

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

Crowne Plaza Hotel - Old Town
Alexandria, Virginia
August 7, 2012

Approved October 2012

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1. **Approval of Agenda** by consent (Page 1).
2. **Approval of Proceedings of May 1, 2012** by consent (Page 1).
3. **Move to approve Option 2 for Section 3.1, Commercial Tag and Program Implementation** (Page 4). Motion by Pat Augustine; second by Tom Fote. Motion carried (Page 5).
4. **Move to approve Option 1 under Category A** (Page 5). Motion by A.C. Carpenter; second by Rick Bellavance. Motion carried (Page 9).
5. **Move to approve Option 2, Suboption A for Category B** (Page 10). Motion by Ritchie White; second by Pat Augustine. Motion carried (Page 13).
6. **Move to substitute to approve Option 1 for Category B** (Page 12). Motion by Paul Diodati; second by Rick Bellavance. Motion carried as the main motion (Page 13).
7. **Move to approve Option 2 under Category C** (Page 13). Motion by A.C. Carpenter; second by Pat Augustine. Motion carried (Page 13).
8. **Move to approve approve Option 2 under Category D** (Page 13). Motion by Pat Augustine; second by Roy Miller. Motion carried (Page 14).
9. **Move to adopt Option 2 under Category E** (Page 14). Motion by Pat Augustine; second by Rob O'Reilly. Motion carried (Page 14).
10. **Move to approve Option 2 under Category F** (Page 14). Motion by Pat Augustine; second by Russ Allen. Motion carried (Page 16).
11. **Move to approve Option 2 under Category G** (Page 16). Motion by Pat Augustine; second by Russ Allen. Motion carried (Page 16).
12. **Move to include Section 3.2, penalty recommendations to the states** (Page 16). Motion by Pat Augustine; second by Loren Lustig. Motion carried (Page 16).
13. **Move to implement measures adopted in Addendum III by the opening of the commercial fishing season in each state in 2013 with the exception that Massachusetts and North Carolina must be implemented by January 1, 2014** (Page 17). Motion by Pat Augustine; second by A.C. Carpenter. Motion carried (Page 17).
14. **Move to accept Addendum III to the ISFMP for Striped Bass** (Page 17). Motion by Pat Augustine; second by Bill Adler. Motion carried (Page 19).
15. **Motion to extend the beginning of the Virginia commercial striped bass season from February 1st to January 16th** (Page 20). Motion by James Gilmore; second by Bill Cole. Motion carried (Page 20).
16. **Move to nominate Mike Celestino to the Striped Bass Stock Assessment Subcommittee** (Page 20). Motion by Russ Allen; second by Pat Augustine. Motion carried (Page 20).
17. **Motion to adjourn** by consent (Page 20).

ATTENDANCE

Board Members

Steve Train, ME (GA)	Adam Nowalsky, NJ, proxy for Asm. Albano (LA)
G. Ritchie White, NH (GA)	Leroy Young, PA, proxy for J. Arway (AA)
Doug Grout, NH (AA)	Loren Lustig, PA (GA)
Rep. David Watters, NH (LA)	Bernie Pankowski, DE, proxy for Sen. Venables (LA)
Rep. Sarah Peake, MA (LA)	Roy Miller, DE (GA)
Paul Diodati, MA (AA)	Tom O'Connell, MD (AA)
Bill Adler, MA (GA)	Russell Dize, MD, proxy for Sen. Colburn (LA)
Robert Ballou, RI (AA)	Bill Goldsborough, MD (GA)
Bill McElroy, RI (GA)	Rob O'Reilly, VA, proxy for J. Travelstead (AA)
Rick Bellavance, RI, proxy for Rep. Peter Martin (LA)	Cathy Davenport, VA (GA)
David Simpson, CT (AA)	Kyle Schick, VA, proxy for Sen. Stuart (LA)
Lance Stewart, CT (GA)	Bill Cole, NC (GA)
James Gilmore, NY (AA)	Michelle Duval, NC, proxy for L. Daniel (AA)
Brian Culhane, NY, proxy for Sen. Johnson (LA)	A.C. Carpenter, PRFC
Pat Augustine, NY (GA)	Dan Ryan, DC
Russ Allen, NJ, proxy for D. Chanda (AA)	Steve Meyers, NMFS
Tom Fote, NJ (GA)	Jaime Geiger, USFWS

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

Ex-Officio Members

Alexei Sharov, Technical Committee Chair

Kelly Place, Advisory Panel Chair

Staff

Robert Beal
Kate Taylor

Mike Waine

Guests

Wilson Laney, US FWS
Bob Ross, NMFS
Charles Lynch, NOAA
Peter Himchak, NJ DFW
Ross Self, SC DNR
Andrew Turner, NOAA
Adam Davis, Chesapeake Research Consortium
Jeff Kaelin, Lund's Fisheries
Matt Cieri, ME DMR

Jud Crawford, Pew Charitable Trusts
Fred Akers, Great Egg Harbor River Council
Lindsey Fullenkamp, NOAA
Ken Hastings, Mason Springs Conservancy
John Pedrick, Philadelphia, PA
Lloyd Ingerson, MD NR Police
Raymond Kane, CHOIR
Patrick Paquette, MA SBA

The Atlantic Striped Bass Management Board of the Atlantic States Marine Fisheries Commission convened in the Presidential Ballroom of the Crowne Plaza Hotel, Alexandria, Virginia, August 7, 2012, and was called to order at 2:15 o'clock p.m. by Chairman Tomas O'Connell.

CALL TO ORDER

CHAIRMAN THOMAS O'CONNELL: Good afternoon, everyone. My name is Tom O'Connell and I will be chairing the Striped Bass Management Board Meeting today. I would like to call the meeting to order and welcome everybody.

APPROVAL OF AGENDA

CHAIRMAN THOMAS O'CONNELL: Everyone should have a copy of the agenda, and the first order of business is to approve the agenda.

There is one modification that we will add between five and six. That will be to consider adding membership to the stock assessment committee. Are there any other modifications that the board would like to consider at this time? Seeing none, the agenda will stand approved as modified.

APPROVAL OF PROCEEDINGS

CHAIRMAN THOMAS O'CONNELL: The second item on our agenda is approval of our proceedings from May 1, 2012. Are there any modifications to be requested from those proceedings? Seeing none, those proceedings will stand approved.

Before we get into the public comment, just to kind of provide a broad overview of our agenda today, it focuses on Draft Addendum III, which the board initiated in February of this year with the focus on law enforcement following forward with the recommendations from the Interstate Watershed Task Force. Today's agenda is focused on hearing what the public had to say about that draft addendum and taking final action.

We also have a request from Virginia for an alternative management and an addition of a stock assessment committee membership.

PUBLIC COMMENT

CHAIRMAN THOMAS O'CONNELL: At this point in time is there anybody from the public that would like to provide comment to the board on items that are not on the agenda? Mr. Price, do you want to come up to the microphone?

MR. JAMES PRICE: My name is James Price, and I am President of the Chesapeake Bay Ecological Foundation. Thank for the opportunity to speak. I felt obligated to inform the commission about an important discovery concerning striped bass mortality in the Maryland section of the Chesapeake Bay.

I was unable to distribute the final copies of my summary and charts before the meeting. However, you have been given some copies today. For years no one has been able to explain with any certainty why striped bass appear to be dying from increased natural mortality in the Chesapeake Bay. Over the past several weeks a number of events have taken place that have helped answer the question. Copies of the explanation, including charts, will be soon available on the Chesapeake Bay Ecological Foundation's Website.

I presented this information to an ASMFC Striped Bass Technical Committee Workshop last week in Philadelphia. Ongoing research by the Chesapeake Bay Ecological Foundation has determined that the male-to-female sex ratio of striped bass in the 18 to 28-inch range has dramatically declined in the Maryland section of the Chesapeake Bay since 2010, indicating that male striped bass are experiencing a much higher natural mortality rate than female striped bass of similar age.

This disparity results from divergent ages at sexual maturity. The males are about two to three and females five to eight. Visceral fat in the abdominal cavity accumulated by striped bass when feeding primarily on fish, predominantly menhaden, during late fall and winter is utilized for gonadal development prior to spawning in the spring.

Therefore, in order to sustain normal physiological functions, including growth, larger post-spawning males over 18 inches must replenish their visceral fat during late spring before summer temperatures limits their success in capturing prey fish. During summer prey fish consumption is minimal and bottom-dwelling prey dominates their diet.

With current depletion of prey fish in the Upper Bay, particularly sub-adult menhaden less than ten inches and adult bay anchovy, post-spawning males cannot adequately replenish their fat reserves and therefore are vulnerable to malnutrition, disease and increased mortality. Since immature female striped bass don't spawn, accumulated winter fat is not depleted.

Consequently, these fat reserves help sustain their nutritional state until consumption of menhaden

resumes in late fall. Maryland DNR tagging studies also indicate adult male striped bass natural mortality rates have risen. Dissection data collected from over 8,000 striped bass since 2006 indicates that malnutrition and starvation in Upper Bay adult male striped bass is a consequence of ecological depletion of young menhaden less than ten inches, adult bay anchovy, juvenile spot and croaker.

Year-round studies of Upper Bay resident striped bass over 18 inches determined in most years since 2006 menhaden constituted over 75 percent of their diet by weight. The Chesapeake Bay provides the principal spawning and nursery areas for striped bass. Historically the Upper Bay provided an ideal ecosystem for reproduction, survival and growth for high numbers of healthy striped bass.

This natural productivity has deteriorated due to severe declines and fluctuations in populations of forage fish, primarily Atlantic menhaden, bay anchovy, river herring and spot. Upper Bay striped bass exceeding 18 inches in length consume few prey fish during summer months when water temperatures exceed 70 degrees Fahrenheit and consequently experience a significant loss of weight.

However, immature females don't use accumulated fall winter fat reserves for egg development or undergo the stress of spawning. Therefore, these young females experience less mortality from malnutrition and disease than adult males of similar age. During early summer of 2006 to 2009 the average ratio of adult male to immature female striped bass, 18 to 28 inches long, was approximately 17 to 1 in the Upper Bay. That is a little bit higher roughly what the historical average is thought to be.

In the late spring of 2010 30 percent of the adult male striped bass had no visceral fat, the highest percentage during the study, which was followed in the fall by the largest decline in sex ratios of adult males to immature females. From late spring to early summer of 2010 through 2012, the adult male to immature female sex ratio average decreased to approximately three to one, providing evidence that a disproportionate number of adult male striped bass are experiencing an increased rate of natural mortality that threatens the striped bass fishery in the Chesapeake Bay.

If you look on the back of the summary that I passed out, you'll see charts that I think are fairly explanatory. The top chart shows you the decline in the percentage of adult males in the Bay and the ratios are also given in the square in the bar chart.

Then at the bottom you can see the average percentage of striped bass with no visceral fat; how over the last three years those fish, the percentage has gone up and the fish are showing the signs of starvation. Then when you look at the other chart you can see the ratio corresponds with this same period where it has gone down to three to one. Any questions? Thank you.

CHAIRMAN O'CONNELL: Thank you, Mr. Price. The information was provided to the Striped Bass Technical Committee at their meeting last week. Any other members from the public? All right, moving forward, Agenda Item 4 is Draft Addendum III. Kate is going to provide us with a brief overview and then a summary of public comments.

DRAFT ADDENDUM III

REVIEW OF DRAFT ADDENDUM III

MS. KATE TAYLOR: I'll be providing a brief overview of the addendum that was included with your briefing material and then review the public comment that was received. As you may recall through the previous board briefings, the Interstate Watershed Task Force investigation within the Chesapeake Bay resulted in over \$1.6 million levied against 19 individuals and 3 corporations for than one million pounds of illegally harvested striped bass worth up to \$7 million.

These investigations revealed that the control measures in place for regulating harvest were ineffective or inadequately designed to maximize compliance. Additionally, greater accountability of wholesalers would be difficult to achieve without uniform tags and tagging requirements, valid year and size limits inscribed on the tags, and increased dealer compliance education.

In response, the board initiated Draft Addendum III with the objective that illegal harvest of striped bass has the potential to undermine the sustainability of striped bass populations on the Atlantic Coast as well as reduce the economic opportunities of commercial fishermen who are legally participating in the fishery.

Pages 9 through 20 of the draft addendum contain information on the states that currently have a commercial striped bass fishery and information on their program implementation. Getting into the management measures of the documents, the main item for board consideration is the commercial tagging program implementation.

Option 1 would be the status quo and Option 2 would be a mandatory tagging program. Under this option, states would be required to implement a tagging program when striped bass are commercially harvested within the state or jurisdictional waters. This is the LEC recommendation. If the board goes forward with Option 2, there are a number of other categories that the board will have to address.

The first one is the tag information and type. Option 1 would be for a state program where states would be required to submit annually to ASMFC commercial tag color, style and inscriptions for all years. Option 2 would be for a uniform tagging program, and this is the LEC recommendation with some modification.

That modification is that the LEC recognizes the desirability of continuing to use more than one color tag to identify fish caught in certain gears or areas. Nonetheless, the LEC recommends a uniform tagging program should be developed by the board which incorporates the requirement spelled out in Option 1 while allowing some flexibility to states in their use of more than one tag color per year.

The overall goal, however, should be to use a standard color or colors each year among all of the states. Category B deals with tag timing. The first option is the no action alternative. The second option is for a point of harvest tagging. This would refer to either after removing the fish from the gear, prior to attending another piece of gear, moving beyond a specified distance from the gear or before removing the fish from the boat.

The board can make the determination on how they would like that specified, and exceptions are permitted for safety concerns. Under this point of harvest option, there is Suboption 1, which this would be implemented coastwide for all states or jurisdictions with a commercial fishery. Suboption 2 would be for any programs that are only initiated after the approval of this addendum, and that's the LEC recommendation.

Option 3 is for point of sale tagging, otherwise known as dealer tagging. Again, Suboption 1 would be coastwide for states with a commercial fishery, and Suboption 2 would be for any programs initiated through this addendum. Category C deals with tag allowance. Option 1 is the no action alternative. Option 2 would be for a biological tag allowance, and this is the LEC recommendation.

Category D deals with tag accounting. Option 1 again is the no action alternative. Option 2 is for tag

accountability and this is the LEC recommendation. This would require any commercial tagging program must require permit holders issued tags to turn tags in or provide an accounting report for any unused tags prior to the start of the next fishing season.

Category E deals with tag reporting. Option 1 is the no action alternative. Option 2 would require ACCSP standards, which would be a minimum of monthly reporting, and this is the LEC recommendation. There is a table in this option which highlights the current requirements that are currently in place.

Category F deals with exportation. Option 1 is the no action alternative. Option 2 is the LEC recommendation, which would require that under a mandatory commercial tagging program it would be unlawful to purchase striped bass without a commercial tag. This is to prevent the sale of striped bass into a state or jurisdiction where there is currently no commercial fishery.

Category G deals with processing. Option 1 is the no action alternative. Option 2 is the LEC recommendation where tags must remain affixed until processed for consumption by the consumer. There may be some issues that the board has to consider when large striped bass are filleted into multiple fillets and sent to different markets. The draft addendum also contains some recommended penalties. Mainly it is recommended that states and jurisdictions strengthen their penalties for striped bass violations so the penalties are sufficient to deter illegal harvest of striped bass. The implementation schedule will depend on the measures that may be approved by the board and the ability for states to respond. Many states already have contracts in place for purchasing 2013 commercial tags. Thank you, Mr. Chairman.

CHAIRMAN O'CONNELL: Before we get to the public comments, does the board have any questions? Yes, Rob.

MR. ROB O'REILLY: Just a minor correction; on Page 26 under C, tag allowance, Virginia is used as an example, and it is not quite the way it is written that the tags are based on the previous year's average catch. What it really is it's an individual-based weight quota, and so it is the average weight that goes along with any particular fisherman's catch from the previous year. It is based on weight, which conforms with the recommendation.

CHAIRMAN O'CONNELL: Thanks, Rob. Seeing no other questions, Kate, can you provide the board a summary of the public comment?

SUMMARY OF THE PUBLIC COMMENT

MS. TAYLOR: Every state with a commercial fishery held a public hearing with the exception of the Potomac River Fisheries Commission. In total, 44 people attended the seven public hearings. I would just note that 26 of those 44 were in attendance at the Maryland hearing. There was no public attendance at three hearings. Those were in Rhode Island, Delaware and North Carolina.

In regards to tagging program implementation, all comments received at the public hearings were in favor of a mandatory commercial tagging program. Comments received varied on the different categories. With regard to tag information, the majority of the people at public hearing supported a state program.

In regards to tag timing, the majority of the people at public hearing supported point of harvest tagging. There were many concerns that were expressed for the safety of the fishermen. Under tag allowance, all comments received on this issue were in favor of Option 1, the no action alternative. Those were all received at the Maryland public hearing.

Under the tag accounting, reporting, processing and exportation categories, all comments received on these issues were in favor of Option 2. Additional comments that were received included fishermen should be tagging the fish before they come off the boat and immediately when removed due to safety concerns.

Tagging requirements could depend on the type of gear. If fishermen start paying for their tags, the number of active fishermen could decline. There was concern for fishermen not having access to tags when they have fish. It was brought up there is reduced discarding in ITQ fisheries and ASMFC needs to adjust the discarding rate used in the quota allocation.

The public comment period did run from May 22nd to July 3rd. In total 24 individuals submitted comments. Three organizations also submitted comments; the New Jersey Coast Anglers Association, the Atlantic Surf Casters Club, and the New York Coalition for Recreational Fishing. There were two organizations that had form letters coming into ASMFC. One was from Strippers Forever and the other was an unknown organization.

All of the comments received were in favor of a mandatory commercial tagging program. Under the category of tag information, the majority of written comments or e-mail comments received were in favor of a uniform tagging program. Under tag timing, all the comments received were in favor of point of harvest tagging, and there was one comment in favor of the coast-wide requirements.

All comments received either by e-mail or in mail that addressed Category C through G were in favor of Option 2, and there was support expressed for increased penalties. Additional comments that were received included legal practices and overharvest are far more commonplace than we would like to believe but are difficult to prove with limited resources; that the actions or inactions taken by one state affects all of the others; that even significantly larger fines too often are regarded as only the cost of doing business to some fishermen; the striped bass numbers in the North Atlantic Coastline are declining drastically; to stop all commercial fishing and also that the recreational fishery needs to be addressed. Thank you, Mr. Chairman.

CHAIRMAN O'CONNELL: Thank you, Kate. Before we get into the discussion, I failed to mention that we are fortunate today to have Mr. Hittenbach, Mr. Ingerson, Mr. Bailey and Mr. Endress, who have put in a lot of time in regards to this law enforcement issue and are to answer to any questions that you may have that they would be more appropriate to respond to. They are a resource here for you guys.

CONSIDERATION OF FINAL APPROVAL OF ADDENDUM III

CHAIRMAN O'CONNELL: We're going to move into consideration of final approval of Addendum III. I think Kate provided a good overview of the items that we need to discuss. We can have some general discussion or kind of move into what I think the first question that needs to be answered is 3.1, whether or not the board wants to move forward with a mandatory tagging program. If so, then there are six other issues that the board needs to have some discussion on and then lastly with the penalties. Mr. Augustine.

MR. PATRICK AUGUSTINE: **Mr. Chairman, would you entertain a motion that the board approves 3.1, Option 2?**

CHAIRMAN O'CONNELL: Yes, I would entertain that motion at this time.

MR. AUGUSTINE: I make that motion, Mr. Chairman.

CHAIRMAN O'CONNELL: Tom Fote, is that a second? All right, we have a motion move to approve Option 2 for Section 3.1, Commercial Tag and Program Implementation; made by Mr. Augustine; seconded by Mr. Fote. Discussion on the motion? Mr. Augustine.

MR. AUGUSTINE: To the point, Mr. Chairman, I thank the Law Enforcement Committee. They did an outstanding job in presenting what their recommendations were to capture the harvest and sale of striped bass up and down the coast. Their efforts have produced very admirable results in terms of encapsulating a lot of this illegal activity that is going on. There is still a lot of illegal activity going on, and I think this will further reduce that. Once we can accept this coastwide, we move forward with it and I think we'll all hit a homerun.

CHAIRMAN O'CONNELL: Thanks, Pat. Any other comments? Seeing none, does the board need to caucus on the motion? All right, we will call the question. All those in favor please raise your right hand. **The motion carries unanimously.** A.C., you have a question?

MR. A.C. CARPENTER: Whenever you're ready for a motion.

CHAIRMAN O'CONNELL: Go ahead, A.C.

MR. CARPENTER: **A motion to approve Option 1 under Item A as written.**

CHAIRMAN O'CONNELL: We've got a motion to approve Option 1 under Category A. Motion made by Mr. Carpenter; second by Rick Bellavance. All right, discussion on the motion. Under this option states would still have the flexibility to use multi-colored tags, which is an issue that has been brought to the attention. I know in the discussion with law enforcement, they do see the tradeoffs to having standardized colored and multi-colored, but this option would standardize some of the information that would be on the tag. Mr. Clark.

MR. JOHN CLARK: Mr. Chairman, I was just curious was the modified recommendation from the Law Enforcement Committee be that there is uniform colors based on the fishery so that each state would have the same color tag depending on the fishery or were they just for a uniform color for everything?

CHAIRMAN O'CONNELL: Do one of you guys want to respond to that? Kate has got it.

MS. TAYLOR: The LEC recommendation was for modifications that would require the specification that is under Option 1 that the tag must be tamper-evident; the tags are required to be valid for only a one-year season; tags are required to be inscribed with year of issue, the state of issue and a unique number; and then where possible tags should also be inscribed with the size limit, the permit holder's identification number; but then also it would require that the board develop the colors that would be used in any given year, so there would be standardization in the colors.

MR. CLARK: It could be more than one color?

MS. TAYLOR: There could be more than one color. Yes, that is specified in the document and could be however many colors the board chooses.

MR. WILLIAM A. ADLER: Point of order or something; the motion that Pat Augustine made had a discussion and then there was a move to call the question. There was a vote. Was the vote to call the question or move the actual –

CHAIRMAN O'CONNELL: My understanding the vote was on the motion that was made by Mr. Augustine. Was that not clear to anybody?

MR. ADLER: Well, it wasn't clear to me because at the last board meeting we had a vote every time somebody called the question.

CHAIRMAN O'CONNELL: I will try to clarify that better in the future, Bill. Mr. Fote.

MR. FOTE: That is only if somebody requests a vote on calling the question. You don't have to do that if nobody requests a vote.

CHAIRMAN O'CONNELL: All right, any other discussion on this motion? Mr. Geiger.

DR. JAIME GEIGER: Mr. Chairman, I guess I would ask some clarification on what are some of the constraints against Option 2, uniform tagging program? Is it an issue of funding; is it an issue for – I'm still unsure what is the resistance to Option 2 as expressed by one or more of the folks around this table.

CHAIRMAN O'CONNELL: Others may want to chime but what I have heard leading up to this meeting is while there are some benefits to a uniform

color tag in interstate commerce, there are also some benefits in-state for having multi-colored tags by gear type or by seasons. Are there other board members that want to also respond to Mr. Geiger? Mr. Carpenter.

MR. CARPENTER: I made the motion because I think we've got the longest standing tagging system along the east coast. It's well established and we think we know what we're doing pretty well. I think the other concern with the uniform tag is you now begin to consider a cost as well as do you have to buy them through ASMFC or do we have a supplier?

If it ain't broke, it doesn't need fixing, and I don't think this needs to be – the basic tagging issue is they all need to be tagged. As far as law enforcement goes, if you have the minimum requirement information on the tag, regardless of what color it is, law enforcement can do their job.

DR. MICHELLE DUVAL: Mr. Chairman, my understanding is that Option 1 doesn't preclude the board or states coming together to decide that perhaps for the ocean fishery, which is a major commercial fishery. I understand that both Maryland and Virginia and PRFC use different colors for different gear types.

This does not preclude the board from coming to some agreement to say, well, we want to use a blue tag for this upcoming year for most of the ocean-related fisheries; does it? I would assume that we would still have the option to do something like that in the future. North Carolina is slightly different in that we use – the three different colors of tags that we use are representative of different areas.

We have one for the ocean fishery; one for our Albemarle Sound fishery; and then one for our central southern fishery, which is outside of ASMFC, which is different than other states that are using different tag colors. It still seems to me that if the board chose to want to use one single tag color for the majority of the ocean fisheries, this would not prevent us from doing so down the road. That's all I wanted to clarify.

CHAIRMAN O'CONNELL: All right, Kate is saying that is possible. It is kind of up to the board to decide. Roy.

MR. ROY MILLER: Mr. Chairman, I just wanted to clarify to the LEC the difference between Option 1 and Option 2 in this Category A is just color, uniform color. That's the only difference. Otherwise, all the

provisions that are listed under Option 1 would have applied to Option 2 as well. It is just that the color would be uniform. That is the only difference that we're talking about is color?

CHAIRMAN O'CONNELL: I think that is the principal difference; and just to point out that Option 1, the size limit and the permit holder's identification is not a requirement, but it would be to add to the tag if possible. Whether or not that would have been a requirement with a uniform standard tagging program for the coast under Option 2, I don't know, but the color is the principal difference, Roy. Tom.

MR. FOTE: I think if you just put a friendly amendment in there saying that if states want to regionalize; say like Massachusetts and Rhode Island want to use the same color tag, they can do that. That is always an option in the plan. I don't see where we have to make them come back to the board, so just as a friendly amendment one of those options is if states want to regionalize their color of tag in their certain area for the year and implement that, that would be up to them.

MR. CARPENTER: Tom, I don't think you need have a friendly amendment. I think if you read it, each state has got to submit a plan. As long as the board approves the three states using blue, it is a done deal. I don't think that is necessary.

MR. FOTE: All I was trying to do is address Michelle's question and I thought that would be just the easiest.

MR. AUGUSTINE: Mr. Chairman, another point. Back to that point of Option A, so are we assuming now that the states that are going to keep their same tagging system will have the better part of the information on their tags? In other words, what the law enforcement people are looking for was minimum size; state of issue, which they have now which have the unique number linked back to the permit holder and so on.

So, what will your tags not have that law enforcement is requiring? I know in New York they're just given a permit number and that is good for a particular year. It doesn't give the other information that the law enforcement people were looking for. I think they were looking for clarity so it had the size limit, actual legal size limit for the animal in that particular state. I think that is what you were looking for; wasn't it.

I think if we can hear from the law enforcement group, that might be a little helpful. Again, it may not be possible to do that with the existing state's tag that you have; but if this is going to help them, I'm wondering if you can add that information to your tags without a tremendous additional cost. It would be helpful particularly for the interstate commerce portion of that. If we hear from law enforcement, I would appreciate it.

CHAIRMAN O'CONNELL: And just before do, just to make sure everyone is on the same page, Option 1, information that would be required on the tag would be the state of issue, a unique number that could be linked to the permit holder and the year; and where possible the size limit and the permit holder's identification number; and if law enforcement would want to provide the board some feedback on those that are discretionary. Wayne.

MR. WAYNE HITTENBACH: I'll field that for them for them. Otherwise, I would have Lloyd do it, but Lloyd has go bronchitis and not able to speak so much today. I know you all know him better than you know me. The goal here with our recommendation, just to keep in mind what we're trying to achieve, the idea of getting to as few colors as possible up and down the coast is important for accountability in the marketplace for once the fish leave the boat and they're traveling in interstate commerce.

It is virtually impossible to hold wholesalers accountable when there is a literal rainbow of colors that show up in their cold storage or in their freezer in the same year. If you can get that number of colors down from all the states to say it is three colors this year – it's red, white and blue – and if you see a fish that doesn't have a red, white or blue tag, it is an illegal fish this year.

Something with that kind of clarity of message makes it easy to educate wholesalers. Again, I recognize there is a tradeoff here between ease of enforceability on the water versus ease increasing compliance; but I think if you can – the recommendation was meant to provide enough flexibility to allow by having a mandatory color system, so at least it would be the same colors in each state each year however the state wants to use them.

If they want to do it for ocean versus inland, fine. If they want to do it by different gear types for PRFC, then they have to consolidate some to get down to three or four colors – whatever that number is, that is the purpose of the color. To address some of the

concerns I heard, it wouldn't be a matter of – I don't think any of the law enforcement recommended proposals says that the board is going to decide where every state has to buy their tags from. That is not what it says.

It just says you have to do the color and you have to have this information. There isn't some sort of top/down force going to require all of the states to buy from the same person and do the same purchasing. That is not what the proposals say. And then as far as cost, we've done some research on cost.

For example, in the PRFC, according to their reports, they issued something like 107,000 tags last year. I personally spoke to two manufacturers in the last two weeks and they said that at tag runs of more than a couple thousand, the extra cost for printing up to two lines of 14 characters per text, they don't charge any extra for that.

When you're dealing with the volume of tags that are being issued – and I have two companies that I talked to and this is back of the envelope numbers, and the prices were down to something like eighteen cents per tag. In our discussions today, I know Lloyd, they print various things on the tag and they're at about fourteen cents a tag in Maryland.

The notion that putting this information on is an extreme cost; yes, there may be a slight cost, but it is minimal. If you break that cost down, for example, in the PRFC – well, the two distributors that I talked to said no difference in cost at that volume of tag for a – if you're printing something like PRFC on or Maryland, to then add other lines; no difference in cost.

The key thing here is to try to get it down to as few colors as possible, give the states as much flexibility as they have, and then to – the size limitation is important to let wholesalers – if you're someone buying this fish and it comes in with a tag that says you've got a slot limit of 18 to 36 and it is a 54-inch fish, there is at least fighting chance then that wholesaler is going to say, whoa, I'm not taking this, and so we get compliance in the marketplace even if law enforcement isn't there.

And if a wholesaler does take it, you have the ability to say you're holding a fish that has a tag on it that says 18 to 36-inch maximum, and you're sitting there holding a 54-inch fish, that gives a chance at enforcement. And this is not a hypothetical exercise. In our investigation there were fish coming out of Maryland but more particularly out of Virginia and

the PRFC going to wholesalers where the fish were 50 and 60 inches in size at a time period when there was a slot size of 18 to 36 inches at that particular time.

The wholesaler's defense was I can't keep track of all the different size limits from all the different states and all the different times, and I can't keep track of these tags with so many colors. And there is something to that; and so by going with the recommendation that we've adopted, that is why we did it. I don't think the cost is there. Reducing the number of colors to as few as possible is going to help enforcement. We felt the proposal struck a balance and that is why we went with that recommended proposal.

MR. AUGUSTINE: I appreciate that explanation, and that is why I was concerned that if states were going to keep the same tags and same colors they have, would it be possible for them to make sure that they included that point, the minimum size or size range of slots. Until we get to that point in time, we minimize the total number of colors we have, that may be the next step.

It seemed to me that current iteration calls for including that range size, minimum, maximum, by that state, and I think that would help the whole system tremendously. I guess I would ask the question of the board is it possible for you to talk to your folks that make your tags to include that information and are there states that would have a problem doing that. Would it require you, Mr. Chairman, to accept a motion that we require that as part of Option 2, that we would expect states to include on their tagging program. I'll leave it up to you, Mr. Chairman, which way you want to go.

CHAIRMAN O'CONNELL: Yes, I think Option 1 at this point in time, it's an option for the state to consider doing but not a requirement. From Maryland's perspective, we're interested in adding the size limit given the recommendation from the Law Enforcement Committee, but it would be optional at this point in time the way the motion is written. Tom.

MR. FOTE: The questions I want to ask; after listening to law enforcement, I think we could have three colors in a state, but all the states have the same three colors. That would make it an easy way of enforcement. I have done tags for a couple of my fishing clubs, and we know cost comes in modifying lines. When you're doing that volume, it usually doesn't cost.

That is what I wanted to make sure I asked A.C. about. I think if we could add those two things, require this information to be on a tag, it should be on the tag. If it is coming from a state where it is part of the slot limit at that time, at least it becomes enforceable. Without that, it is not enforceable. The three colors, as law enforcement just said, makes it easy to interpret; and if he would accept that as a friendly amendment, I could support that.

I've been vacillating here on whether I could support this motion or not; but with those two recommendations that we can have three colors – I always like you decide what colors – I'll give you an example. I print newsletters; and we do a purple one month, orange month, and we have them scheduled on what we do. We could do that three years out with tags. This year we're going to have purple, green and lavender or all the crazy colors.

Next year in 2015 we'll have those three colors and all the states will have those three colors for as many fisheries they have. The other question I'll ask A.C. through the Chair is do you need more than three tags; if we need more than three tags, then we make it four colors, but do you give out more than three tags right now or four tags?

MR. CARPENTER: We currently use four different colors; red, white, blue and black. That's the only four colors we're using. We change the year on the label right now every year, and the manufacturer has not charged to change that yearly date on it. Our problem is that the manufacturer that we're using – and this is the tag that we use. It's Tyden Brooks.

It is the best tag that we have found and for those states that are using the little button tags, let me tell you that we had a big discussion about that several years ago, and a little piece of sandpaper makes that a reusable tag very, very easily. These tags are not reusable. They are restricted to three lines of text in the manufacturing process right now.

I have been on the phone with them for the last two days. I have four lines of text. If you want to add season and size limit, it gives me four lines of text, they cannot do it. We don't have a problem with adding it when and if we can get the technology that will do it, but this company will not do it.

The reason that we have four lines of text is that we close the season during the spawning months. To give you an example, the pound net fishery, their season opens February 15th and closed March 25th with an 18-inch minimum size limit and a 36-inch

maximum size limit. Their season reopens June 1st, after the spawning season is over, until December 15th with an 18-inch minimum size limit.

If I add the PRFC or the state in the line with the gear type or without the gear type, but if I add the PRFC on it, that is the third line; and if I add a serial number, that's the fourth line. The manufacturer can't give me what I want. I don't have a problem with adding it, but I can give you season or I can give you size limit on the third line, but I can't give you two split seasons with two different size limits on the tag that we're using that is tamper evident and is a very good product.

We have tested virtually all of the tags that I see being used; and for our money, this is the best product there. If they've got a better product, if you talked to another company that has a better product that can provide four lines of text at the spacing that you need to get the dates and the size limit coordinated, please give it to me because we can't find anybody that can do it.

MR. O'REILLY: With Option 1 with the state program, I think what is favorable about that is the declaration to ASMFC in terms of the tag report. I think that is very important. I would think that Virginia does not have quite the complications that the Potomac River Fisheries Commission has, but we have employed two different colored tags; one for the coastal area and one for the bay area since 2003.

Each tag has the year, the authority of the issuance which is VMRC, the area of the fishery. It also has the minimum size limit and all tags are sequentially numbered for the harvesters that have part of the limited entry individual weight quota. I'm not sure we could do something easily about a slot limit that is very brief, lasts from March 26th through June 15th, which is also a time within the bay – that's only within Chesapeake Bay where the amount of harvest is relatively small compared to other times of year, like spring and fall.

I'm not sure having that 18 to 28-inch limit on a tag would alleviate the situations about having a 54-inch fish show up in a different marketplace as much as ASMFC being able to disseminate all the information for all the states, to all the law enforcement authorities would. I underscore that this is a major step to have that information centralized through ASMFC. I'm not sure you can solve all the all the law enforcement problems just the tag itself.

I do think the idea of having standardized bay and coastal tags brings up problems within the Chesapeake Bay, and Virginia does keep discrete colors because of that reason because you do have overlapping jurisdictions. I can appreciate the idea that perhaps it would be good to be uniform in some sense, but on the other sense with this declaration to ASMFC and the law enforcement agencies knowing about the tags, as they haven't before, that has got to be a big step forward.

One other thing, if I may. It is quite an effort to distribute, collect, parcel out tags in a limited entry program. Each year our agency spends I would say two weeks minimum with probably ten staff people collecting all the tags, parsing them out, sequential numbers for all the harvesters, going to four different sites, one including the agency where these tags are distributed to fishermen where the previous year's tags are mandatory to be collected at that time or there are no tags offered for that year; that's a lot of time and effort right there. That's really the main reason why I couldn't see the idea of putting an 18 to 28 option for another round of doing all that for a minimal amount of tags and a minimal amount of harvest during that March 26th through June 15th period. It is a practicality aspect as well.

CHAIRMAN O'CONNELL: Thanks, Rob. That was everybody on my list. I think we have had a good discussion of this motion. I think the board has heard the tradeoffs of standard colors or multi-colors. We've heard the tradeoffs on size limits. Option 1 does provide the states the opportunity to either individually or work collectively to reduce the number of colors, to add size limits where appropriate. I think we're wrapping up this discussion; so unless somebody has a burning additional point to make, we will call the question. Do you guys need a caucus?

(Whereupon, a caucus was held.)

CHAIRMAN O'CONNELL: All right, we're going to call the question. All those in favor please raise your right hand. **The motion passed unanimously.** Kate has reminded me that the board is going to have to determine a date for which a report will be submitted that describes a state's tagging program. I suggest we kind of do that at the end when we get to the implementation schedules. Under B was tag timing, and there are three options; the no action, the point of harvest and the point of sale which is at the dealer. Discussion on that item under the commercial tagging program? Ritchie.

MR. G. RITCHIE WHITE: **Motion to approve Option 2.**

CHAIRMAN O'CONNELL: So this would be a motion under Section B, Option 2. Ritchie, we need clarification on it would be Suboption A or Suboption B. Suboption A is for approved coastwide; Suboption B is to approve for new commercial tagging programs. Okay, so it should be Suboption A under Option 2. **We have a motion to approve Option 2, Suboption A for Category B** made by Mr. White; second by Pat Augustine. Discussion on the motion? Paul.

MR. PAUL DIODATI: Yes, this particular option would be very troubling for the Commonwealth of Massachusetts. I think we're the only state that doesn't conduct a tagging program today. Our fishery is also an open fishery. It is not limited entry. We have thousands of participants in our fishery.

This option goes above and beyond what is really desired, and that is to improve enforcement. This would actually forcibly change the way the Commonwealth has to manage its fishery. It will force us into a limited entry fishery. It will force us into perhaps some type of individual quota to issue the tags efficiently to its harvesters.

I appreciate that some states already do that and I don't suggest that they stop doing that. If they want to continue to do that, they should, but I don't think a tagging program should go this far that it changes the way a jurisdiction is currently managing its fishery and the way it chooses to manage its fishery. As long as we stay within our quota, I think that should be our option to manage the fishery the way we see fit. I can't support this motion.

CHAIRMAN O'CONNELL: Thanks, Paul, and I think this is something that the board needs to have some discussion on. Michelle Duval.

DR. DUVAL: Mr. Chairman, I'll echo some of Paul's remarks and just note that Suboption B was actually the LEC recommendation I believe under this option. We don't have a limited entry fishery. It is something that our commission has considered, and at this point they're not willing to take any action on that due to the inflexibility that is in the statute right now that allows them to potentially pursue a limited entry fishery.

We have something like 5,500 licensed fishermen. Although anyone who participates in the fishery is required to get a permit, anybody can get a permit.

That permit is not restricted and so it is unpredictable with regard to the total number of participants we'll have in our fishery each year. I recognize the concerns that have been voiced with regard to the potential for poaching activities at point of harvest versus point of sale.

One thing that I would say is that enforcement of tagging at point of harvest really isn't any different than enforcement of a trip limit. We have trip limits for all of our fisheries. The Albemarle/Roanoke fishery is actually a bycatch fishery. I think also the concerns from our law enforcement staff are that this is a system that our fishermen are not used to.

We have a dealer-based reporting system. The tags are distributed to the dealers. The dealers are required to report daily with regard to the number of tags that they've used, the total number of pounds. We've already discussed amongst staff requiring – you know, we issue a numbered sequence of tags to the different dealers and we will be asking them to report on the sequence numbers of tags that they're going to be using.

The concern is that if we were to try to make a wholesale move towards a completely different system, that the fishermen are going to lose the tags, and that creates actually more opportunities for poaching that our law enforcement staff are very concerned about. I with Mr. Diodati on this and I'm going to have to vote against this motion.

MR. ROBERT BALLOU: Mr. Chairman, Rhode Island joins with North Carolina and Massachusetts in opposing this motion for many of the same reasons Dr. Duval just pointed out. We have a very strong program right now, dealer based, and this would cause us to have to go back and start from scratch with a whole new program that we do not think would work as effectively. We have a good rapport with our dealers and very good reporting and accountability right now, and we would hope the board would see fit to honor the strong program that we currently have rather than having us switch to something new. Thank you.

CHAIRMAN O'CONNELL: I think one thing that may be helpful for the board to look at is there are several other elements of this addendum that may reduce some of the risks with delaying the point of tag into a dealer level. The board has already agreed to implement a mandatory tagging program, so that kind of removes the option for someone to harvest the fish and work its way up to Massachusetts which didn't have a tagging program.

That hopefully will be eliminated based upon the actions we've already taken. Biological metrics, which we haven't discussed yet, if that was added to the program, that is going to reduce the number of tags that are available and the whole fleet reduce the amount of overharvest potential. Some of these aren't just independent options. We need to look at them collectively and try to figure out what makes sense. Pat.

MR. AUGUSTINE: To the point that North Carolina, Massachusetts and I believe Rhode Island raised about the tagging programs; the question I would have for the law enforcement folks, what kind of reaction or difficulty are the law enforcement folks having in each of those three states without trying to point fingers at them for being bad guys for not having a tagging program or having a program that is not trackable?

I'm concerned that if we were to go forward and allow a dispensation, if you will, for North Carolina with their program, Massachusetts and otherwise for their program; what kind of a negative impact would it have on the LEC? I'm not sure you can address each one individually or collectively.

From what you've stated in previous meetings, you have indicated that we need to have commonality; and that although if we implemented a tagging program – and it may be difficult for some states – my concern is how do we cut down on the illegality, and is there a problem – and, Paul, I'm not picking on your folks in Massachusetts because you have a system that works for you. I'm concerned that the LEC sees it from their perspective and not allowing a lot of legal but illegal fish on the market. So, gentlemen, if you'd respond to that, I'd appreciate it.

MR. LLOYD INGERSON: I'll give it my best shot. I can't speak for investigations in any of those states specifically, but what I can tell you is the further a fish travels without a tag in its mouth the more potential for abuse there is. The more jurisdictions we have that do not have commonality with time of tagging the more opportunities or more holes in the system there is to be exploited. For those states that do not currently have the point of harvest systems, I understand the issue with changing their fishery, but when the investigation falls in your state you may have a different point of view.

MR. O'REILLY: I just had a question for Paul. I heard Michelle say that at the dealer level that they have sequential tags; is that also the case for the

Massachusetts dealers? In other words, is that way that is done there?

MR. DIODATI: No, we're the only state that does not have – we do not have a mandatory tagging program.

CHAIRMAN O'CONNELL: Mr. Bailey wanted to provide a comment before we go to John.

MR. JACK BAILEY: Just one thing about the tagging – and we have worked on this for quite a few years – when we're chasing a load of fish, if it doesn't have tags on it and let's say it crosses into your state in Massachusetts and then it turns around and comes back to our state, which has happened, there is no way that we have to enforce because they don't have tags. A lot of times they're oversized fish that leave. I know what you're doing up there doesn't only affect you. It affects our fish, too, and our big fish, the fish we're trying to protect.

MR. CLARK: I just want to say in Delaware we're a small state with a small fishery, but we do enforce tagging at the point of capture. The netters don't like it, but we speak from experience it does work. It really has helped cut down on our illegal catch. Thanks.

MR. DIODATI: I would like to make a motion to substitute. I would like to substitute the current motion with the approval of Option 3, point of sale, dealer tagging with no suboption.

CHAIRMAN O'CONNELL: Kate is telling me that you have to choose Suboption A, coastwide, or Suboption B for new programs.

MR. DIODATI: I prefer not to because Suboption A would force every state that has harvesters tagging their fish to switch to their dealers tagging their fish; would it not? I don't support that. I think that if a state is currently requiring its harvesters to tag fish because they manage the program in such a way that that is efficient; I support that.

Likewise, Suboption B would still require Massachusetts, since it's a new program coming on line through this addendum, to do something that it doesn't want to. I'm not sure why we have to approve one of the suboptions. By approving just the Option 3, the state would have the option of either point of sale or point of harvest as long as they're tagged in the state before it leaves the state or as soon as it is sold.

CHAIRMAN O'CONNELL: Yes, I think Option 3 would require all states to do point of sale, so we're trying to clarify what jurisdiction does it apply to, and it sound like –

MR. DIODATI: I don't view it that way. I would view it as if you required your harvester to tag, then that would be more restrictive because the tags would already be on the fish when they get to the dealer, when they get to the point of sale, and so you're actually accomplishing it.

MS. TAYLOR: The way the document reads right now Option 3 would require that tagging occurs by the dealer at the time of first sale.

CHAIRMAN O'CONNELL: So, Paul, I think you're trying to get like a combination of a few different options and we're just trying to spell it out a little better than just referring to Option 3, which is very specific to requiring the dealer. Bob.

ACTING EXECUTIVE DIRECTOR ROBERT E. BEAL: Paul, it looks like you're actually talking about Category B, Option 1, which is no action. Under this option a state or jurisdiction may choose to implement their commercial tagging program either at the point of harvest or the point of sale.

MR. DIODATI: Too bad I didn't see that sooner.
Could I modify my motion to substitute to Option 1, Part B.

CHAIRMAN O'CONNELL: Okay, we have move to substitute to approve Option 1 for Category B. Motion made by Paul Diodati; seconded by Rick Bellavance. Discussion on the motion? Pat.

MR. AUGUSTINE: It is unusual that the board and all the states are literally being asked to bend the rules for one state, one of our sister states, Massachusetts, when in fact we only have two other states that use point of sale. All the rest of us are using the tagging program that seems to be effectively working.

In this particular case, I think it is somewhat unfair that we should be looking at an option that not does not fit the bulk of the states but actually changes the direction we're trying to go, and in my humble opinion will allow continued sale of fish that fall outside of a tagging program that heretofore in other states is working.

I would either move to table this motion forever and go back to the drawing board or ask the maker of the

motion to consider maybe instead of implementing this whole program with January 2013, or whatever the date is, for the states that would have to require a change, such as possibly North Carolina and/or Rhode Island and/or Massachusetts, that maybe they could have a little longer period of time to implement, and maybe theirs would be a carryover to 2014.

But to abdicate the direction that we're going and the LEC is trying to help us go in terms of controlling this illegal sale of striped bass, it just seems to be we're moving away from where we should be heading as far as the commission is going. If we want to capture this, similarly we're going to have to do it with blackfish sooner later. This may be the tip of the iceberg.

To go away from the direction that we have been heading and that generally all the states are complying with a tagging program of some way, to change the program for only one party who will have some difficulty, no question about it, in selling the program to their fishermen, I just think it is asking a bit much of the board to go along with this motion. I don't know how we could support it. Thank you, Mr. Chairman.

MR. CARPENTER: I would like to speak in favor of the substitute motion. I think that for the states that do use a dealer-based tagging system, it has been effective. I think when we get to Section G of this document, it says that it shall be unlawful to sell or purchase any striped bass without a commercial tag. Whether it is tagged in the boat or it is tagged when it arrives at the dock and gets counted then, it will be tagged before it enters interstate commerce from any one of the three states that need to. I speak in favor of this motion.

MR. DAVID SIMPSON: I really just wanted to be clear that I understood the change that has already occurred. By adopting a tagging program, Option 2, this does represent a change for Massachusetts and other states where they will have to have at least at the dealer a tagging program and states that want to do the point of harvest continue to do that. This does add to the sort of security of the law enforcement; is that right?

CHAIRMAN O'CONNELL: That's correct; a tagging program would be required going forward. I think all the states are hearing very loudly from the law enforcement that you want to try to get the tag on as quickly as possible, but the substitute motion

would provide more discretion for the state going forward. Michelle.

DR. DUVAL: I guess I haven't heard any remarks that the North Carolina system is not effective. I'll refer again to the remarks that were made earlier with regard to enforcement. If you have a point of harvest tagging system, that needs to be enforced. You need to make sure that those fish have tags on them just the way our enforcement officers have to ensure that a harvester doesn't have more than the total allowable number of fish in their boat.

I don't see what the difference is. This would require significant and not readily available resources to change what we're doing now. We are the only state that requires daily reporting of our dealers for all tags and all fish that are sold. I don't believe any of the other states with tagging programs currently require that level of reporting. We are compliant with ACCSP standards with regard to the reporting that we do require. I am going to vote in favor of the substitute motion.

CHAIRMAN O'CONNELL: I think it has been a very good discussion on the issue. I'll give you guys a few seconds to caucus on the substitute motion. The motion is move to substitute to approve Option 1 for Category B. Motion made by Mr. Diodati; seconded by Mr. Bellavance.

(Whereupon, a caucus was held.)

CHAIRMAN O'CONNELL: All right, all those in favor please raise your right hand; all those opposed please raise your right hand; null votes; any abstentions. **The motion passes 8, 7, 1 abstention. That becomes our main motion.** For the record, we moved to approve Option 1 for Category B. All those in favor please raise your right hand; all those opposed please raise your right hand; any null votes; any abstentions. **We had 8, 6 to 1, so either way it would have passed, so the motion carries.** The next item, Category C, is tag allowance. There are two options. One is no action and Option 2 is to base the tag allowance on some biological metrics. A.C.

MR. CARPENTER: **I move to approve Option 2 under Category C.**

CHAIRMAN O'CONNELL: Move to approve Option 2 under Category C. Motion made by Mr. Carpenter; seconded by Mr. Augustine. Discussion on the motion? Seeing none, we'll give you guys a few seconds to caucus.

(Whereupon, a caucus was held.)

MR. BALLOU: Mr. Chairman, before the vote, just because I'm struggling to make sure I understand exactly how this would apply; could I ask the maker of the motion to just amplify a bit on how this would work and how states would implement this provision.

MR. CARPENTER: The way that we do it is we look at the history of, for example, the gill net fishery over the past three years, calculate an average size of harvest during that period, and then we allocate the number of tags for the following gill net season based on what we expect the harvest would be and what our allowable quota is.

CHAIRMAN O'CONNELL: Bob, I think you raised a good point because Option B is very specific to using biological metrics to distribute tags to the permit holders, but some states have a state quota, I think like yours, and under the Law Enforcement Committee recommendation it was also saying you could use biological metrics to develop the number of tags to support your state quota. Kate is saying that under Option 2 that flexibility would be there for the states.

DR. DUVAL: And that is what North Carolina does. We use the average weight of a legal-sized fish to estimate the number of tags that we're going to need for each of our fisheries.

CHAIRMAN O'CONNELL: All right, are you ready to vote? All those in favor please raise your right hand; all those opposed please raise your right hand; any null votes; any abstentions, 1 abstention. **The motion carries.** Okay, Category D is tag accounting. There are two options. One is no action and the second is implementing a tag accountability program. Mr. Augustine.

MR. AUGUSTINE: **Mr. Chairman, move that we accept under D, tag accounting, Option 2, tag accountability as described.**

CHAIRMAN O'CONNELL: Move to approve Option 2 under Category D. Motion made by Mr. Augustine; second by Mr. Miller. Discussion on the motion? Seeing none, we'll give you guys a few seconds.

(Whereupon, a caucus was held.)

CHAIRMAN O'CONNELL: All right, all those in favor please raise our right hand; all those opposed

please raise your right hand; any null votes; abstentions. **The motion carries.**

MR. ADLER: Just a question on that; to other states that have that, where they have to turn the tags in, how does that work and does it work? I mean, you're expecting fishermen, if they don't use the tag, to turn it into the state; is that how that works? I don't know if that is a program they've got now, how does it work?

MR. CARPENTER: Bill, our system, since we have limited entry fisheries for the striped bass fisheries, the tags are issued based on – how many tags they get is based on the gear type and on the metrics of what the average size is and what our quota is. They are issued to them prior to the season. At the end of the season – or during the season they have weekly reporting that they must submit, and it shows how many tags they used each week.

At the end of the season, they bring their old tags back that have not been used. Let's say that we had issued them 500 tags and they bring back or they report 450 fish, they owe us 50 tags. We have had cases where they will – you give them 500 and they end up catching 510 fish. In our case if the numbers don't match at the end of the season, there is a one-for-one tag penalty imposed the following year.

If you were issued 500 tags, you used 450 and you can't return any tags to us, next year you're going to get 450 tags. If you sent in your reports that you used 510 tags and you don't have any and you come back, you're going to get 490 next year because you couldn't have caught more fish than you accounted for. That is how we track it.

MR. ADLER: Okay, do you have a closed system as opposed to 4,000 licenses?

MR. CARPENTER: Well, we've got 400 and a staff of three, so it is all proportional. I will tell you from personal experience when you open the bag up and you take 10 or 20 or 30 tags out and throw it in the trash; it gets their attention that they need to pay attention to what they're doing.

CHAIRMAN O'CONNELL: Okay, we're on **Category E**, reporting. Pat.

MR. AUGUSTINE: **On reporting, I would recommend Option 2.**

CHAIRMAN O'CONNELL: We've got a motion for Option 2 under Category E, reporting; so move to

adopt Option 2 under Category E, reporting, made by Mr. Augustine; second by Mr. O'Reilly. Discussion on the motion? Rob.

MR. O'REILLY: I just wanted to add a little bit to reporting in general. Since everyone is aware now that the tags are year-specific, one of the reporting elements is that if you get tags back, then you can audit that fisherman's harvest as well to make sure that when he declared a certain amount of tags, that you're reconciling whatever he turns or she turns in.

CHAIRMAN O'CONNELL: Any other comments or discussion on the motion? All right, all those in favor please raise your right hand. **The motion carries unanimously.** Our next category is Category F, striped bass processing. We have a no action, Option 1; and Option 2 is to require the tags to go along with the fillets. Mr. Augustine.

MR. AUGUSTINE: **Mr. Chairman, I would under F, striped bass processing, we approve Option 2.**

CHAIRMAN O'CONNELL: Okay, we have a motion to move to approve Option 2 under Category F by Mr. Augustine; seconded by Allen. Discussion on the motion? Michelle.

DR. DUVAL: I guess I'll just note some of the LEC remarks in which considering when fillets are removed from larger fish and don't go to the same market; our dealers are required to keep the tags with the fish and retail or wholesale market – you know, I don't know if the restaurant owner purchases fillets at a retail place for preparation and sale at the restaurant and they're not buying the whole fish, I have a little bit of concern about that. I definitely support Option 2. I'm just a little bit concerned about that and would just note that the LEC drew our attention to that as well.

CHAIRMAN O'CONNELL: Anybody on the LEC want to provide some comment to that?

MR. HITTEBACH: This is one we actually had a fair amount of discussion with in light of the public comment. The question being, okay, obviously, you fillet a fish, you have two fillets, you've got one tag; what do you do in that circumstance? We kicked around several approaches on how you would handle that and we didn't come up with one that we think would – the amount of work that would be required to deal with that problem probably wasn't justified by what we view the problem to be.

If a restaurant is buying fillets, they're typically buying boxes. Mostly we see it is sold in boxes by the pound. It is a 20-pound box or a 30-pound box or however it is sold. When you're talking about the volume of sale that is going to someplace like a restaurant, if you're selling a 20-pound box, at the end of the day you're may end up with one fillet short or one fillet there or not. I would think you would be able to balance that out and make it work.

On the occasions that you didn't, it would be such a small percentage of the fillets, it would be one fillet per 30 pounds or 50 pounds or whatever you're buying the quantity in. If you're buying in larger quantity and it is boxed, you're ultimately going to end up with maybe one fillet there that is not going to have that.

When that happens, it seems like that would be such a de minimis amount that it would not be able to have the tag with the fillet; and it would be so infrequent that to try to right now look at that and remedy that would seem to be not really worth the effort to do that. We recognized it could happen.

There are some states that are requiring it I think already; and this was an issue – we talked to them – that they had confronted and they didn't come up with a good solution, and they're still requiring the tags to follow the fillets, and there has not been an issue yet. While I think it is a theoretical problem, when you think about it, I think it is unlikely to occur very often; and if it does, in any great quantity. That was really the best answer we could come up with for that.

MR. CARPENTER: Has anybody checked with health department regulations or health department concerns about having the used tags accompanying the shipment of a consumable product? Right now we tag the whole fish; and then after it is processed, that tag – I don't know if many of you have seen one, but it really is not all that pretty by the time that they finish with it. Is there some kind of health department concern before it gets to the restaurant that needs to be addressed in this? I'm asking the question; I don't know.

CHAIRMAN O'CONNELL: I'm not sure, A.C. Several states are doing it already, including Maryland, and we haven't had any issues from Maryland's standpoint. I don't know if any of the other states can provide some response to A.C. Dave.

MR. SIMPSON: I guess I'm just wondering about the practicality and the assumption that a whole fish is going to end up with the consumer, especially when you talk about some of the higher minimum size states. Once it goes to the dealer, presumably fish go to a fish processor. I mean, it can go to a fillet house type of thing and the restaurant wants a certain portion, and they probably want that done. I know two weeks ago I had striped bass and it was in the form of a sandwich and it was the tail of the fillet. I picture that restaurant bought tails of fillets because they don't want a fillet that is two and a half inches thick. They want a very thin fillet, so I don't see how any of this tagging is workable past the dealer/processor. I don't know how you can hold this right down to me; you know, there has to be a tag goes with that sandwich I had. It starts to get to trying a little too hard here.

MR. KYLE SCHICK: As a restaurant owner and also I do have a small quota of rockfish, the concept really isn't that you have a tag for each fillet. That is a little – but the restaurants usually buy the whole fish filleted or several fish. It is not like flounder that comes in frozen in 20-pound boxes. Usually it varies; and even if it doesn't, what was talked about before, the odd fillet isn't really the issue.

You want to be able to go into a restaurant and see that they have tags. Even if the restaurant fillets the fish themselves, they take the tag off and they keep the tag. There is no way to account a fresh pile of fillets over here to associate with a bunch of tags that are sitting with them. I think the concept really is that you just have to have tags, and they have to be able to relate to the fish that you have in general; at least this year's.

I've gone into places where it's here are my tags, and it's like, well, those are last year's tags, so this fish is probably not very tasty. Also, if we're starting to talk about even having the tag numbers written down on the ticket that you buy it; we've even had the federal government come in and will look for my box tags for my chicken. I didn't even know that chicken had tag numbers on the box. These types of things; you're not looking to do each tag for each fish as much as you are just making sure that they good enough tags for the amount of fish that they have in their refrigerator in fillets.

CHAIRMAN O'CONNELL: Thanks, Kyle. Any other comments on the motion? All right, I'll give you guys a few seconds to caucus.

(Whereupon, a caucus was held.)

CHAIRMAN O'CONNELL: All right, are you ready to vote? All those in favor please raise your right hand; all those opposed please raise your right hand; any null votes; any abstentions. **The motion carries.** The last category under the tagging program is Category G, striped bass exportation; two options. Mr. Augustine.

MR. AUGUSTINE: **Mr. Chairman, I move under G, striped bass exportation, Option 2.**

CHAIRMAN O'CONNELL: I've got move to accept Option 2 under Category G by Mr. Augustine; second by Mr. Allen. Discussion on the motion? Let's go ahead and vote, then. All those in favor please raise your right hand; all those opposed; any null votes; abstentions. **The motion carries unanimously.**

The last item in the addendum is Section 3.2, penalties. In talking to Kate, penalties can't be a compliance requirement so this is more of a recommendation to the states to consider increased penalties, including revocation and suspensions. I'm looking for board action to include this as a recommendation to the states in the addendum.

MR. AUGUSTINE: **Mr. Chairman, move to include it.**

CHAIRMAN O'CONNELL: Okay, I've got a motion by Mr. Augustine to **include Section 3.2, penalty recommendations to the states; seconded by Mr. Lustig.** Discussion on the motion? All those in favor please raise your right hand. **The motion carries unanimously.** Now we are into Section 4, which is compliance.

We need to insert dates for requiring the states to submit their programs to implement Addendum III and then an implementation date for Addendum III. As Kate previously mentioned, and we need to hear from the states, but I think some states already have moved forward with ordering their tags for 2013 or are going to be very shortly.

There may be some obstacles to do that in time for January 2013, whether that is possible or not, or if we have to look at doing a January 1, 2014 implementation date. Let's begin there and then we can backtrack to when states have to submit their programs. Is January 1, 2013, an option or are we looking at January 1, 2014? Mr. Augustine.

MR. AUGUSTINE: Mr. Chairman, I guess the question would be to the individual states; do they

feel that they have time to go through the ordering process so we can move forward. If the majority of the states can do so, I would suggest we go for an implementation date of January 2013. Could we have a show of hands, Mr. Chairman, to see if that would help us make that decision? Otherwise, we'll go to 2014. I prefer 2013, but I think it is based on the states and their ability to order tags.

CHAIRMAN O'CONNELL: What states would have difficulty in implementing the components of Addendum III by January 1? Massachusetts, I would assume. Michelle, do you have a comment?

DR. DUVAL: Just a comment; North Carolina's fishing year starts December 1st for our ocean striped bass, so we're placing orders like next week. I need to know ASAP what is going to happen. It could be a push; I have to go back and talk to staff and see if we could get that order in time. Also for our ASMA fishery, we have a spring season and a fall season. The spring season officially starts January 1st.

CHAIRMAN O'CONNELL: And if we go with January 1, 2013, states are going to have to put their plans together pretty quickly to be reviewed in order for the states to go forward.

MR. CARPENTER: I think the ASMFC has got to approve the plans before we order the tags, which is even earlier than – we have already ordered our tags for 2013. We put the order in two weeks ago for our gill net fishery, which starts in November. We've already got that in the works, I think based on what we have adopted here today, I think we've got all the criteria that we need and I think we can all comply with it pretty quickly except for the states that don't have it. I think we may have to extend states that don't currently have tagging programs an extra year to get on board or something.

CHAIRMAN O'CONNELL: Kate is going clarify the plan requirement.

MS. TAYLOR: Just for clarification, states would have to submit a plan detailing their tagging program for the upcoming fishing year, but there is no requirement for review or approval by the board; just to inform ASMFC of what their tag colors will be for the coming year.

MR. DIODATI: It is not so much ordering and acquiring tags. We'll probably have to do a regulatory promulgation in order to implement the program. We don't have those regulations and that's how I prefer to do it.

CHAIRMAN O'CONNELL: There could be some flexibility built in for states that are implementing new programs such as Massachusetts. Mr. Augustine.

MR. AUGUSTINE: To that point, Mr. Chairman, could we go ahead and approve the addendum with the exception of allowing the states of North Carolina and Massachusetts ample time to implement by January of 2014. Before you would ask for a second, the question would be is that going to create a monster of a problem for the LEC or can they work with us in that regard in that all the other states would be implementing in January 2013?

MR. INGERSON: I believe that is something that we could work with.

MR. AUGUSTINE: Mr. Chairman, when you're ready, then, after you have further discussion.

DR. DUVAL: In terms of putting together a plan with regard to our implementation of a tagging program, it is not so much that; it's really just can we get the tag order in time with the additional information of the year and potentially the size limit on the tags in order to do it; that's all.

MR. AUGUSTINE: To that point, Mr. Chairman, I was suggesting that North Carolina and in the case of Massachusetts, they have unique circumstances that you would be allowed to develop the plan and submit it but not have to implement until January 2014. Therefore, your existing plan would continue, I would assume, and then you would have ample time to make that transition. The LEC said they could work with that, and I guess it is a question of whether it would be amenable to you folks in the state to be able to do it that way and give you 12 months to actually develop it and put it in place and convince your fishermen the value of it.

DR. DUVAL: And obviously that's fine; I was just trying to say that we're certainly able I think in terms of the tag accountability and the reporting and the issuance of tags based on a biological metric, we're doing all these things. It's really just about the information that is on the tag and being able to place that order as quickly as possible. If there was a January 1, 2013, implementation date, we would obviously strive for that but appreciate the board's latitude in trying to give us a little extra time.

MR. ADLER: I appreciate Pat's thing and I think that would be good. There is a good chance that Massachusetts can get it in probably in 2013,

probably in the summer because our seasons don't even open until the summer, anyway, so we might be able to do that, but it is good to have that little leeway because of regulatory issues.

MR. BALLOU: Mr. Chairman, we're actually in the same boat here in that we would have to make some relatively minor modifications to our regulations. I would prefer to see the language read "implementation by the start of the commercial fishing season in each state in 2013." That would work for us because of the way we pace our regulatory programs; rather than January 1; the opening of the commercial season in their respective state. Thank you.

CHAIRMAN O'CONNELL: I think the staff is trying to help us move forward. We don't have a motion yet. I think they tried to draft something. Pat, you heard from Bob and whether or not you want to make that modification, which staff seems to be doing.

MR. AUGUSTINE: Mr. Chairman, I hope the staff is able to include that and again make sure that we cover the concerns of North Carolina.

CHAIRMAN O'CONNELL: **Move to implement measures adopted in Addendum III by the opening of the commercial fishing season in each state in 2013 with the exception that Massachusetts and North Carolina must be implemented by January 1, 2014. Motion by Mr. Augustine if you're okay with that – you good, Pat, with that?**

MR. AUGUSTINE: Is that, North Carolina and Massachusetts; does that language cover you okay? Then that is the motion, Mr. Chairman.

CHAIRMAN O'CONNELL: All right, seconded by Mr. Carpenter. Discussion on the motion? Seeing none, let's vote on it. All those in favor please raise your right hand; all those opposed; null votes; abstentions, 1. **The motion carries.** The last item is a motion to approve Addendum III. Mr. Augustine.

MR. AUGUSTINE: **Mr. Chairman, I move that the board accept Addendum III, the Striped Bass Addendum.**

CHAIRMAN O'CONNELL: We've got a motion move to accept Addendum III to the ISFMP for Striped Bass. Motion by Mr. Augustine; seconded by Mr. Adler. Discussion on the motion?

MR. CARPENTER: I thought the motion that we just passed was for the implementation, which would be before the commercial season started. Don't we also need a date at which we have to submit the report prior to the season if I understood the way this was written?

CHAIRMAN O'CONNELL: Would the board be okay if we hold off on this motion until we get the date for the plans? As Kate said, we don't need a motion for that. We need a date for which the states must submit their programs to implement Addendum III. Mr. Carpenter.

MR. CARPENTER: I have a suggestion that it would be at least 60 days prior to the start of their commercial season.

CHAIRMAN O'CONNELL: Any discussion on that suggestion? I'll make it in the form of a motion if necessary.

MS. TAYLOR: Just kind of processing that suggestion; the intent of the tagging report that would be submitted would be so that we could inform law enforcement officials of all of the tagging colors that would be available or they could come into contact with in the following fishing year. If the requirement is 60 days prior to the start of the fishing season, then there could be instances where we're not getting that information until late in the year. That is just a concern.

CHAIRMAN O'CONNELL: Kate, would you have a suggestion?

MS. TAYLOR: Discussions have included either January 1st or with the compliance reports or somewhere in between there.

CHAIRMAN O'CONNELL: Previous discussion amongst staff and the plan development team has been either January 1st or with the compliance reports. Mr. Augustine.

MR. AUGUSTINE: Mr. Chairman, could you add that into that? I would make it a part of this motion. Unless there is a change in the date, I would suggest the date that the technical committee and staff talked about, January 1, 2013; concurrent with this.

CHAIRMAN O'CONNELL: I think that would be appropriate. A.C.

MR. CARPENTER: If we don't have to submit until our annual report, two-thirds of our season is over. If

law enforcement is going to need it, you're going to need it in January for us.

MS. TAYLOR: The compliance reports are due June 15th and so you would have to include the information for the next fishing season with the compliance reports. It's not for the current fishing season. That was originally suggested but recognizing that most states probably don't have their contracts in place or might not know what colors they're going to do for the following season when they submit their compliance reports.

MR. CARPENTER: I would suggest that we use January 1st of each year to submit the current year's season – all right, make it December 31st for the following year you have to submit it.

CHAIRMAN O'CONNELL: Anybody object to using December 31st? Bob.

MR. BALLOU: Mr. Chairman, I think I'm following this correctly. The way our season works in Rhode Island, we open in June and each year we go through the process of setting the commercial specifications, the regulatory program beginning in January and culminating in March or April. I'm concerned that we're going to be out of sync here. We would prefer to submit our report on what our program is upon adoption, which would be probably in March/April timeframe for 2013.

MR. CARPENTER: And that timeframe for us, our season is essentially – the bulk of our season is over. I don't know when you want these. That is the reason I had suggested 60 days before the season starts because the North Carolina starts –

DR. DUVAL: December 1st.

MR. CARPENTER: – the first of December. Virginia has got a year-round season.

CHAIRMAN O'CONNELL: It seems to be kind of focusing now on 60 days before the commercial season starts for each jurisdiction. I'm seeing a lot of heads shaking. Any objection for requiring the state plans to be submitted 60 days before the jurisdiction start of the commercial season – the state's first commercial season for that fishing year. Everybody good with going forward with that? All right, now we will go back to the motion on the table; move to accept Addendum III to the ISFMP for Striped Bass. Motion by Mr. Augustine and seconded by Mr. Adler. Bob.

MR. BALLOU: Mr. Chairman, just a point of clarification; because the board voted to allow states to choose between tagging programs at either the point of harvest or point of sale, will the final language in the addendum reflect that? Right now there is a reference to permit holders. I think you may have already had that sidebar with Kate, but I just want to make sure that it doesn't specify permit holders, because that wouldn't apply if you're at the dealer level.

CHAIRMAN O'CONNELL: Yes, we will make that clarification. Good point, Bob, thanks. Any other comments on the motion? All those in favor please raise your right hand. **The motion carries unanimously.** We've got two other agenda items that I don't think will take as much time. Agenda Item 5 is Virginia's request for alternative management. Okay, Kate, is going to provide an **overview** and then we're going to have a **technical report** on it.

VIRGINIA'S REQUEST FOR ALTERNATIVE MANAGEMENT

MS. TAYLOR: Virginia has requested two modifications to their commercial fishing season. The first is to open the Virginia commercial striped bass fishery on January 16th. The current starting date is February 1st. Virginia has stated that area closure provisions of the Amended Large Whale Take Reduction Plan and the Harbor Porpoise Take Reduction Plan have greatly reduced the fishing time and has created unsafe fishing conditions.

DR. ALEXEI SHAROV: The technical committee reviewed Virginia's request on this issue; and with respect to this part, the technical committee noted that the total catch is limited by the ITQ and thus cannot exceed the established limits. The extension of the fishing period is small and is likely to provide opportunity for some harvest but will not result in significant increase in fishing mortality. Therefore, the technical committee recommended to approve this request.

MS. TAYLOR: There was a second modification Virginia requested, which was to allow pound nets in the Chesapeake area from May 1st to June 15th to harvest up to 50 striped over 28 inches.

DR. SHAROV: There was a more significant discussion of that second part of the request. The technical committee noted that this regulatory change will create significant differences in conservation policies between Chesapeake Bay jurisdictions. For

example, striped bass harvest in pounds nets in Maryland is allowed only beginning June 1st and all fish larger than 36 inches must be released.

The technical committee expressed concern that additional harvest of migrating striped bass can be undesirable at this point considering that the spawning stock biomass of the stock is declining is based on the most recent stock assessment update and the projections indicating that we could be at the overfished status by 2017. The technical committee recommends delaying the decision on the second proposal until the benchmark assessment is completed and the results become available so that you could make a more informed decision based on the updated status of the stock.

CHAIRMAN O'CONNELL: Thanks, Kate and Alexei. We've got two requests; one that the technical committee is supportive of and one that we're looking for more information. Go ahead.

MR. CLARK: I just had a few questions. Is that 50 striped bass over that whole season or 50 striped bass per day?

DR. SHAROV: Per trip.

MR. CLARK: Per trip, okay, and would that count against the quota?

DR. SHAROV: Yes.

MR. CLARK: Okay, it counts against the quota; and what is the usual mortality rate of striped bass in the pound net fishery by discard mortality?

DR. SHAROV: We're currently using the 5 percent mortality estimate, but it is certainly temperature dependent, but that is an approximate estimate.

MR. CLARK: So as the temperature rises in that period of time, they'd be more likely to be found dead in the pound net?

DR. SHAROV: That is theoretically the case, but there are no thorough studies that would actually support this, so at the moment the estimate that we have is essentially an expert estimate.

MR. O'REILLY: I would just add a little bit. Concerning the first item and the request for a season that starts on January 16th, Kate outlined the situations with the gill net fishery and the large mesh closures that have occurred. Mainly since these harvesters – there is about 31 in the coast and a

number in the very lower part of the bay, the quota underages over the last two years have been 22 percent for the coastal area and 10 percent for the bay area and probably more this year, so it is a situation of a very controlled quota system, ITQ on a weight basis for each harvester, so that was the nature of the request.

The second item, we certainly can see what the stock assessment does, but just to give a better idea to John's question, all the fisheries in the bay in May and June account for somewhere between 1.5 and 1.9 percent, depending on the last two years, of the total harvest. I think earlier I mentioned that from March 26th through June 15th is a lowest harvest time, and certainly May and June are very low. What Virginia will do will be to bring this up again.

We have looked at additional data that we can supply the technical committee the next time not only for pound nets – and there are about 11 that are involved here, 11 pound nets – but also on their daily catch. We will work towards that the next time. It is very important to see what the next stock assessment shows and to take a look at the spawning stock overall, and we agree to the technical committee's findings on that.

MR. AUGUSTINE: Alexei, when you noted it would have a direct impact on the spawning stock, my concern was that there was a statement in here that said that it would alleviate some of the safety problems that these fishermen might encounter later in the year. My concern is that these fish are pre-spawned.

If you're going to go back at 50 a day per person, I think it's minimum size over 28 inches, what kind of impact would that have, that two-week period of time from January 15th to the February date have on the stock. Is that what you're referring to having a negative impact on the stock overall?

DR. SHAROV: I'm not sure if you're not confusing the first proposal with the second, but –

MR. AUGUSTINE: I may.

DR. SHAROV: Yes, all right, but with respect to the first one, the technical committee felt that there is an ITQ-based quota for each fisherman; and as long as the quota is established appropriately, then therefore they're entitled to harvest their quota. We were provided information that they were not able to do so because of the conservation-related closures related to other species. Therefore, the committee felt that

the earlier start of the season by two weeks is warranted.

MR. JAMES GILMORE: Would you like a motion, Mr. Chairman.

CHAIRMAN O'CONNELL: Yes.

MR. GILMORE: **Move to extend the beginning of the Virginia commercial striped bass season from February 1st to January 16th.**

CHAIRMAN O'CONNELL: We have a second by North Carolina; Bill Cole. We've got move to extend the beginning of the Virginia commercial striped bass season from February 1st to January 16th. Motion by Mr. Gilmore; seconded by Bill Cole. Discussion on the motion? Seeing none, all those in favor please raise your right hand; all those opposed; any null votes, 1 null vote; any abstentions. **The motion carries.**

All right, it sounded like, unless the board wants to take further action in regards to Virginia's other recommendation, some more information will be brought forth for the technical committee. All right, the last agenda item is a possible addition to our stock assessment membership. Russ.

MR. RUSS ALLEN: **Mr. Chairman, in response to a request from the technical committee and the stock assessment subcommittee, New Jersey would like to nominate Mike Celestino to the Striped Bass Stock Assessment Subcommittee.**

CHAIRMAN O'CONNELL: Second by Mr. Augustine. Any discussion on the motion? Any objection for moving that forward? **The motion carries.**

ADJOURNMENT

Any other business to come before the board? Without any objection, meeting adjourned.

(Whereupon, the meeting was adjourned at 4:15 o'clock p.m., August 7, 2012.)