a restored stock in a number of successful fisheries. Do we have some sort of striped bass ADD that we must continually be working on a problem? Like Doug, I am not sure that I see anything right now that needs fixing.

Maybe I'm missing something, but if there are things that the states want or need to do, certainly they

probably have latitude to do that, to modify their fisheries. I think probably the first responsibility of the commission is to maintain stocks at high levels, and then the bells and whistles of management after that may be a state responsibility, which we have all done. I'm just not sure – and we are at that restored level. We're on a good trajectory. What is the problem?

CHAIRMAN GIBSON: I don't think there is a problem, per se, relative to the management objectives that we had. There seemed to be some board discussion prior to this meeting and prior to the peer review of possible changes in the management program, and there has been interest on the part of the technical committee of more clear objectives from the board in terms of what the fishery should look like. Again, I'm having trouble articulating it, but we have MSY-based reference points.

That's just a pile of fish, maximize a pile of fish, a weight of fish, and take a little bit less than that because we don't want to make a mistake. We're not saying anything about what the attributes of that population looks like in terms of how the weight is distributed amongst body types, ranging from 18-inch fish to 50-plus fish and 60 or 70 and perhaps new world records.

Those are the kinds of things that I have been thinking about in terms of management objectives that might fit within Amendment 6 long term, but we have never articulated anything like that, that I know of anyway. There have been discussions about it, but I don't think that has ever happened. So, yes, if it's not broken, we don't have to fix it, but at least at some time there have been discussions about what other alternative population states could we contemplate and how will we get there if we wanted to do that.

It's a luxury at this point, but where we're at I think is coming back at the Delaware meeting with perhaps a shopping list from the technical committee and some advice on what they think we have achieved relative to Amendment 6 objectives, and we can wrestle with it some more at that time if that's where the board wants to be. Pat Augustine.

MR. AUGUSTINE: Thank you, Mr. Chairman. Well, we've had questions from our commercial fishermen wanting to know why can they not increase their quota, and the rationale is the same as it was the first go-round when I guess they were locked into a quota for five or six or seven – a long period of time – and then several years we increased it to a

certain amount, and they have been pretty much at the same level.

So, in the meantime the recreational harvest continues to increase exponentially on an annual basis. As availability of fish have become more and more accessible, we have had more and more folks go out fishing for striped bass. The argument on the commercial folks' side, as they have come to me – and John German was here earlier today and asked me if I was going to make a motion to increase the commercial quota, and I said I didn't think so.

You know, I'm always in hot water, but maybe someone else wants to weigh in on this, but is the concern that has been voiced by our commercial fishermen in our state. I'm not what other states' commercial fishermen are experiencing. The market is there for them to sell. We do have slot size for our commercial fish. I'm putting it on the record to see if anybody else wants to talk about it, for what it's worth.

CHAIRMAN GIBSON: Thank you, Pat. Anyone else want to discuss this further other than we leave it where I suggested before, which will be at the next meeting we will see a short list of ideas or thoughts from the technical committee that might help us articulate or we just decide not to go anywhere else, as well as an evaluation of the Amendment 6 objectives and where we stand relative to those. Okay, I'll take one comment from the audience, Arnold Leo.

MR. ARNOLD LEO: Arnold Leo, consultant for commercial fisheries, town of East Hampton. Thanks for the perfect introduction, Pat, to what I want to say. Yes, it has been a long time, and we have watched as the recreational landings, especially in New York, go up and up because there are so many striped bass.

In New York again, the Hudson River, the juvenile abundance index apparently in 2007 was the highest ever recorded. I know as I'm no longer a practicing commercial fishermen, but I do remember when I was how many small weakfish fry we would find in striped bass guts, so there definitely is something to be said for the other point that has been brought up about managing a single species without reference to what its proliferation might be doing to some other stocks.

Winter flounder also comes to mind. We're definitely seeing a real problem with that stock in local waters in New York State. You know, some of

these species are so data poor and yet we get unbelievable curtailments of the quota. Scup comes to mind. In New York, in the middle of the summer, in the middle of the scup summer season, we were closed because the quota is so low, and there are so many scup and they're big and they're very abundant.

It just seems to me that when we have a stock which is for years now been fully restored, is not experiencing problems, because of these data-poor stocks, because of these other reasons I'm mentioning, I think it really would be more than fair – it would be morally at this point correct to help the commercial fishermen survive, because the actual survival of the inshore commercial fishermen is really at stake.

If it takes an addendum, well, I feel about that because everybody has budget problems, but if it takes an addendum to be able to increase the commercial quotas on striped bass, then I'm speaking in favor of that. Thank you.

CHAIRMAN GIBSON: Thank you for your comments. The board will take that under advice. Unless there is more discussion on this agenda item, we're going to hear more about it at the annual meeting in Delaware and wrestle with that some more. Okay, the next issue is a fishery management plan review and state compliance. Nichola.

FISHERY MANAGEMENT PLAN REVIEW AND STATE COMPLIANCE

MS. MESERVE: Thank you, Mr. Chairman. The plan review team drafted the 2008 FMP Review, a copy of which is being handed out right now by staff. It is on the 2007 fishing year.

During 2007 Amendment 6 provided the management plan. Addendum I was also approved and implemented in 2007. This recommended a mandatory data collection element, discard mortality studies and technical committee analyses. It also recommended an angler education webpage be developed through the commission if possible. The commission is currently taking on the development of that webpage. The discussion of a possible addendum, which we just rehashed, was also initiated in 2007 and was postponed until the biological reference point update.

The stock status that is currently in the document is that based on the Amendment 6 reference points, and it shows this figure which includes the statistical catch at age with the SSB estimates with the 50/50

sex ratio and then the previous F threshold and SSB threshold that have just been updated today.

If it's the board choosing the document, before being finalized and posted to our website, could be updated to include the new figures and discussion on the stock status, which would be consistent with the press release that will also go out saying that the commission has updated these reference points. These are the same graphs that Alexei showed and could be inserted into the FMP review.

In terms of the fishery total striped bass harvest in 2007 is estimated at 3.21 million fish or 29.79 million pounds. The commercial fishery harvested 32 percent of the total number and 24 percent of the total weight. Since 2006 the total harvest has decreased by 15.6 percent by number and 16.4 percent by weight.

The commercial fishery landed an estimated 1.02 million fish or 7.05 million pounds in 2007. The commercial landings by number did decrease from 2006, but they increased by weight.

In the 2007 the recreational fishery harvested an estimated 2.19 million fish or 22.7 million pounds. The figure that is shown right now has the commercial landings in orange and the recreational landings in green, which is hard to see so it's clearly the larger bars that are the recreational harvest. The recreational harvest was a decrease from 2006 in both numbers and pounds.

The recreational releases also decreased in 2007 from the previous year. Slide 7 here shows the fishery status again and includes the recreational dead discards and the commercial dead discards. These numbers came out of the most recent assessment except for the 2007 estimates, which do not include a commercial dead discard estimate.

In 2006, for which there is the most recent estimate of commercial dead discards, the recreational harvest accounted for 45 percent of the fish removed; recreational dead discards, 34 percent; commercial harvest, 17 percent; and commercial dead discards, 4 percent.

The coastal commercial quotas for 2007 are shown in this table. Two states exceeded their allocation in 2007; those being Massachusetts and Rhode Island. The adjusted quotas for 2008 are shown in the column on the right. For Massachusetts it would mean a reduction of its 2008 quota by 52,364 pounds to 1,107,485 pounds, and the reduction of Rhode Island's quota by 664 pounds to 239,299 pounds.

There is also a quota for the Chesapeake Bay which is based on the population size and the target F of 0.27 for the area. The quota is split based on the historic harvest between Maryland, Virginia and the Potomac River Fisheries Commission. Each jurisdiction splits that allocation between its recreational and commercial fisheries. In 2007 the overall quota was about 9.5 million pounds, and this was not exceeded. The harvest was about 1 million pounds less than that quota.

The quotas and harvest for the Chesapeake Bay Trophy Fishery are included in this table. For 2007 the board approved a target harvest of the VPA-calculated quota minus the 2006 overage to be no less than 30,000 fish, which resulted in the 30,000 fish target for 2007. The harvest was later estimated at 36,328 fish. For 2008 the board previously approved to eliminate the quota or target management for the Chesapeake Bay, and then approved a one-fish limit and 28-inch size limit. The harvest for the 2008 fishery has not been reported yet.

The technical committee is tasked with annually reviewing the juvenile abundance indices required under the plan for recruitment failure, which is defined as an index below 75 percent of all others in the time series. Three consecutive years of recruitment failure would prompt a recommendation to the board from the TC for action.

The TC has not yet reviewed the results. However, the PRT reports the following preliminary results that do not prompt any management action. In New York, New Jersey, Maryland and Virginia the 2007 year classes are above their time series average, and they are all increases from the previous year. New York also had its highest index in their 29-year time series. Maine, following its highest value in 2006, the index dropped to the fish lowest in the time series, which is below the time series average. In North Carolina the index increased from 2006, but it's below the time series average for the second year in a year.

The Albemarle-Roanoke Management Area is managed separately by North Carolina. The current plan for the area was previously determined to be in compliance by the PRT. In 2007 the quota for the areas again was 400,000 pounds split equally between commercial and recreational fisheries, and the harvest was below the quota. North Carolina also indicated a few management changes for the area in its compliance report. The fall Albemarle Sound Recreational Fishery was regulated with a three-fish creel limit rather than the two-fish creel limit due to a

low harvest in the spring fishery. This is the same as in 2006. The Roanoke River Management Area Recreational Fishery operated under one open season for the whole river from March 1 to April 30th rather than two zones. Both of these regulations are going to remain in effect in 2008.

In terms of annual state compliance, there were some problems this year with the submitting of the compliance reports. The due date is June 15th. New York submitted its report late this year; and because of that, Rhode Island's report is also late because it uses the recreational age data from New York to characterize its recreational fishery.

This FMP was written based on discussion with Mark Gibson that there are no compliance issues in Rhode Island at the time. The PRT did have the recreational and commercial landings and was able to complete the FMP review. It may be the board's desire to conditionally approve the FMP review noting that the Rhode Island report still has to be received.

In terms of regulatory requirements all states are in compliance. There are new 2007 regulations for the Rhode Island Commercial Trap Fishery and the Chesapeake Bay Trophy Fishery which were approved by the board prior to the onset of those fisheries. There are also several new 2008 regulations which are noted in the FMP review. For the monitoring requirements all states are in compliance.

The PRT, therefore, recommends that the 2008 coastal commercial quotas for Massachusetts and Rhode Island be adjusted for their overages in 2007. The membership of the PRT also decreased this year from three to two, and so it would be of benefit to the PRT if the membership could be increased by one more person from a federal or state agency. The PRT also recommends that the TC recommendation for the updated biological reference points be accepted and that new reference points be developed as management objectives are further defined.

Any questions?

CHAIRMAN GIBSON: Thank you; any questions?

MS. MICHELLE DUVAL: Just a quick correction; the Albemarle Sound Management Area overall TAC is actually 550,000 pounds. It was shown on your slide as 400,000 pounds.

MS. MESERVE: I'll make that correction; thank you.

CHAIRMAN GIBSON: Thank you; any other questions or comments on that report. Seeing none, is there a need for board action on that? Pat Augustine.

MR. AUGUSTINE: Thank you, Mr. Chairman. Can we move back to the previous one so we can make the motion? Move that the board accept that all states are in compliance with the regulatory requirements and the monitoring requirements. Now what details do you want in there or do you want to accept the whole report conditionally? All right, then, **move to accept the complete report conditionally** as stated by Nichola. Now, what do you want to add it in for detail for Rhode Island or none?

CHAIRMAN GIBSON: I think it's understood that we owe the commission a report, and it's in development. We've had some difficulties with staff attrition that is not replaced and acquisition of the data. I think it's understood that we owe that report to the commission; and if it is not forthcoming by the time the annual meeting comes around, then you do something to us.

MR. AUGUSTINE: Do you want to put that all in there; we'll find you out of compliance?

CHAIRMAN GIBSON: I think it's understood what we have to do and we're committed to doing that. I don't think you need to put all that in the motion.

MR. AUGUSTINE: That's fine just way it is.

CHAIRMAN GIBSON: Is there a second? Bill Adler. Any need for discussion on the motion? Is there any need to caucus on the motion? The motion is move to accept the FMP Review conditionally upon submission of Rhode Island's report. Motion by Mr. Augustine; seconded by Mr. Adler. Okay, all those in favor, please raise your right hand; any opposed; abstentions; null votes. **It's unanimous.**

MS. MESERVE: Is it the board's desire, then, that this document be updated with the new reference points before it is released to the public? Okay, thank you.

MR. CARPENTER: My only question on this is this report was for the 2007 year, and what we have just adopted doesn't really become effective until 2008. While it's nice to know what is coming forward, I am not sure that we need to change graphic yet until 2008. It's just a thought.

MS. MESERVE: The estimates of SSB and F are only through 2006, and it seems appropriate to judge them according to their updated biological reference points.

CHAIRMAN GIBSON: So, the report is going to be updated reflecting all the actions that were taken today before it becomes finalized.

OTHER BUSINESS & ADJOURN

Any other business to come before the board? Seeing none, is there a motion to adjourn. Seconded by everybody; we're adjourned.

(Whereupon, the meeting was adjourned at 3:45 o'clock p.m., August 19, 2008.)