

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

**May 25, 2004
Radisson Hotel
Alexandria, Virginia**

ATTENDANCE

Board Members

George Lapointe, Maine DMR	Dick Snyder, PA Fish & Boat Commission
Pat White, Maine Governor's Appointee	Fred Rice, Pennsylvania Governor's Appointee
John Nelson, New Hampshire Fish & Game Dep.	Gene Kray, proxy for Rep. Curt Schroder (PA)
G. Ritchie White, New Hampshire Governor's Apte.	Roy Miller, Delaware DFW
Dennis Abbott, proxy for Rep. Blanchard (NH)	Michael Ruggiero, proxy for Senator Venables (DE)
Paul Diodati, Massachusetts DMF	Pete Jensen, Maryland DNR
William Adler, Massachusetts Governor's Appointee	Bill Goldsborough, Maryland Governor's Apte.
David Borden, Rhode Island DFW	A.C. Carpenter, PRFC
Gil Pope, Rhode Island Governor's Appointee	Jack Travelstead, Chair , Virginia Marine Resources Commission
Eric Smith, Connecticut DMR	Kelly Place, proxy for Senator John Chichester (VA)
Fred Frillici, proxy for Senator Gunther (CT)	Preston Pate, North Carolina, DMF
Gordon Colvin, New York DEC	Damon Tatem, North Carolina Governor's Appointee
Pat Augustine, New York Governor's Appointee	Anne Lange, NOAA Fisheries
Brian Culhane, proxy for Senator Johnson (NY)	Jaime Geiger, USFWS
Bruce Freeman, New Jersey DFG&W	
Tom Fote, New Jersey Governor's Appointee	
Robert Smith, Legislative Appointee (NJ)	

Ex-Officio Members

Gary Nelson, Technical Committee Chair	Jim Gilford, Advisory Panel Chair
Kurt Blanchard, LEC Representative	

ASMFC Staff

Bob Beal	Vince O'Shea
Megan Gamble	Toni Kerns

Guests

Desmond Kahn, Delaware DFW	Alexei Sharov, MD DNR
Howard King, MD DNR	Dick Brame, CCA
Kenny Keen, MD DNR	Mark Dobelbower, NJ F&W/Law Enforcement
Bruno Vasta, Solomons, MD	Rob Winkel, NJ F&W/Law Enforcement
Stewart Harris, NOAA	Byron Young, NY DEC
Wilson Laney, USFWS	John Smutnick, CT DEP
Noel Turner NOAA	Michael Doebley, RFA
James Price, Chesapeake Bay Ecological Foundation	Gregory Di comenico, GSSA, Cape May, NJ
Douglas Grout, NH F&G	
Jacquest Oliver, House Committee on Resources	

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MOTIONS

1. Move to approve the recreational fishery options 2-7 as New Jersey submitted for technical review.

Motion by Mr. Freeman; second by Mr. Kray. Motion carries (15 in favor, 1 opposed).

2. Move to approve the options for the bonus fishery approved by the technical committee provided the appropriate quota reduction is implemented for options 3, 4, 7, and 8.

Motion by Mr. Freeman; second by Mr. Kray. Motion carries (15 in favor).

3. Move to forward a recommendation of non-compliance to the ISFMP policy board at the August ASMFC meeting if the state of New Jersey has not fully implemented a recreational management program by August 1, 2004 that is consistent with the options approved by the Striped Bass Management Board.

Motion by Mr. Nelson; second by Mr. Borden. Motion carries (15 in favor).

**ATLANTIC STATES MARINE FISHERIES
COMMISSION**

**ATLANTIC STRIPED BASS MANAGEMENT
BOARD**

**Radisson Hotel
Alexandria, Virginia
May 25, 2004**

The Atlantic Striped Bass Management Board of the Atlantic States Marine Fisheries Commission convened in the Presidential Suite of the Radisson Hotel, Alexandria, Virginia, on Tuesday, May 25, 2004, and was called to order at 11:05 o'clock a.m. by Chairman Jack Travelstead.

WELCOME & INTRODUCTIONS

CHAIRMAN JACK TRAVELSTEAD: Good morning, everyone. Welcome to the Striped Bass Management Board. We'll call the meeting to order.

BOARD CONSENT

CHAIRMAN JACK TRAVELSTEAD: The first item on the agenda is approval of the agenda. Are there any additions or changes anyone wishes to make to the agenda? Is there any objection to approval of the agenda? Seeing none, the agenda is approved.

Proceedings of the March 9th meeting of the Board, are there any corrections or additions to the minutes of that meeting? Without objection, then, the minutes of March 9th, 2004, are approved.

PUBLIC COMMENT

CHAIRMAN JACK TRAVELSTEAD: Item 3, public comment, is there anyone in the public wishing to make comment on an item that is not on today's agenda? Yes, sir, Mr. Price, come on up.

MR. JAMES PRICE: Thank you, Mr. Chairman. My name is James Price. I'm with the Chesapeake Bay Ecological Foundation. As a lot of you know, I've been here for a number of years bringing information to the Board, providing information about the health of striped bass in the Chesapeake Bay, providing scientific documents and publications

where you can read and find out what is going on with the latest studies that have been conducted on the health of striped bass and the forage problems that we've had in the Bay.

I come and listen to the Board meetings year after year. I normally hear disputes and discussions about allocation and what needs to be done to meet certain allocation requirements, and different states are asking to have theirs increased.

This is the way the Board normally conducts itself. With all due respect, that process has to be followed, but I never hear much about really some of the problems that are facing the fishery.

Everybody talks about the fishery as a recovered fishery. I look at it as a troubled fishery. I see lack of respect for the enforcement of regulations. Thousands of fishermen are fishing offshore in the EEZ, catching thousands of illegal striped bass.

The National Marine Fisheries Service and U.S. Coast Guard don't patrol these waters and don't issue tickets and don't enforce the laws. Only when somebody complains, do they go out and do their job.

The Division of Marine Fisheries in North Carolina sits there and watches people come in with hundreds of illegal fish every day and doesn't do anything about it. They're not federally deputized. They don't want to, I guess, get involved in this issue.

But, I think the Board should pay more attention to some of the serious problems in the fishery, particularly the loss of our forage base and the health issues in the Chesapeake Bay with striped bass.

At the last Menhaden Board meeting, the representative of the Maryland Charter Boat Association gave a talk and complained to the Menhaden Board about how difficult it was to catch striped bass in the Chesapeake Bay.

Now, this is a charter boat captain representing 500 charter boat captains in the bay. I don't think he wanted to go there and complain that they couldn't catch fish. That's the last thing a charter boat captain wants to acknowledge, but he did it in front of everybody at the Menhaden Board meeting.

These are examples of the troubles that we have in the Chesapeake Bay. I would just wish this Board would spend more time trying to look at these issues and dealing with some serious problems that face the striped bass fishery instead of just spending most of

your time dividing up what's left out there. Thank you very much.

CHAIRMAN TRAVELSTEAD: Thank you, Mr. Price. Are there any other comments? Seeing none, we'll move on to Item 4, New Jersey recreational fishery proposal.

NEW JERSEY'S RECREATIONAL FISHERY PROPOSAL

CHAIRMAN JACK TRAVELSTEAD: Megan is going to describe the proposal in some detail, and then we'll hear from the technical committee chair and the advisory panel chair. Before we do that, Bruce, do you or your colleagues have any initial remarks you want to make?

MR. BRUCE FREEMAN: If you would just have a quick blessing, it would be very appropriate at this time. I think the reports will be self-explanatory, and we'll offer a motion. Thank you.

CHAIRMAN TRAVELSTEAD: Okay, thank you. Megan.

MS. MEGAN GAMBLE: Okay, my summary of New Jersey's proposal is quite short and to the point, so we'll just move through the four slides that I have. The first slide describes the background, how we got to where we are today.

Last June the Board reviewed the Amendment 6 implementation proposals. At that time New Jersey had submitted four options for the technical committee's review and then the Board's approval.

There were no conservation equivalency analyses included in that proposal for the four options; therefore, the Board only approved one of those four options, and that was the two fish at 28 inches, the Amendment 6 standard.

Also, the Board approved the bonus fishery, which allows one fish at 28 inches. In December at our annual meeting in New York City, New Jersey submitted a motion to maintain the 2003 regulations in the 2004 fishing year. The Board did not approve that motion.

Then, again in March, New Jersey made another motion to maintain status quo and continue the spawning and estuary closure and forego 180,000 pounds of their bonus fishery. This proposal was referred to the technical committee.

In between that last meeting in March and this meeting, New Jersey submitted a proposal that included a suite of options. The technical committee has reviewed all of those options, and Gary Nelson, the technical committee chair, will be commenting on that review.

We also had the advisory panel review the proposal, and Dr. Jim Gilford will be reporting on their conference call. So, my next slide is a list of all the options they submitted. If you first look at the column to the left, those are the options for the recreational fishery.

Option 1 is the Amendment 6 standard which has already been approved. It is the standard. Options 2 through 7 are variations on a true slot limit. Then Option 8 is the motion they made during the last Striped Bass Board meeting.

The second column on the right-hand side deals with the bonus fishery and includes two slot limits, but also has variations on a minimum size standard.

The only thing I wanted to comment on in the proposal, I did say that New Jersey may not continue their closure with any of the new options proposed. That's not a given; it's not guaranteed.

Then my last slide for New Jersey's proposal is just to briefly tell you how they analyzed each of these. They were pretty thorough. They used three different methodologies. One was a length frequency analysis that used lengths from their 2002 bonus fishery. They applied that to MRFSS data to estimate the resulting harvest from each of the options.

The second thing they did was the life table which compares the number of age 8-plus and 10-plus, which is the spawning stock of the status quo compared to what you would get in the standard compared to each of the options, so how much of each of those groups would you get.

The last one they did was the percent maximum spawning potential, which compares the spawning stock biomass, the percent MSP and the resulting yield of the options to the Amendment 6 standard, and this can be used to determine the seasonal reduction if it is needed.

Each of those three options were used to analyze the options for the recreational fishery. The maximum spawning potential was used for the bonus fishery. If

New Jersey has anything they would like to add, that concludes my summary of their proposal.

CHAIRMAN TRAVELSTEAD: Any questions of Megan on the proposal? Pete.

MR. W. PETER JENSEN: This is not necessarily of Megan, but can you put the time table into perspective for me on New Jersey's current fishery? What would happen if this is approved and how it would affect the current year fishery?

CHAIRMAN TRAVELSTEAD: Well, I think those are issues that will have to be decided today in terms of implementation. My plan of attack, if you will, is to see which one of these options, if not all, are approved and then ask question about time tables. It will be something that will need to be discussed. Bruce.

MR. FREEMAN: I think, as the discussion continues, we will address Pete's question.

CHAIRMAN TRAVELSTEAD: Very good. Any other questions of Megan? Yes, Gil.

MR. GIL POPE: Thank you, Mr. Chairman. I'm just concerned as to how conservation equivalency is calculated in this, whether it's assuming that there is going to be constant catch from one year to the next year and whether it also assumes that there is going to be a certain amount of abundance of stock that is going to be added each year. In other words, if there is a substantially increased stock, can we be assured that these conservational equivalency tables are correct?

CHAIRMAN TRAVELSTEAD: Gary, can you answer that?

MR. GARY NELSON: Yes, it does have those assumptions. It assumes an equilibrium condition in a lot of these models, so if one year you have a high abundance, there could be potential for over-harvesting.

CHAIRMAN TRAVELSTEAD: Tom.

MR. THOMAS FOTE: Yes, we even did it to the fact that when you basically looked at it, some of it didn't make any sense, if you look at it just as looking at it. An example is if you basically took a fish in the trophy tag program, which is basically a fixed amount, and we made it a 34-inch size limit, which is more restrictive than a 28-inch size limit, we had to reduce the catch because of it.

MR. NELSON: I'll explain that.

MR. FOTE: Yes, but that's what I'm saying. The tables basically took everything into consideration, so even if we went to a strict 34-inch size on the trophy, which was a restricted catch, because of the way the table is set up, we'd have to do a reduction, which is very hard to explain to fishermen.

CHAIRMAN TRAVELSTEAD: Let's hear from Gary's report from the technical committee. I think that might address some of your questions as well.

TECHNICAL COMMITTEE REPORT

MR. G. NELSON: I'm going to skip the first couple of slides because Megan pretty much summarized those. For the recreational fishery, New Jersey used the three different methods, and the technical committee reviewed all of them.

The length frequency analysis, the tech committee had a lot of questions about some of the assumptions used to model the reduction in harvest. For instance, the length frequency from 2002 was only used in the modeling exercise and, for instance, not an average over five or six years or so.

So they questioned some of the reliability of the estimates. Part of the savings that New Jersey was proposing was to forego about 180,000 pounds of basically unrealized harvest.

Their current harvest, I guess, in 2002 or 2003, I forget which, was only about 125,000 pounds, so they would be giving up 180,000 pounds of fish they haven't caught yet, so the technical committee was concerned that this was a new precedent and wanted to notify the Board of that.

They believed that it was an interesting exercise to look at, but this type of analysis shouldn't have been the sole source to determine their conservational equivalency. The life table approach and the maximum spawning potential was primarily used to do that.

After reviewing the New Jersey analyses, the technical committee did deem that Options 2 through 7 were conservationally equivalent to the Amendment 6 standard; however, Option 8 was not, which is the current New Jersey regulation.

To be equivalent, some type of reduction in harvest would be needed, and some suggested that it may be a seasonal closure, but New Jersey wasn't proposing that and didn't want to consider a seasonal closure, so it was still deemed that Option 8 was not conservationally equivalent.

For the bonus fishery, which essentially was a commercial quota dedicated to the recreational sector, they had also seven options. Option 2 was basically the one fish at 28 inches and with two slots and greater size limits.

The life table and the MSP were used, and the technical committee did not agree with the original determination that no reduction in quota was necessary under some of the small size options.

I could explain the method. Basically, to compare equivalency among different fishing patterns, PR vectors, which New Jersey came up with, the only way to really do that is to come up with some equivalent value, and the method used uses a yield per recruit.

It takes the current quota for the Amendment 6 standard and divides by the yield per recruit under the PR for that standard. You get an expected equivalent in recruitment. This is the value that has to be compared among the different options.

The reason that reductions have to be taken is because to get the equivalent recruitment in some of these options, the yield has to come down in order to obtain that. That's why even for a larger fish option, you had to take a slight reduction. I don't know if that explains it.

What the technical committee did determine was that Options 5 and 6 were conservationally equivalent to the Amendment 6 standard, but Options 3, 4, 7 and 8 were not, unless the quota reductions were implemented. I think that's it.

CHAIRMAN TRAVELSTEAD: Questions of Gary. Yes, Roy.

MR. ROY MILLER: Thank you. Gary, you are referring to Options 5, 6 and 7 for the bonus fishery, and yet in my handouts I was unable to locate any options beyond Option 4 for the bonus fish fishery, either in the technical committee report or the New Jersey summary.

MR. G. NELSON: Table 16.

MR. MILLER: Table 16 in which?

MS. GAMBLE: I'm going to hand out the technical committee report, because it has the options. Everyone will be working off the same numbered options, and there won't be any confusion. I'm sorry, you guys, it's a different version of the document.

MR. G. NELSON: Okay, for the bonus fishery, they recommended that Options 5 and 6, which is here on the slide, which is one fish greater than 28 and one fish greater than 30 inches, is conservationally equivalent, but Options 3, 4, 7 and 8 are not, unless quota reductions are implemented.

CHAIRMAN TRAVELSTEAD: Roy, did you have a question now, or you have the options?

MR. MILLER: I believe we have the options that are being referenced in Table 16 from the report that was just handed out, but I didn't see those options listed in the technical committee report or the table that was sent with the New Jersey proposal prior, so I guess I have the right table now.

CHAIRMAN TRAVELSTEAD: Well, apparently, there are two different versions of the document, and I think the only thing we can do is copy what is on the screen onto the report that I have, and I assume you have, to add Options 5, 6, 7 and 8 under the bonus fish program.

As far as I know, everything else on the list from the technical committee is the same, and it has not changed. Dick.

MR. DICK SNYDER: Dick Snyder, Pennsylvania. Gary, maybe you could help me, or I might have to go to Bruce. Did the technical committee have opportunity to discuss the fact that the New Jersey proposal covers what I'll call three different types of habitat? One is the coast, the real coast. One is the bay, and then one is the freshwater component. Did they try to parse out the impact?

MR. G. NELSON: No.

MR. SNYDER: Okay, Bruce, can you help me on that?

MR. FREEMAN: No, as indicated, we essentially included it all as one. The difficulty is we don't have information necessary, particularly for the freshwater section. That was something we looked at years ago, so from our standpoint to keep it as simple as we could, we just had it as one area; although, indeed, as

you indicate, there is actually a fourth component, and that is our coastal bays, which we didn't include either. We looked at this as just one large group.

CHAIRMAN TRAVELSTEAD: Tom.

MR. FOTE: When you basically passed Amendment 6 and didn't allow us to use the producing area to figure any of the calculations, we were basically forced to do all calculations as a coastal fishery, even though now it seems like a majority of our fishery does happen in the Delaware Bay and in the Raritan Bay on the striped bass.

CHAIRMAN TRAVELSTEAD: Any other questions of the technical committee? All right, let's hear from Jim with the advisory panel report.

ADVISORY PANEL

DR. JAMES GILFORD: Thank you, Mr. Chairman. The advisory panel had a conference call on Thursday, May the 6th to consider the conservation equivalency options in New Jersey's Amendment 6 implementation proposal.

Megan distributed to the AP members, two weeks prior to the conference call, copies of New Jersey's proposal and the technical committee report on the proposal. Twelve of the 20 AP members took part in the conference call.

With respect to the recreational fishery option in the New Jersey proposal, the AP accepted the technical committee's evaluation; namely, that Option 8 is not conservationally equivalent to Amendment 6 or Amendment 5 recreational standards, while Options 2 through 7 are conservationally equivalent.

With respect to the bonus fishery options, the AP accepted the technical committee's consensus; namely, that Options 5 and 6 are conservationally equivalent to Amendment 6 standards and do not require a quota reduction, while Options 3, 4, 7 and 8 are not conservationally equivalent without quota reductions identified in Table 16.

The advisory panel also took note of the technical committee's concern regarding the cumulative impact on the coastwide fishing mortality rate of the various conservation equivalency proposals and regulatory changes.

My sense of the telephone conference call was that the advisory panel is very much interested in having

the management board address that particular issue with the technical committee as soon as possible.

Although it was not proposed as a consensus item, some of the AP members also favored maintaining the January/February seasonal closures and the April/May Delaware River spawning area closure.

CHAIRMAN TRAVELSTEAD: Questions of Jim on the advisory panel report. Seeing none, the chair is open to a motion on the New Jersey proposals. Roy.

FURTHER DISCUSSION

MR. MILLER: Mr. Chairman, I have further questions, if I may, prior to the motion.

CHAIRMAN TRAVELSTEAD: Sure.

MR. MILLER: A few years ago we had a discussion concerning proposals for the Delaware Estuary. The 2 and 28 standard is the same regulation that the state of Delaware has implemented. The other options that New Jersey is proposing potentially could represent different regulations than those already imposed by their adjoining state; namely, Delaware.

I'm kind of curious whether the state of New Jersey is seriously considering some of these alternatives to the 2 and 28 standard. If they are, presumably they are or they wouldn't be before us, my question is have they run any of these past the Delaware River Co-op for their comments?

A few years ago we had some discussion at the Board level concerning the desirability of any of the three basin states; namely, Pennsylvania, New Jersey or Delaware, running any recreational options past the Delaware River Co-op prior to bringing it before this Board. So that's my question, Mr. Chairman.

CHAIRMAN TRAVELSTEAD: Bruce, do you want to respond?

MR. FREEMAN: Well, the answer is no, we have not. Let me just indicate that as you heard here, the technical committee looked at the analysis which we presented.

As was already indicated, the option that we had offered, which is referred to as Option 8, was indicated by the technical committee as not meeting the criteria put forth in either Amendment 6 or Amendment 5.

So from our standpoint, we would like the Board to consider the other options. Now those options essentially deal with what was called Option 1, which was two fish at 28 which is already approved by this Board. Then we have several other options where there is a true slot limit.

For example, one of the options would have been a 21-, 24-to-28 inch fish. The second fish had to be 34 inches or larger, so there was a true slot limit. There are various combinations of different sizes.

We also considered, as a separate issue but actually tied into our plan, the use of our so-called bonus amount, which is a little over 300,000 pounds, of utilizing that in various ways to either supplement the catch by having an additional fish 28 inches or larger; or, filling the slot limit.

So this is the analysis which the technical committee indicated. As was reported, there were several options. They were saying, yes, you could use this bonus fish to fill the slot; or if you do use the bonus fish, you're going to have to take some reduction because of the way the calculations were done.

They approved these options and the reductions. It is a highly technical discussion, but as was reported by the technical committee, these were approved.

Our anticipation is to get some positive action by the Board today to approve those options the technical committee already approved and then immediately go out and have several public hearings, see what the public has.

We'll probably not go out with all these, as Roy is well aware. You go out with a slate of eight or nine options, it often confuses the public. But we'll probably go out with three or four, get a reaction from the public. Assemblyman Robert Smith is with us today.

He actually is going to have the work of convincing the entire New Jersey Legislature, which he is willing to do depending on the results of these public meetings, to put a bill in place and then see that bill through the legislative process and have it in place fairly soon.

I'll let Assemblyman Smith talk to this process, because he is the one that is going to have to move the legislature. Bear in mind the legislature now is considering a budget, which obviously has a little

more importance than striped bass, although not much.

But he has talked to his colleagues in both houses and believes that such an action could occur, and I'll let him speak briefly -- or he can take as much time as he wants -- speak to this issue, and then we can get back to the technical aspects to try to frame all this and have understanding of what we're trying to do.

CHAIRMAN TRAVELSTEAD: Mr. Smith, thank you for being here.

ASSEMBLYMAN ROBERT SMITH: My pleasure, good morning. Just by way of background, I chair the Natural Resources Committee in the assembly or the house in New Jersey. That committee is responsible for all legislation dealing with fish and wildlife in New Jersey on the assembly side.

Knowing that this meeting was coming up and knowing that there would be concerns and questions about how quickly New Jersey could pass legislation that mirrored the outcome of our public hearings, I scheduled a hearing of the Natural Resources Committee on June 14th, which essentially is a special day.

It's at the call of the speaker. I got permission from the speaker to schedule it on the 14th. Originally, we had a Natural Resources Committee hearing scheduled for the 10th, but that was bumped for a voting session.

That date corresponds very well, in my estimation, with our public hearings. We're having three in New Jersey. I believe the last one is June 7th. June 7th is the last one. I spoke with members of my committee, both democrat and republican, both sides of the aisle.

We're fairly confident. No, we're more than fairly confident. We will pass out of the assembly on June 14th, legislation dealing with this striped bass. I also have assurances from the speaker that it will be posted for a vote shortly thereafter.

But as Bruce had mentioned, in years past in New Jersey, it's a very difficult month during the month of June, because we do consider the budget; and just like a lot of other states along the East Coast, we've had budgetary problems with revenue.

It has created a lot of problems and a lot of time; nevertheless, I think it is a little bit better this year. We can have it considered by the assembly before the end of June.

On the senate side, I can't speak with as much authority, but in speaking to the director, Division of fish and Wildlife, and other staff members, they believe that the senate may be able to pass the bill by concurrence with the assembly version. If that can occur, nevertheless, I believe that the senate would pass it within the close time frame of what the assembly will.

I also have assurances from the director of fish and game, through the commissioner of the DEP in New Jersey, that it could be signed, it will be signed by the end of July. I'd certainly be happy to answer any procedural, legislative questions, time frames, questions about commitment from any of the commission members here.

CHAIRMAN TRAVELSTEAD: Thank you. I think before we get into the timing issue, let's get a motion on the floor to address the actual proposals, and then we'll come back to the timing issue. I'd like two different motions, one that addresses the recreational fishery and then a separate motion for the bonus program so we don't get confused. Tom.

MR. FOTE: Before we make the motion, just one of the technical committee questions I want to ask -- the fact is, at the last meeting for our Proposal 8 to go down to the technical committee, we had asked them to evaluate it under Amendment 5 as one of the requests.

According to the report I just received, it said that the technical committee said it didn't match Amendment 5 or Amendment 6.

We understood it didn't make Amendment 6, but I thought the discussion of the technical committee -- maybe I'm wrong and I want it clarified -- was that they didn't think it did, but they didn't do the evaluation, because they had never evaluated it the first time under Amendment 5 because it was basically with the large fish. I just want to make that perfectly clear in my mind, because that's not what I exactly had heard.

CHAIRMAN TRAVELSTEAD: Megan.

MS. GAMBLE: The burden of proof lies on the state of New Jersey to provide analysis or a comparison to Amendment 5, but the technical committee did discuss it. We pulled out Amendment 5 and looked at the tables in there; and compared to the standards in Amendment 5, it still is not equivalent.

CHAIRMAN TRAVELSTEAD: All right, are there any further questions? Seeing none, is someone willing to make a motion? Bruce.

MR. FREEMAN: **Yes, I would move that the Board approve the recreational fishery options 2 through 7 that New Jersey submitted to the technical committee.** That's the motion. Those are the options that are on Page 2 of the handout that Megan just reviewed.

CHAIRMAN TRAVELSTEAD: Okay, thank you. Is there a second to the motion? Gene.

DR. EUGENE KRAY: I'll second that motion.

CHAIRMAN TRAVELSTEAD: Second by Gene Kray. Discussion on the motion. Gil.

MR. POPE: I guess my question will be for the technical committee. Would this also apply to, say, if Rhode Island wanted to do the same thing, would these standards also apply to any of the other states, or is this just specifically to New Jersey as far as the recreational fishery options? In other words, these are conservationally equivalent to two fish at 28? Thank you.

MR. G. NELSON: The information you have is using New Jersey data. They developed a lot of the PR patterns using age-length keys from New Jersey; so if Rhode Island wanted to do it, you'd have to have data to do that also.

CHAIRMAN TRAVELSTEAD: Gil.

MR. POPE: My second question was I'm not sure why the chair wanted to split the two and wondering if they aren't interconnected in some way between the bonus fish and the recreational fish.

MR. NELSON: We didn't split it; New Jersey did. That's the way they analyzed it.

MS. GAMBLE: We just split it here at the Board meeting to make it easier, but the analyses weren't done -- they were done in isolation. They weren't done together.

CHAIRMAN TRAVELSTEAD: Other questions or comments on the motion. Pete.

MR. JENSEN: Just for clarification, what is in place in New Jersey right now?

MR. FREEMAN: Our current regulations, Pete, are the ones that have been in place for the last several years, and it's one fish from 24 to less than 28 and then one fish 28 or larger. Then we also have what we call a bonus program.

We've taken our 320 -- or whatever it is -- 300,000 or so pounds and have a special program where fishermen are given tags. They have to sign up for the program, are given tags. If they use a fish, they have to fill out a card, send us that card, very similar to what you would require your commercial fishermen to do. These fish have to be identified.

MR. JENSEN: So if I understand the schedule then, a change would take place in July sometime if the senate agrees with the assembly?

MR. FREEMAN: Right.

MR. JENSEN: Right, and it's signed by the governor.

MR. FREEMAN: Again, there is no reason to believe they won't. They have in the past. Obviously, there is always a threat of a closure of the fishery as we have experienced in the past. As Assemblyman Smith has indicated, his responsibility on the house side or the assembly side are such that he can make some fairly strong commitments.

Obviously, he can't do that on the senate, but there is no reason to believe that this would not move quickly. To get the legislature this time of year to move is considerable, but we believe that commitment can be made.

CHAIRMAN TRAVELSTEAD: Pat.

MR. PATRICK AUGUSTINE: Thank you, Mr. Chairman. Assuming the information that Assemblyman Smith gave us relative to the legislative process, I would surely hope that it moves along that quickly and that New Jersey does not get faced with any incurrence of a possible penalty for not having had this implemented in a timely fashion. We're assuming that's the way it's going to go. Could you clarify that, Mr. Freeman?

MR. FREEMAN: Well, again, this has to be done by legislation, and all of us understand, since many are legislators around the table, that process is not always guaranteed. But, as Mr. Smith indicated, we anticipate having this in place in the legislative time frame very rapidly. As he indicated, somewhere in July is what we're looking at.

MR. AUGUSTINE: Thank you, Mr. Chairman. I'm very satisfactory with that.

CHAIRMAN TRAVELSTEAD: Tom, did you have a follow up to that?

MR. FOTE: Well, the point is we're voting here on options. We're supposed to get into this discussion after we vote on the options whether the technical committee approved, and we're jumping the gun. I wish we'd just get the options out of the way, and then we could get that discussion done.

CHAIRMAN TRAVELSTEAD: That's what we're trying to do. Pete, did you have a follow-up question?

MR. JENSEN: Yes, I'm not speaking against the motion; I just want to understand it. The technical committee evaluated this in terms of achieving a 0.3 fishing mortality, I believe. What's going to be the effect of a several-month fishery at a higher mortality rate on your determinations?

MR. G. NELSON: A higher rate? It would definitely affect -- that means the harvest is going to go up, so it definitely affects something. We have really no control over the recreational fishery in terms of effort. That's our target and if, eventually, it's above our target, which it is now, we're going to have to do something about it. But, I'm not sure if I answered your question or understood it.

MR. JENSEN: I guess what I'm asking is did the technical committee take into consideration in your conservation equivalency determination that a fishery is occurring right now that does not meet conservation equivalency and will continue until sometime in July?

MR. NELSON: No, that's difficult to do.

CHAIRMAN TRAVELSTEAD: Bruce.

MR. FREEMAN: Pete, for your information, the fishery, as it occurs in New Jersey, the predominance of the catch is primarily late summer and fall, so the real fishery comes late August into September, October, November, and the last couple of years December.

So you're right in that fish will be taken that won't meet the two fish at 28 at the present time, but the timing is such, we believe, that it will have minor impact on the stock on a coast-wide basis.

CHAIRMAN TRAVELSTEAD: Tom.

MR. FOTE: Basically, the fishery that's going on right now, they can't even find a slot fish. Most of the fish are 17-18-20 pounds so it would be a two fish. Actually, it would have been a bonus program, because people have been able to take two fish home instead. Right now, they're allowed to take one fish home.

So for all intents and purposes, if you don't have a trophy tag fish, you're limited to one fish because there is no slot limit fish appearing in the Raritan Bay or mostly the Cape May.

We have a more restrictive rule in place right now than if we had a slot limit, so actually we're doing just the opposite. We're actually being more restrictive on our fishermen.

CHAIRMAN TRAVELSTEAD: Dick.

MR. SNYDER: Bruce, I need some clarification. Maybe I'm just slow this morning, or maybe it's due to the arctic-like conditions back at this corner of the table, but if this motion passes -- and I appreciate some of the flexibility there and I actually agree with it -- by eliminating Option 1, does that remove that option as being one that would be considered by New Jersey anglers?

MR. FREEMAN: No, the only reason I eliminated it, Dick, is because that was already approved by the Board. We would certainly consider that, but to essentially include it in the motion seemed to be redundant. That was the only reason it was omitted.

MR. SNYDER: Okay, I just wondered, because that's the same standard we are held to and --

MR. FREEMAN: Yes.

MR. SNYDER: Okay, thank you, Bruce.

MR. FREEMAN: In fact, just one other thing. When calculations were done by us relative to the conservation equivalency, the standard was two fish at 28. That's what we judged everything to.

CHAIRMAN TRAVELSTEAD: Any further comments on the motion? Any further comments? Does any state need a caucus prior to voting? I don't see any. Yes, okay, let's take a minute to caucus.

(Whereupon, a caucus was held.)

CHAIRMAN TRAVELSTEAD: Okay, are we ready? Pete.

MR. JENSEN: One question. You are anticipating there will be a second motion on the bonus fishery?

CHAIRMAN TRAVELSTEAD: Yes. Following this vote, I will ask for another motion, which I assume Bruce will have ready. Are we ready to vote? All those in favor of the motion, please raise your right hand; opposed, like sign; abstentions; null votes. **The motion carries 15 to 2.** Roy, you have a comment?

MR. MILLER: Unless there was another one, my colleague and I both voted on that, so it should be 15 to 1.

CHAIRMAN TRAVELSTEAD: Okay, thanks for that clarification. Correct the minutes. Bruce.

MR. FREEMAN: I'm just trying to think how best to frame this motion, but it really deals with the bonus program. Let me just quickly explain.

There were a number of proposals dealing with so-called slot fish. As indicated, I think there were three that were approved by the technical committee as being equivalent. There were three others that essentially indicated some reduction had to be taken in the bonus fish in order to meet the conservation equivalency.

I would prefer to have all the proposals approved, those with and those without the reduction. I just don't know how to word it such that it does make sense, and that's somewhat my dilemma I'm facing right now.

But, again, we would like to have all the proposals that were reviewed by the technical committee with quota reductions and without quota reductions approved. All of these did meet the conservation equivalency as determined by the technical committee, but there were some differences among those.

If it would be comfortable for the Board simply for us to make a motion to approve the bonus fish program with the conservation equivalencies of the technical committee, I would be very happy to do that. I would, perhaps, seek guidance from staff as to how best to frame this motion.

MS. GAMBLE: Let me just try to ask, Bruce, you are saying that you want the Board to consider

approving the technical committee's recommendation?

MR. FREEMAN: For the bonus program.

MS. GAMBLE: Okay, what that means is that the technical committee found -- it's not up on the Board right now -- Options 2, 5 and 6 to be conservationally equivalent to the one fish at 28. The other options are only conservationally equivalent if they take a harvest reduction or use a season to achieve that harvest reduction.

MR. FREEMAN: Yes, and I can clarify right now. We're not interested in taking a season reduction, so we would take a harvest reduction. We'd be willing to do that. We don't see any problem with that.

CHAIRMAN TRAVELSTEAD: Has the technical committee identified the appropriate quota reduction for those options?

MR. FREEMAN: Yes, and they vary. They're different, Jack, depending on which option we use. That's why it gets somewhat confusing. It's not that we -- in each option it's the same. It varies depending on which size fish we pick, but it meets the conservation equivalency.

CHAIRMAN TRAVELSTEAD: This information is contained in Table 16. It seems to me a motion that simply approves those options supported by the technical committee, including those options that require the necessary quota reductions, is all you need. I think everyone will understand that.

MR. FREEMAN: If that's comfortable by the Board, I would certainly be willing to make that motion.

CHAIRMAN TRAVELSTEAD: Ritchie.

MR. R. WHITE: Can that be put up on the screen?

CHAIRMAN TRAVELSTEAD: I think they're working on it. Let's wait until they get something on the screen, and then we'll let everyone look at it and call for a second. Gil.

MR. POPE: Thank you, Mr. Chairman. In other words, with the bonus fish program, 1 fish/28 would be all year. One fish at 24, there would be a season reduction, or there would be a --

MR. FREEMAN: A harvest reduction, Gil.

MR. POPE: A harvest reduction from the 320? In other words, each one has an associated poundage with it?

MR. FREEMAN: Yes.

CHAIRMAN TRAVELSTEAD: Yes.

MR. FREEMAN: And, Gil, just for your information, we are required to monitor that bonus program. If and when that weight is reached, we would stop that fishery. It's not open-ended. Just like you would have to do in your commercial fishery, the same thing.

CHAIRMAN TRAVELSTEAD: Tom.

MR. FOTE: Well, while you're waiting for the motion, I have a question I wanted to ask for the technical committee. We have historically dealt with commercial fisheries that wanted to take a smaller fish along the coast than was required, had to take a deduction from the 28-inch size limit.

When Rhode Island took a reduction for their pound net fishery, it came out as a 20 percent reduction. If I remember, when New York did it for their commercial fishery, using a 24-inch size limit for a capped commercial fishery, it was also like a 20 percent reduction.

What I'm having a difficult time understanding is that all of a sudden under Amendment 6 and the new way of figuring this out, this reduction is actually more restrictive, because those fisheries, I think, were not as restrictive as 24 to 28.

It wound up being a two-thirds reduction of the overall quota. So we go from 325,000 down to less than one hundred and something thousand, which seems to be a lot different than we historically did it.

I had a problem, and my technical committee people from New Jersey spent a long time trying to discuss this with me, but I said this is not what we have done historically, so what has changed? I'm trying to figure out and grasp that.

I can understand why, technically, on paper that if you make the bonus tag a 34-inch size fish because of the models, the way they come out, you actually have to take a reduction, even if you're being more restrictive, and there is less opportunity to catch a 34-inch fish and probably the quota has a less chance of being full.

I don't think that has been considered. But the problem is when you deal with the 24 to 28, and you take a much bigger reduction almost by -- we're talking instead of going from 20 percent down to 66-1/3 percent. I can't understand that.

CHAIRMAN TRAVELSTEAD: Gary.

MR. G. NELSON: You're constrained by a quota. You're constrained by our target F. So if you're taking 321,000 pounds of a 28-inch fish and apply that to a smaller slot limit, you can harvest a lot more fish and drive the F up above the target level.

Essentially, what is happening is you have to reduce the harvest to meet that constrained F. That's the way the numbers come out.

MR. FOTE: Yes, but the question I'm asking is, historically, when other states had done that, it was more like a 20 percent reduction by going to 24 inches or somewhere in that figure. Gordon, can you remember what you actually took when you went to that?

But this now winds up being a 66-1/3 reduction, and I'm just trying to figure out what has changed to cause that much of a dramatic reduction?

MR. NELSON: It all depends on the PR pattern that -- New York used the same method. Vic Vecchio, I think, did that stuff, and he used the same method. It depends on what fish are available, what the fishermen are catching. It changes.

CHAIRMAN TRAVELSTEAD: We're going to hear from Gil and then we'll go to the motion.

MR. POPE: I think one was based on yield-per-recruit penalty, and another one was based, I think, on how F was calculated with the year classes with the VPA. I think the reason the penalty was a straight 20 percent before was because it was almost like an estimated penalty. At that time, I don't think we were using the VPA or Fs as a guideline for penalties. Thank you.

CHAIRMAN TRAVELSTEAD: Thank you. Okay, we have the motion on the screen. **Is there a second to the motion? Seconded by Gene Kray?**

DR. KRAY: Yes.

CHAIRMAN TRAVELSTEAD: Thank you. Comments on the motion. Comments on the motion. Roy.

MR. MILLER: Mr. Chairman, I'm somewhat troubled by reducing imaginary quotas. In other words, the performance of the bonus fishery in recent years hasn't approached anywhere near the poundage that is now approvable under Amendment 6.

And yet New Jersey is proposing to reduce that poundage that hasn't been caught yet. I just am troubled by that concept. It feels to me like we're playing with imaginary fish, and it's a paper exercise.

CHAIRMAN TRAVELSTEAD: Bruce and then Tom.

MR. FREEMAN: This issue is one that we have addressed in the past. We have the ability to catch those fish, just like any other state has in their commercial fishery. Some states catch their full quota in the commercial fishery; some do not. It varies from year to year.

Historically, we've taken these numbers of fish. In most recent times, we have not utilized all of them. But to penalize a state that under the plan is able to take these, but penalize them because they don't, I think, is going beyond the bounds of any plan we have.

We may not utilize these fish, depending on which option we choose. In fact, it may be less than what we're utilizing now, but we would like at least to have the opportunity to utilize what we're allowed to. That's really the basis of this.

We're not using any more. It's equivalent. In fact, the calculations that we did were similar to the ones that Delaware did where they would require a season reduction of about 33 or 32 percent. So, the way this is calculated is no different. In fact, we're using some of the calculations that Delaware originally put forth to the technical committee.

CHAIRMAN TRAVELSTEAD: I have Tom and then Ritchie then Gil.

MR. FOTE: I also looked at -- and Delaware basically is allowed to take a smaller fish in their commercial fishery without a penalty in the bay, without doing these calculations, because they're the only state having a commercial fishery that is directed just in the bay, and they use all the Fs basically saved by New Jersey and Pennsylvania to basically take the smaller fish and do that.

We've argued that point and lost those arguments over the years. This is a fishery that we at any point could basically decide if we wanted to go to a smaller fish, that the quota would be filled, and we'd have to shut it down, and it would probably be filled in a smaller time.

We've decided over the years not to do that. We actually at one point had a 34-inch size limit in this program, and we reduced it down because they were only bringing in 2,000 fish. For the most part, people don't want to take three fish home. They're taking one fish, maybe sometimes two, but they don't want to take three.

What will happen, though, because we lose the option of the slot limit, it basically could wind up being where we'd have to shut the fishery down because people might want to take the smaller fish. We don't know.

That's one of the reasons we go out to public hearing, to find out the option. That's available to any state here; the same way as Gil did to accommodate the pound net fishermen. Gordon did it to accommodate his commercial fishermen.

Roy did it to basically accommodate his commercial fishermen, because at that point I think we did that discussion because of PCB advisories. We did the slot limit for the smaller fish in the Delaware Bay.

Also, it was a bycatch in the shad net fishery at the time, and they said that it was a smaller fish. They were using the same mesh or something like that, and that's why they do it.

That's the same thing why Massachusetts -- maybe it's in their recreational -- has decided over the years to stay at one fish at 28 inches. They could have caught a lot more fish, but they never wanted to do that.

When it comes to the point in time when they decide to do that, I will surely vote for giving them the two fish at 28 inches, because that's what they were allowed to do. We've never penalized states for being more conservative. Thank you.

CHAIRMAN TRAVELSTEAD: Ritchie.

MR. R. WHITE: Thank you, Mr. Chairman. A question for Bruce, do you plan to take -- if all these options pass, do you plan to take them all to public hearing?

CHAIRMAN TRAVELSTEAD: Bruce.

MR. FREEMAN: No, we don't, Ritch. As indicated, we'll probably take three or four, and they'll probably be straightforward. I suspect much of the discussion we had now will be almost nonsensical, because in all likelihood we probably won't take a -- we'll keep them fairly straightforward.

There will be different options for fishermen. The great irony of this whole thing is when we looked at doing these calculations, Ritchie, the most liberal that we could exercise in New Jersey would be the two fish at 28. That may be what we end up with, but we'll let the public make that decision.

CHAIRMAN TRAVELSTEAD: Gil.

MR. POPE: Thank you, Mr. Chairman. To follow up on what Roy's question was, so in other words, all of these calculations that were done are based on the fact that you are planning on catching -- or you're actually calculating that all 327,000 pounds are caught and then deducting from that. In other words, is the actual catch used, or is it projected catch that is being used in the calculations? That is an important question.

CHAIRMAN TRAVELSTEAD: Gary.

MR. G. NELSON: We used the quota that's given to New Jersey. Then we take the difference that they have to reduce. So, if they've reached their limit, then they have to stop depending on the option. Is that your question? Their actual harvest now is roughly 125,000 pounds, so they really haven't reached it.

MR. POPE: But as Bruce pointed out, they never really caught them. They would only catch a small portion of them, which is fine, but I'm just saying was that amount that was actually caught used as the calculations --

MR. NELSON: No.

MR. POPE: -- or were you just saying or adding the whole 327,000 and then deducting from that?

MR. G. NELSON: Yes, the second thing you said.

MR. POPE: Because it's easy to do in a commercial fishery. It's easy to do in a bonus tag fishery. But in connection with another recreational fishery, where you can set your measures here, but you don't really, really know what the catch is going to be until maybe

a year or two later, that's when it really becomes important.

Because, as I noticed earlier, there has been quite a large increase in the catch across the East Coast, and we'd better start thinking about that. This increase in catch is a little bit more than what I think we had even projected two or three years ago. Thank you.

CHAIRMAN TRAVELSTEAD: John.

MR. J. NELSON: Actually, Mr. Chairman, I think I'll wait until after this vote, because I think it's more appropriate to discuss it afterwards so I'll hold off.

CHAIRMAN TRAVELSTEAD: Okay, Paul.

MR. PAUL DIODATI: Just to clarify the record, Massachusetts is now at two fish at 28 inches. We have been since last year. But the year before, when we were at one fish, and I think this is to this point, we did make a proposal to the Board to transfer the potential savings of not being at two fish to our commercial fishery quota.

So, essentially, it was just the opposite of this scenario that we're about to vote on. Our proposal was voted down. Nevertheless, I feel that this is an appropriate use of quota.

I propose a similar one for Massachusetts so I will support this motion. I think it would be more appropriate, the way this discussion is going, that the Board think about whether or not we want to allocate quotas for fisheries that don't exist in the future and in future amendments. That might be a better way to deal with this.

CHAIRMAN TRAVELSTEAD: Pat.

MR. AUGUSTINE: Thank you, Mr. Chairman. We're back to going around and repeating ourselves. I fully support what New Jersey has done. They've done an admirable job in using that commercial fishery that they haven't been using.

They decided to use it for recreational purposes. Although it may not satisfy the needs of everybody in terms of how they're using it, I think the point you just made from the technical committee that they're using roughly 125,000 pounds of those fish, so in my mind there is a savings every single year of 175,000 pounds of fish.

And, golly, that's quite good when you figure they could take it all, and they're not. So I would think,

without any further ado, I would like to call the question, Mr. Chairman, if it is in order.

CHAIRMAN TRAVELSTEAD: Any further comments on the motion? Pete.

MR. JENSEN: What are the reductions associated with 3, 4, 7 and 8? And my question goes this way. If they've only been catching 125,000 pounds and the reductions are less than 55,000, then it's going to be status quo.

CHAIRMAN TRAVELSTEAD: Gary.

MR. G. NELSON: Table 16 at the bottom shows --

MR. JENSEN: I'm sorry, the reason I asked that question is I don't have that in front of me.

MR. G. NELSON: Oh, okay. For Option 3, the reduction would have to be 212,000 pounds, roughly; 4 would be 141,000 pounds; and then 7 and 8 would be 4,000 and 7,000, respectively, roughly.

CHAIRMAN TRAVELSTEAD: Does that answer your question, Pete? Tom.

MR. FOTE: Remember, we were under Amendment 5. We did not have 325,000 pounds last year. We had a quota of 225,000, just to start the question. We've only got the increase this year, so it's a different fishery than it previously was. I mean, we didn't have that quota.

CHAIRMAN TRAVELSTEAD: Is there a need for a caucus? Okay, let's take one minute to caucus.

(Whereupon, a caucus was held.)

CHAIRMAN TRAVELSTEAD: Okay, let's come back. Joe has asked that I read the motion, and then Jaime has one final question.

The motion is move to approve the options for the bonus fishery approved by the technical committee, provided the appropriate quota reduction is implemented for Options 3, 4, 7 and 8. Jaime.

DR. JAIME GEIGER: Mr. Chairman, I just want to confirm that the quota reduction numbers that were read into the record are from the updated Table 16 and the New Jersey report. That is correct?

CHAIRMAN TRAVELSTEAD: That is correct.

DR. GEIGER: Thank you very much, Mr. Chairman.

CHAIRMAN TRAVELSTEAD: Gene.

DR. KRAY: Just for a point of clarification, what we're doing is really we're approving all eight, correct, but that 3, 4, 7 and 8 --

CHAIRMAN TRAVELSTEAD: That's correct, yes.

MR. KRAY: -- will require a quota reduction. The others in that number of 8 require no quota reduction, but we are approving all eight?

CHAIRMAN TRAVELSTEAD: You are correct, that's what we're doing.

We're ready to vote. All those in favor of the motion, please raise your right hand; opposed, same sign; abstentions; null votes. **The motion carries 15 to 0.**

Let's move on to the timing issue. I want to make sure that the Board is comfortable with the timing schedule that has been described by New Jersey. John, on that issue.

MR. J. NELSON: Mr. Chairman, if I could, before you go into the timing issue, there was one point that was raised about the hearings and the various items that would go out to public hearing.

I guess what I would like to just ask New Jersey to do is, when they go to their public hearing, to have taken into consideration what Roy brought up earlier, and that is the cooperative interaction between Pennsylvania, Delaware and New Jersey in the management of shared bodies of water for striped bass and to take into account the complementary measures that might be appropriate for those bodies of water.

I think that was the issue that had been dealt with several years ago. That issue came before this Board, and we asked them to get together and work it out, and I think we're asking them to do that again. Thank you, Mr. Chairman.

CHAIRMAN TRAVELSTEAD: Bruce.

MR. FREEMAN: It is a very good suggestion, and we will confer with our colleagues on the DRBC Technical Committee on this issue.

CHAIRMAN TRAVELSTEAD: Thank you, Bruce, I appreciate that. John, did you have other comments on the timing issue?

MR. J. NELSON: I have a motion that probably comes along after your discussion on the timing issue, Mr. Chairman.

CHAIRMAN TRAVELSTEAD: Okay, are there others who want to comment on the issue? We've heard from Mr. Smith, who has laid out, I think in pretty fair detail, the procedures that New Jersey will utilize and the timing. Tom.

MR. FOTE: As you know over the previous months, I've had great difficulty here with this proposal and Amendment 6, and what happened with producing area status in the Hudson River and the Delaware Bay.

I am still not very happy. I still think there was a real problem here, and New Jersey wound up -- so did Pennsylvania and Delaware -- getting the short end of the stick here and had a problem.

As a matter of fact, I guess, probably, if it was up to me by myself -- I mean, I did not support either one of these proposals. I would like to go with the argument to the Secretary of Commerce, but that's not what the rest of the state has decided to do.

Being in good faith and everything else, I will do whatever necessary in my state to get this bill passed as soon as possible with the full support, even though I've been on the record against this and would have liked to have taken a different train of action, but since this has been decided upon by the other commissioners in my state, I will basically fully support trying to move this bill to get us into compliance with the Atlantic States Marine Fisheries Commission. Thank you.

CHAIRMAN TRAVELSTEAD: Thank you, Tom. Any other comments? John.

MR. J. NELSON: Thank you, Mr. Chairman. I would like to thank the New Jersey commissioners for moving ahead and dealing with this issue that has been before us for a while. It has been somewhat of a thorny issue, obviously, for them and for us.

I think the points have already been raised as far as the timing of this coming into place and how it's very important that it be done in a very timely fashion, because, quite frankly, at least from the public perception standpoint, it looks like a state basically

got away with half a year or a little bit more of fishing the way they wanted to fish kind of in defiance of what the fishery management plan was.

I know that was not necessarily the intent of New Jersey, and I know that there were honest differences that they felt they had to address, and they have addressed them. I also appreciate Assemblyman Smith coming before this Commission and outlining the efforts that he has already undertaken and is going to undertake. We do appreciate that.

It is very important for us to move ahead in a timely manner to make sure that we deal with striped bass and other species in a proactive way. But, Mr. Chairman, I think it is an obligation from this Board to — and this will be a motion -- **I would move to forward a recommendation of noncompliance to the ISFMP Policy Board at the August ASMFC meeting if the state of New Jersey has not fully implemented, by August 1, 2004, a recreational management program that is consistent with the options approved by the management Board.**

CHAIRMAN TRAVELSTEAD: Thank you, John. Is there a second to the motion?

MR. BORDEN: Second.

CHAIRMAN TRAVELSTEAD: Seconded by David Borden. Comments on the motion. Pete.

MR. JENSEN: I think this is akin to something we have done before, and maybe this is what you intend, John, that the state of New Jersey be notified that this, in fact, would happen through a formal letter, not just forwarded to the ISFMP but notify the state that if, in fact, they don't, they will be considered out of compliance at the August meeting.

MR. NELSON: That's the intent, yes.

CHAIRMAN TRAVELSTEAD: Any other comments on the motion? Is there a need to caucus? No. Ready to vote? All those in favor of the motion, please raise your right hand; opposed, like sign; abstentions; null votes. **The motion carries 15 to 0.**

I think that concludes that agenda item. Anything else from New Jersey? No. Let's move on to Item 5, update on Chesapeake Bay striped bass symposium. Des, I see you're in the audience. Do you want to join us up at the table and come on up.

UPDATE ON THE CHESAPEAKE BAY STRIPED BASS SYMPOSIUM

MR. DESMOND KAHN: Thank you, Mr. Chairman. For those of you who may not know me, my name is Desmond Kahn. I work for the Delaware Division of Fish and Wildlife. I've been asked to present a summary, just touch on some of the high points of a recent symposium that I organized at the 60th Annual Northeast Fish and Wildlife Conference in Ocean City last month.

The title of the symposium was "Management Issues, the Restored Stock of Striped Bass in the Chesapeake Bay: Disease, Nutrition, Forage Base and Survival." I'm going to first summarize each of the talks and then give an overview and touch on some outstanding questions, to my mind, anyway.

So, the first paper was my paper. It was titled, "Tag Recapture Data from Chesapeake Bay Resident Striped Bass Indicates that Survival has Declined." Now, I just forgot to mention I want to thank the commission. The commission provided some financial support for this symposium.

My particular entry into this is that I am on the Tagging Subcommittee. In fact, I'm vice chair and I'm a past chair. Victor Crecco from the Connecticut Department of Environmental Protection produced a report last year to the technical committee where he looked at a lot of the tag recapture results and also the VPA results, and he did an analysis and concluded that the data indicated a potential increase in natural mortality of the resident striped bass in the Chesapeake Bay.

I made a small contribution to that report. His report really was what I was investigating here. What I found was that Maryland tag recapture data and Virginia tag recapture data from the spring spawning ground surveys that's ongoing every year, both indicate, when they're analyzed under our protocol, that survival of the resident fish has declined significantly.

Previously it was about 60 to 70 percent depending on the state, and then in the late 1990s, '97 in Virginia and '98 in Maryland, the survival declined about 20 percent. These two states, their separate estimates developed from their independent programs are statistically correlated with each other.

The slide shows a plot of the survival estimates, and you can see in '97 Virginia has dropped, in '98

Maryland has dropped down to the range of between 40 and 60 percent, averaging around 50 percent or so. Previously, it was close to 70 percent.

The question is, then, was this due to increased fishing mortality? According to the tag recapture method we used in the tagging committee, it was attributed to an increase in fishing mortality.

However, two independent tagging programs in the bay that directly estimated harvest rate do not show an increase -- those two lower lines, the red and the blue line. And the pink line there is the Maryland estimate of total mortality.

So we see it does not appear to be due to fishing mortality increase, suggesting it's due to natural mortality, Vic Crecco reached the same conclusion, so I basically confirmed his finding.

Okay, the second talk, which I don't have any slides from, was by John Jacobs of the National Ocean Service Cooperative Oxford Lab in Maryland, Hobart Rogers, William Van Huculum, University of Maryland Horn Point Lab and Bret Copely, Charles Geisecer and Mark Machey from the Maryland DNR Cooperative Oxford Lab, title, "Nutritional Health of Chesapeake Bay Striped Bass in Relation to Disease."

This was very important. They did some powerful experimental work where they held fish in the lab and fed one group and starved another group for two months. Then they took physiological measurements of both groups, compared it with data from wild caught fish in the fall in the bay, and they found that the wild fish were virtually identical in physiology to the starved fish.

Their conclusion is that the wild fish, at least in the fall, suffer from severe nutritional shortages. They based this on chemical analyses of body composition and particularly fat levels, and they also were looking at the disease.

I'll talk about the disease in a minute. The question was does disease cause the fish to become thin and malnourished or what? What was the sequence? They found that the diseased state of the individual fish was independent of their nutritional state, two different things going on.

Okay, then the third talk was by Jim Uphoff from the Maryland Department of Natural Resources. This paper had been previously published in the Peer Review Journal from a previous symposium.

His title was "Striped Bass and Atlantic Menhaden; Is There a Predator-Prey Imbalance in Chesapeake Bay?" I'll get into that slide in a second. Abundance of forage-sized menhaden, ages 0 to 2, has declined to near historic low as striped bass climbed to historic high in the bay in the 1990s.

Uphoff adapted classic yield per recruit modeling to model menhaden consumption per recruit of striped bass. Historically, due to the low minimum sizes and the high F, striped bass biomass was relatively low in the bay.

Consequently, there was low consumption of menhaden per striped bass recruit. Currently, higher minimum sizes and lower F levels increased the consumption of menhaden per striped bass recruit.

Uphoff estimated that total menhaden demand by striped bass has increased seven-fold from the previous high during '57 to '73. Potential consumption of menhaden rose from 6 percent of the menhaden reduction fishery's harvest to 70 percent more than were harvested in the bay after 1996.

This potential consumption is not occurring, however, due to a shortage of menhaden. That's what they could consume based on their previous data. This slide here was one he had that showed the volume of menhaden landings from Chesapeake Bay compared to blue crab and striped bass, and you can see it is a very high-volume fishery.

That's a little hard to see, but you can see in '55 to '59, menhaden made up approximately 70 percent of striped bass diet. By the early '90s, it had dropped to about 50 percent or so, and currently it is down to 20 percent in '99 to 2001.

So there has been a shift away from menhaden in striped bass diet. Formerly, it was extremely dominant, and now it's apparently not available to be to that same level of dominance.

Okay, the fourth talk was by Kyle Hartman of the Wildlife Fisheries Research Program, West Virginia University. His title was "Increases in Coastal Striped Bass, Predatory Demand and Implications of Declines in Atlantic Menhaden Populations."

Let me just go back to the slide here. There is another slide from Uphoff. You see the yellow is relative striped bass demand for menhaden, potential demand, and the red line is the menhaden juvenile index from Maryland.

You see the menhaden juvenile index has declined as the striped bass potential demand has been increasing in recent years, so there is a decline as the demand increased.

Okay, Kyle Hartman, I don't have any slides from his talk. His findings were similar to Uphoff's. He did some pioneering bioenergetics work in the bay in the early '90s. As striped bass populations have increased, predatory demand has increased coincident with a decline in the keystone prey, Atlantic menhaden.

Coast-wide consumption increased 826 percent from '82 to '95. The 1995 level, the most recent level he had, is equivalent to 57 percent of U.S. menhaden landings over the period that striped bass could consume.

Modeling in the Chesapeake Bay striped bass stocks suggested poor body condition and malnutrition may occur in striped bass due to the lack of a lipid-rich alternative prey. Menhaden are very high in fat.

To achieve a 30 percent reduction in predatory demand would require movement towards historical overfishing conditions. It may not be possible to achieve high levels of both striped bass and their prey due to use of prey as a commercial resource. That's a critical point.

Okay, Bob Wood, from the NOAA Chesapeake Bay Program and Cooperative Oxford Lab, gave a paper titled, "Climate Forced Changes in the Striped Bass Forage Base within Chesapeake Bay." Bob Wood presented evidence that the decline in menhaden recruitment has been forced by interdecadal weather variability.

Optimal conditions for menhaden recruitment in the Chesapeake consists of warm, dry spring weather created by the Azores-Bermuda high pressure system. This causes a slow degrading to extend higher up in the estuary.

After accounting for the spawning stock recruitment relationship, 44 percent — now that was important. First, he accounted for the stock recruitment relationship and then looked at the left-over variability after you account for that, and after that he found 44 percent of that variability since 1966 was accounted for by the frequency of the high pressure system over the Chesapeake Bay. So there is a weather impact, but, again, he took account of stock recruitment first.

Lance Garrison, Garrison Environmental Analysis and Research; Jason Link of the National Marine Fisheries Service; and Geoff White, ASMFC, presented a paper titled, "A Multi-Species Modeling Approach to Evaluate Interactions Between Atlantic Menhaden and its Predators."

This is one of a suite of multi-species fisheries models that the Atlantic States Commission is actively developing. I don't have a slide from this talk. This one will help to evaluate impact of reduction in food availability on striped bass, the impact of increasing striped bass abundance on menhaden recruitment and survival and to explore tradeoffs between fishery removals and ecological role of species.

This is a multi-species virtual population analysis to examine historical patterns in predation impacts and to explore potential effects of future management actions.

It is undergoing extensive review and can provide additional information on ecological interactions to supplemental traditional single species models, so down the road this may help us to get a better handle on some of these issues that we're exploring here.

The seventh and eighth talks dealt specifically with the disease outbreak in the Chesapeake Bay. Okay, up there are some appearances of this disease. Wolfgang Vogelbind, David Gautier, Martha Rhodes, Howard Catherer, Rob Letoure and Chris Bonzek, all of the Virginia Institute of Marine Science, and Christopher Ottinger Of the U.S. Geological Survey, the Leattown Science Center, presented a paper titled, "Mycobacteriosis in Striped Bass from Chesapeake Bay."

This is one of their slides. Mycobacteriosis is epizootic in resident Chesapeake Bay bass. Prevalence has increased over the last decade and remains greater than 70 percent. Skin ulcers are present in only about 20 percent of the infected fish. That's a distinct minority of the fish that show these lesions.

The spleen is the primary target organ. You can see the spleen in the lower right there. Multiple species of mycobacteria have been isolated. One of their comments was that anglers may be culling the healthy fish out and leaving the obviously diseased fish, thus selecting for more diseased fish in the population overall.

Human health concerns exist due to the high level of contact between fish and anglers, and several known human pathogens have been identified in infected fish. Critical tools to address outstanding questions are under development. That's a brief summary of their talk, and the following talk also focused on the disease.

Eric May, Parnell Lewis, of the University of Maryland, Eastern Shore; Anthony Overton of East Carolina University and John Jacobs, who was one of the previous speakers from the NOAA Cooperative Oxford Lab; and Larry Helade from the University of Maryland, Eastern Shore, "Potential Impacts of Micobacteriosis in Striped Bass on Chesapeake and Atlantic Stocks."

Since the late 1980s, a series of differing infective bacteria have caused fish kills in the bay: streptococcus, edward ziella and now mycobacterium. Two processes have been identified in the symposium: altered predator-prey relationships of striped bass, suggesting possible poor nutrition, and chronic progressive mycobacterial infections.

This disease is progressive with a two-to-three year lag for mild infection to severe late infections with lesions in the spleen, head, kidney, liver, heart, skin and gonads, presumably leading to death.

Infected fish are present in the Atlantic Coastal migratory stock. Both the disease and the bioenergetic issues tell us that there is an imbalance in the system. The bioenergetic problem does not necessarily cause the infection but rather may exacerbate an existing infection or the rate of infection.

I neglected to add one talk in the written material, and that was by William S. Rodney and Kennedy Paynor of the University of Maryland titled, "Macro Faunal Assemblages on Restored and Unrestored Eastern Oyster Reefs, Implications for Striped Bass."

Their talk was on the restoration of oyster reefs and how that restores a significant increase in macro fauna associated with restored reefs that could supply additional forage base for striped bass and other predator fish.

There is a slide of the energy density in restored reefs versus unrestored. That one didn't copy too well; I'm sorry about that. This is their calculation. Their calculation was that a very significant amount of energy could be produced on restored reefs.

I think there is a little more, yes. They calculate 180 percent of the average yearly landings of striped bass from '76 to '84 in terms of the fish production that could have been lost equivalent to that.

A lot of the reefs in Chesapeake Bay are in very bad condition, and this talk was we've lost production potential forage for striped bass and other species in that. Okay, let's see, how am I doing for time here, Mr. Chairman? How much time do I have left?

CHAIRMAN TRAVELSTEAD: Yes, you're over your time now.

MR. KAHN: All right. Then I will just raise a couple of questions and stop talking here. In terms of management, I've been thinking how could the management process address this situation?

I don't know about how we could address a disease epidemic, although the one thing that I think is a potential avenue is the menhaden supply. I think there are some unaddressed questions, including the role of the fishery.

The stock of menhaden has been significantly reduced and, in fact, the median of the percent of maximum spawning potential since the 1950s, according to the assessment, is only 4 percent.

Now, normally, 30 percent is recommended as a target, and 20 percent is often considered an overfishing threshold, so it suggests a possibility that the Atlantic menhaden stock has been subject to recruitment overfishing, which could result in a reduced supply of forage-size menhaden for the current striped bass stock.

It's a question that I personally want to look at further, and I think that's one possible issue to explore for fisheries management. I'll stop there since I've taken up my time. Thank you very much.

CHAIRMAN TRAVELSTEAD: Thank you. Are there any quick questions or comments? Yes, Paul.

MR. DIODATI: I'll try to make it a quick question to Des. First of all, the symposium looks like it was a very good one, and your presentation was great. I guess, in looking at all this, I'm trying to focus on what it means for striped bass management.

Since all of these issues are focused in Chesapeake Bay, and I think you even go on to say here that whatever is going on in the bay, it affects only or

primarily male striped bass? So now we're talking maybe half the population.

As we all know, since striped bass migrate out of the bay as they get older, it's only the younger males so that's a smaller percentage than 50 percent.

It seems that once they leave the bay, because I know that we don't see any significant proportion of ill fish in Massachusetts, I'm assuming whatever is happening to fish in the bay, once they leave the bay they seem to recover. Well, at least that's my impression, because I'm not getting any indication of large numbers of migratory stock problems.

So, I'm wondering given that we're talking about a small percentage of those males, how much of a problem really is this for striped bass management? Because, when you read through and listen to you, it sounds pretty ominous at first, but as you get to the end, if you digest all of this, maybe it's nothing at all. I'm not too sure about this.

MR. KAHN: Well, I think you've raised some really good points. I was going to mention some of that if I had more time, but, unfortunately, the fish that are diseased do not always obviously appear to be diseased externally. That's one thing they tell us, so it's a question at this point what the impact will be on the migratory stock, Paul.

CHAIRMAN TRAVELSTEAD: Bill and then Gene then Jaime.

MR. WILLIAM GOLDSBOROUGH: Thank you, Mr. Chairman. First, I want to comment Des for, one, organizing that symposium; and two summarizing it for us here today.

I think what it does is it paints a picture from a number of different disciplines that is fairly consistent and echoes some concerns that have been brought to the Board previously over the last couple of years by various folks, including myself, but less formally than this.

I reference Jim Price's comments earlier today, as well. So, notwithstanding Paul's remarks, I think those are valid points, I do think, from a Chesapeake perspective, that we have a serious situation. We have an unbalanced food web.

We have a nutrition and health issue with striped bass that by all accounts is unprecedented. I'm not suggesting that the answer to this is obvious by any

means, but I think it's a situation that calls for more investigation.

It calls for serious consideration. I think Des has made a couple of points that might indicate avenues for further investigation. One is whether or not striped bass are finding sufficient forage in Chesapeake Bay.

The point about the oyster reefs should not be lost. We are at about 1 percent of historic abundance of oysters in the Bay; and to the extent that was an important forage base at one time, it is not now, and that puts that much more importance on the other sources of forage.

I don't know if this is appropriate to refer to the technical committee or not, Mr. Chairman, but I throw that out there, because I think this does warrant further investigation. I would just also comment on what Paul did bring up.

From my perspective, I don't think the rate of mycobacteriosis infection has been high enough long enough, given the lag time between nursery grounds and the migratory pattern, that they would see a high incidence in fish caught up in New England in the summer just yet, also given the VIMS conclusion that only 20 percent of the infected fish actually show signs on the outside. Thank you.

CHAIRMAN TRAVELSTEAD: Gene.

DR. KRAY: I just wanted to comment on both Paul's and Bill's remark about they're not carrying that disease. In November one of the striped bass that I caught in Cape May did have some lesions on it.

It wasn't as bad as some of the photos you showed there, but I could see the red marks on the sides and on the belly of the -- it was about a 34-inch striper.

My other question is there has been some suggestion on some of the recreational fishing boards that there is a particular commercial entity that is stripping the Chesapeake of its menhaden, and I was wondering if anyone had any similar ideas or questions about overfishing by a commercial entity in the Chesapeake Bay?

CHAIRMAN TRAVELSTEAD: Apparently not. Jaime.

DR. GEIGER: Thank you, Mr. Chairman. Again, I want to commend Des. It was an outstanding

symposium, very well attended. I think that the discussion was very robust. I think this indicates one issue that we all need to be aware of.

We're seeing more and more disturbing tendencies of wildlife and fish health issues impacting resource management. Certainly, we're seeing it with chronic wasting disease on deer, West Nile Disease on birds, and I think striped bass is the beginning of the harbinger that may affect inter-jurisdictional fisheries.

At one point in time, this Commission had some discussions, especially during the Pfiesteria outbreak, about forming a fish health committee either under the habitat committee or management and science.

I think we may want to reinvestigate or rediscuss some of those options. Certainly, given the status of the striped bass stock, given a whole variety of issues that striped bass drives within this Commission, I think it would behoove us to reconsider at least that particular approach.

Certainly, some of these disease outbreaks we may see may be just symptoms and symptomatic of more widespread issues related to habitat and water quality and so on, but just on the chance that they may not, that we may be seeing some increased instances of disease that may be more severe, we may want to seriously consider adding to our technical expertise relating to this Commission and being a little more proactive in the terms of fish health. Thank you, Mr. Chairman.

CHAIRMAN TRAVELSTEAD: Thank you. Pat and then Paul, then David.

MR. AUGUSTINE: Thank you, Mr. Chairman. In line with what has been said by the previous speakers, I was wondering if Mr. Goldsborough was suggesting that not only should this issue be looked at by the technical committee, but maybe we should not be thinking in the future, possibly near future, to look at a workshop to further address the issues within the Chesapeake as they relate to striped bass -- in this particular case, menhaden and the forage base there.

It almost sounded like -- the comments you made, Des, based on your workshop, you were suggesting that something more should be done. You highlighted some very specific issues that we should be looking at.

It's nice to put them on the table, but are we just going to say, gee, that was a great report. Is there any

interest in other Board members looking at this a little further without belaboring the point?

CHAIRMAN TRAVELSTEAD: Pat, unless there is objection, I would direct that all of this information be submitted to the technical committee for evaluation. I'm hoping tomorrow morning at the Menhaden Board meeting there may be some discussion about a workshop that tries to assemble all of this and get something out of it, I hope, for some further direction.

MR. AUGUSTINE: Thank you, Mr. Chairman, that was what I was alluding to. I knew there would be a follow-on conversation about this tomorrow.

CHAIRMAN TRAVELSTEAD: Paul.

MR. DIODATI: Yes, I just want to clarify, I hope the Board didn't think that my comments were meant to minimize concern for potential problems in the bay, because these papers clearly bring some compelling evidence that there is concern, that there may be problems in the bay.

I was just trying to put it in context with this Board's need for future actions, and on the surface I don't see one yet. Thank you.

CHAIRMAN TRAVELSTEAD: Thank you for that clarification. David.

MR. BORDEN: Thank you, Mr. Chairman. I just wanted to kind of pursue your point. If there is any scientific information that the overfishing targets and thresholds in the menhaden plan haven't been set at the appropriate level, I would ask that information be sent to the Menhaden Technical Committee.

CHAIRMAN TRAVELSTEAD: For those of you who sit on the Menhaden Board, at the last meeting there were requests by the technical committee for menhaden that there ought to be joint meetings between that group and our Striped Bass Technical Committee. It seems to me we need to start doing things like that to get a better handle on these issues. Ritchie.

MR. WHITE: Dave asked the question I was going to.

CHAIRMAN TRAVELSTEAD: Okay, Roy.

MR. MILLER: Thank you, Mr. Chairman. I just thought the group might be interested in some recent

results from Delaware. Last fall we had some striped bass analyzed, around 100 fish, for mycobacterium.

Our internal infection rate among those fish that were taken in Delaware Bay from gill nets set in Delaware Bay was 11 percent. That kind of gives you an idea of perhaps what the incidence is outside of the Chesapeake system. Thank you.

CHAIRMAN TRAVELSTEAD: I've said we should turn this over to the technical committee. I haven't been very specific in any charge that we've given them. If anyone wants to fill in that blank, they're welcome to. We're also quickly running out of time. Tom, on that issue.

MR. FOTE: Wouldn't it be more appropriate for management and science, since it's dealing with bluefish, striped bass, menhaden, all interaction?

CHAIRMAN TRAVELSTEAD: Well, I think we're going to need the full breadth of all of our scientists working on this type of issue, so it might be appropriate to send it to both groups, but I think we need to lay out precisely what we want those groups to do.

It may be appropriate to put this -- because we're out of time, let's put this back on the agenda for our next meeting where, perhaps, we will have quite a bit more time to think about this and lay out a course of action. You can also be thinking about this for the Menhaden Committee meeting tomorrow. Bill.

MR. GOLDSBOROUGH: I'm not sure which technical group should look at it, perhaps all, as you say, but I think what it boils down to is maybe two questions; one, to what extent do we have a trophic imbalance in Chesapeake Bay; and, two, what, if any, management options are before us for addressing that imbalance?

CHAIRMAN TRAVELSTEAD: Bob Beal.

MR. BEAL: Thank you, Mr. Chairman. Just on the point of who should tackle these issues that span a number of species, I think probably the proper process is for this Board to forward something to the Policy Board and have all the commissioners at the table and have a discussion on what type of activity they'd like to see on fish health issues and predator-prey relations and all those combined issues.

I think the management and science committee and the stock assessment committee all are tasked by the Policy Board, so it seems like it's a broader issue

than the Striped Bass Board. So taking it up at the Policy Board, initiating that discussion this week, there may be time for that or subsequent Policy Board meetings.

CHAIRMAN TRAVELSTEAD: Okay, that sounds like good advice. I think, too, we probably still need it back on the agenda of this Board for additional discussion at the next meeting. Unfortunately, we're going to have to move on and ask Anne Lange to update us on the EEZ issue.

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

MS. ANNE LANGE: Thank you, Mr. Chairman. They just put up the summary, and also there were handouts, I believe, that will be distributed during my talk. Basically, as I have indicated in the past, I'd like to keep the management board and everyone up to date on what our status is relative to the development of the draft environmental impact statement relative to opening the EEZ for striped bass.

Right now we are in the process of drafting the draft EIS. We've identified preliminary alternatives for that analysis, although we are in the process of sort of "tweaking" a couple of those, based on information that we get.

The analysis is including biological, environmental, economic and social impacts of the various alternatives. I've included in here again a preliminary list identifying what those alternatives are that we are evaluating.

The first alternative is the actual recommendation from the Commission, which was to open the EEZ to Atlantic striped bass harvest, again, following the Commission recommendation, which includes a 28-inch minimum size and to allow the states the ability to adopt more restrictive rules for fishermen and vessels licensed in their jurisdictions. That alternative is being evaluated.

Also, jumping to Alternative 4, which is the no action, status quo; again, that's straightforward, leave it closed alternative. The two alternatives that we're sort of "tweaking" right now are in your packet here:

Alternative 2, open the EEZ to striped bass harvest with a 28-inch minimum size, allow states the ability to adopt more restrictive rules for fishermen and vessels licensed in their jurisdiction -- which, again,

is the Commission's recommendation -- in addition to that, require circle hooks for all hook-and-line bait fishing, adopt a two-fish bag limit for recreational fishing and adopt one of the following sub-alternatives for the commercial fishery, either a commercial trip limit of 100 fish per trip -- now that number is based on the maximum that any one state allows at any one part of their commercial fishery.

Most of the states' commercial trip limits are significantly less than that, but we didn't want to impact the states that have higher trip limits at this point. If the maximum in any one state is lowered below 100, then our limit would be equally reduced.

The other sub-alternative to that would be to restrict commercial harvest to a bycatch-only fishery by imposing a limit of no more than "X" percent of the total catch or 100 fish, whichever is less.

That X is one of the things that we're in the process of trying to evaluate. We're looking at historical trip catch distributions to identify just what constitutes a directed or a bycatch fishery.

The other alternative is very similar to Alternative 2, again, open the EEZ to striped bass harvest, but this would require or restricted to hook-and-line gear only and require circle hooks for all bait fishing, 28-inch minimum size, states with the ability to adopt more restrictive measures for their vessels and fishermen, adopt a two-fish bag limit and adopt, again, one of the sub-alternatives for the commercial fishery, which would be a commercial trip limit of 100 fish or reduce it or restrict it to a bycatch-only fishery by imposing either a trip limit or a percentage limit, whichever is less.

Again, how to identify a bycatch fishery is one of the things that we're working on now. Whether or not that would be gear specific is another thing that we're working on. Again, we're just trying to keep everybody up to date on where we're at right now.

Other alternatives that we've considered but find to be infeasible for various reasons are to open the EEZ with no restrictions; to open it for recreational fishing only; to open it for catch and release only; to impose other minimum size limits besides the 28-inch minimum; to impose season or area closures; to prohibit gill netting; or to open the EEZ and apply state regulations.

Again, for various reasons, which we're in the process of finalizing or identifying, we found these to be not compatible with either the recommendation

from the Commission or with what we're allowed to do under the Striped Bass Act.

Our next steps related to the EIS is to finish the analyzes and draft the EIS; to announce the availability of the draft environmental impact statement; and to open a public comment period.

We'll hold public hearings on the draft EIS and associated alternatives. At that point, again, as I've mentioned in the past, we'll determine whether or not to move forward with the proposed rule.

One of the things that we're looking at right now is to make sure that everybody is aware of how we can get input from the public and from our state partners in the rule-making process. For us the input process would occur during the public comment period.

Since we are considered to be in rulemaking, once we provided the advance notice of proposed rulemaking last fall, and we are not currently in a comment period, we are unable to accept actual comments.

However, we are developing a mail list, e-mail, hard mail, postal mail, whatever you want to call it, a variety of options for people to provide us with their names, addresses, e-mails, information so that we can build those mail lists.

As soon as the draft is completed and as soon as we're ready to announce in the Federal Register that the draft is available and that we are opening for public comment, we can immediately provide everyone, who is interested, with either a Web address or a CD or a hard copy of the draft EIS so that they have the opportunity to have as long a period as possible to review it prior to our public hearings.

So, again, what we're doing is we're developing an e-and postal mailing lists of interested parties so we can distribute it. Again, we're in rulemaking, so we can't really have comments until that comment period opens.

The options that we have, again, are we'll develop an e-mail list for those individuals who are interested in receiving a notice that the draft EIS is available on our Website.

This, obviously, is our preferred alternative as far as public dissemination of the information is concerned in that it is very quick and very efficient and economical. We send out an e-mail to everyone who

has expressed an interest to receive that e-mail, and they can get access to the document on the Web.

We also have the option of sending a CD that contains the draft EIS to a postal address. We can get that postal address either through an e-mail or through hard mail. We also will provide hard copies.

Again, this is the most expensive option for mailing, for production and that type of thing, so we're hoping that people will, only if they absolutely need to, ask for a hard copy.

We're also working with others in our agency to get a list of libraries in the various coastal counties so that we can provide copies to the libraries and let people know that if we run out of hard copies, that they can go to their local library and get access to the document.

All right, as a part of our new e-comment process within the agency, we have set up an e-mail box for people to send information to. Again, we are not looking for comments right now.

This is strictly to get your name on the mail list or e-mail list. The e-mail address is stripedbass.eez@noaa.gov. So if you or your associates want to get on the e-mail list, they can send an e-mail to that address. We'll be updating it.

We'll be pulling the information off and developing our e-mail database. In addition, we've set up a fax number, again as part of our e-comments. For those individuals that don't have access to e-mail or don't have an e-mail address, they can send us a fax.

That fax will automatically be fed into the e-mail database, so it will go right into the same file that everyone else who is sending their information via e-mail. Individuals can also send a note to me at the address that's provided here. Again, those individuals' names or e-mail addresses will be added to the database.

The information that we will need, obviously, is the name of the person who is requesting the information, requesting a copy, the state that they're from and also e-mail or postal address, whichever one they prefer, and also the media they prefer to receive the EIS or the draft EIS on, whether they want an e-mail saying what the Web address is, a CD or a hard copy.

Again, we are anticipating and our goal is to complete the draft EIS by the end of August. We're

working very hard to try to get that done, to get the analyses done that are necessary and get the document completed by then.

This e-mail, this set-up, the stripedbass.eez@noaa.gov, the phone number and my mail will be available until shortly before the EIS goes out. Once the EIS is available -- and again there will be quite a bit of media coverage to announce that it is available -- these sources will be shut down for a short period, and everything will be pulled off into a separate database, after which these same sources will be reopened to receive public comments.

What we're trying to do is so people aren't confused and we're not sending out a bunch of different e-mail addresses or phone numbers, we'll be using the same e-mail address, the same phone number and obviously my same address to receive comments that we'll be using to receive information on people getting onto the mail lists.

So we'll shut it down for just a few days, clear it off and then reopen it to actually receive the public comments. The information is up here. Everyone should have a hard copy.

This announcement will be going onto our Fish News which is the agency newsletter that goes out each week to people on the mail list, and also we'll have press releases relative to this hopefully early next week so that the general public is aware. It will also be on our Website, again, how to get your name onto the e-mail or postal mail list.

CHAIRMAN TRAVELSTEAD: Thank you for that update, very good. Questions or comments. Pete.

MR. JENSEN: Anne, the usual construction of an EIS is you have a proposed action that you're evaluating, and then you have alternatives to the proposed action. This only deals with alternatives here. What is the proposed action that is the fundamental subject of the EIS?

MS. LANGE: What you're referring to is a preferred alternative.

MR. JENSEN: No, I'm referring to the usual construction of EIS. There is a proposed action, which is evaluated. Then you evaluate alternatives to that proposed action, so what is the proposed action that is being evaluated?

MS. LANGE: Under NEPA we are to evaluate all reasonable alternatives and at some point --

MR. JENSEN: But that's my point, alternatives to what?

MS. LANGE: Alternative management actions. What was referred to us is the actual Commission recommendation. That's the starting point. The no action alternative which is, no, we're not going to do that, we're not going to do anything is the other standard alternative.

In addition to that, we come up with other reasonable alternatives. Those are the two, Alternative 2 and 3 within the list that I've provided today. We are to, at some point, identify a preferred alternative, which I think is what you're talking about, Pete. We have not, as yet, determined which is our preferred alternative, because we have not yet completed our analyses.

MR. JENSEN: Well, but maybe I'm mistaken, and I haven't followed this close enough. I thought the Commission's proposal was to open up the EEZ and make it subject to the Commission's plan. That was the fundamental proposition.

MS. LANGE: Alternative 1 in the list I gave you was the Commission's recommendation to the Secretary of Commerce, which was to; one, open the EEZ to fishing, both commercial and recreational --

MR. JENSEN: Yes, but Number 1 has a 28-inch minimum size and a few other specifics.

MS. LANGE: No.

MR. JENSEN: We did not make that kind of a specific proposal.

MS. LANGE: Alternative 1 is open the EEZ to striped bass harvest following the recommendation 28-inch minimum size and allow the states the ability to adopt more restrictive rules for fishermen and vessels licensed in their jurisdiction.

MR. JENSEN: Well, maybe I haven't followed this close enough, but I thought the proposal was to do away with the federal EEZ and make management of striped bass in the EEZ subject to the ASMFC management plan without --

MS. LANGE: No. No, Alternative 1 here is the specific recommendation as the Secretary received it from the Commission. If that's not right, please let me know, but my understanding is that comes right from Amendment 6.

CHAIRMAN TRAVELSTEAD: No, you're correct. You're correct.

MS. LANGE: So what we are doing, again, under NEPA, the no action alternative is one of the standard actions that is included, which would be to keep it closed. Then other reasonable alternatives, somewhere around those is what we've looked at here.

CHAIRMAN TRAVELSTEAD: Okay, thank you, Anne. Gene.

DR. KRAY: Anne, I've asked this question before in another venue, but what would you project to be the timetable? I mean, you mentioned August the draft EIS being finished, then public hearing, and what follows after that?

MS. LANGE: Well, again, on one of these slides here, once we finish the draft EIS and announce it to the public and make it available to everyone, we'll have an open comment period. I expect that to be 45 days to 2 months, given the interest.

During that time period, we'll be holding public hearings up and down the coast as we did during the scoping process. Once that is completed and we have an opportunity to review the public comment, we'll incorporate that into our final EIS and we'll look at the document -- well, actually, let me back up.

Based on the public hearings, we'll make a decision whether or not to go forward with the proposed rule. My understanding is that if the no action alternative is what comes out of everything, the analysis and everything else, then there is no real need to go forward with rulemaking.

There would be a Federal Register announcement saying that this is the closure to this process, that we've done our draft environmental impact statement, we've gone through public hearings, we've incorporated everything and that the conclusion is that it's not appropriate to do it, and there would be an announcement to that effect.

If, however, one of the other alternatives is selected, then a proposed rule would be developed addressing the preferred alternative, the option that we were looking at going forward, proposing that that was the rule.

That would go out for public comment. There would be additional hearings. Subsequent to that, any edits

or changes would be made to the EIS to make it a final EIS. That would go out for public hearing -- excuse me, not public hearing, public comment.

After that the final rule would be developed based on, again, what happened in the proposed rule, the subsequent comments and the finalization of the EIS. So, in other words, we are shooting for January of 2005 to get at your basic question.

It's a fairly tight time schedule to go September through December to get all of that public review and inclusion in the document and the review completed if we do other than the no action alternative. But that is where our goal is, and we are working very hard to try to get that so that everyone knows what the bottom line is before the next fishing season.

CHAIRMAN TRAVELSTEAD: Thank you, Anne. I think we've got some other questions for you. We're quickly running out of time. David then Ritchie.

MR. BORDEN: Thank you, Mr. Chairman. This will be very quick. Anne, I may have missed it. The other alternatives considered, did you say considered and rejected, or are they actively being considered?

MS. LANGE: They've been considered, but for various reasons they are not feasible. Several of them don't meet the letter of the Striped Bass Act or the amendment, the recommendations from Amendment 6.

Others, the ability to evaluate them thoroughly, given that there has not been a fishery in the EEZ for the last 15 years makes it difficult to actually evaluate with current available data.

MR. BORDEN: Okay, so the ones that are listed there are really being considered in the category of considered and rejected, because they're infeasible for various reason?

MS. LANGE: Pretty much so at this point, yes.

CHAIRMAN TRAVELSTEAD: Ritchie.

MR. R. WHITE: I see a couple of the alternatives have circle hooks included in them. Does the Service have a written definition of a circle hook?

MS. LANGE: Not at this time. What we're trying to do is address the -- there are long-term discussions that have been ongoing within our agency, within the recreational sector, everywhere, that circle hooks is

the way that recreational fishing should go -- excuse me, that any hook-and-line fishing should go, especially relative to striped bass.

This is something that we're evaluating. We will be looking at what options there are for circle hooks. We'll be talking with the recreational industry.

What we're trying to do is accomplish something that has been very difficult for managers to accomplish with striped bass. We view this as an opportunity to initiate that change. Again, we will be looking to recreational experts or hook-and-line experts to identify specifics on that.

MR. R. WHITE: So there will be a definition then during the process?

MS. LANGE: Certainly, now that you've raised it to my attention, yes, sir.

CHAIRMAN TRAVELSTEAD: Tom.

MR. FOTE: I sat in on a conference call, I'm trying to think, with Lisa Kline about a year ago basically going through this with members of the industry, and we basically talked to how difficult it would be to put this in a regulation and how all these factors, how you size the hooks and everything.

There was a document put together. It's still floating around here. There was no consensus. We should bring that document to you.

CHAIRMAN TRAVELSTEAD: Staff will share that with you, Anne.

MS. LANGE: Thank you, Tom.

CHAIRMAN TRAVELSTEAD: Any other questions? Gil.

MR. POPE: Along those lines, just be sure if you are going to say "circle hooks" that -- remember now that different manufacturers, different sizes, I mean, it's going to be really intensive because Diachi and all those different makers, different sizes, it's quite complicated.

Also, I noticed that in Amendment 13 they're trying to do the same thing, and they're having a problem. I would think the depth of water would also be a real problem, that if you're going to be fishing for fish in 300 feet of water, that the mortality is going to be extremely serious.

Those are all factors that are included I think in Amendment 13 as well as in this. But, my question to you is how is the e-mail running as far as what you're already getting?

MS. LANGE: Excuse me?

MR. POPE: The e-mail that you're getting already about your opening the EEZ, are you getting any kind of negative or positive comments already?

MS. LANGE: Well, again, we are not in a comment period. We are in rulemaking. Ever since we published the advance notice of proposed rulemaking, that sort of puts us into the rule-making phase.

Until and unless we have an open comment period, we are not accepting comments, and, in fact, have not been receiving them. The e-mail address that is up here is being opened this afternoon. I requested our IT staff to set this up so that after I did the update here at the Board meeting, it would be available to Board members and to the public.

It hasn't been opened yet, and hopefully, people will realize, again, that we aren't accepting comments now. We're only getting people's names, addresses and e-mail -- how they want to get the document and the fact that they want to get it.

CHAIRMAN TRAVELSTEAD: Thank you, Anne. We're going to have to move on. Is there any other business to come before the Board? Vince, you had an item.

OTHER BUSINESS

EXECUTIVE DIRECTOR JOHN V. O'SHEA: Yes, Mr. Chairman, thank you. The U.S. Oceans Commission has given an opportunity for the governors to respond to the preliminary report. The Commission on Ocean Policy Committee had developed some thoughts to the preliminary report.

Those have been now incorporated in a letter that would go out under Chairman Nelson's signature. Now, staff is coming around right now, Mr. Chairman, with a copy of that draft letter. I wanted to hand it out at this time, because we have most of the members sitting around this Board, and we would discuss it during the Executive Committee tomorrow.

Rather than lay paper on you during that meeting, I thought I would get it out to you a day ahead of time,

so thank you for your indulgence, Mr. Chairman, in letting me do that.

CHAIRMAN TRAVELSTEAD: No problem. Any further business for the Board? Is there a motion to adjourn?

MR. AUGUSTINE: So moved.

CHAIRMAN TRAVELSTEAD: We are adjourned. Thank you.

(Whereupon, the meeting was adjourned at 1:25 o'clock p.m., May 25, 2004.)

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