

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

**Crowne Plaza Hotel - Old Town**  
Alexandria, Virginia  
February 7, 2012

Approved May 1, 2012

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## ATTENDANCE

### Board Members

Terry Stockwell, ME, proxy for P. Keliher (AA)	Tom Fote, NJ (GA)
Steve Train, ME (GA)	Leroy Young, PA, proxy for J. Arway (AA)
Sen. Brian Langley, ME (LA)	Loren Lustig, PA (GA)
G. Ritchie White, NH (GA)	Gene Kray, PA proxy for Rep. Schroder (LA)
Doug Grout, NH (AA)	Bernie Pankowski, DE, proxy for Sen. Venables (LA)
Rep. David Watters, NH (LA)	Roy Miller, DE (GA)
Rep. Sarah Peake, MA (LA)	John Clark, DE, proxy for D. Saveikas (AA)
Paul Diodati, MA (AA)	Tom O'Connell, MD (AA)
Bill Adler, MA (GA)	Russell Dize, MD, proxy for Sen. Colburn (LA)
Mark Gibson, RI, proxy for R. Ballou (AA)	Bill Goldsborough, MD (GA)
Bill McElroy, RI (GA)	Jack Travelstead, VA, proxy for S. Bowman (AA)
Rick Bellavance, RI, proxy for Rep. Peter Martin (LA)	Cathy Davenport, VA (GA)
David Simpson, CT (AA)	Mike Johnson, NC, proxy for Rep. Wainwright (LA)
Rep. Craig Miner, CT (LA)	Louis Daniel, NC (AA)
Lance Stewart, CT (GA)	Michelle Duval, NC, Administrative proxy
James Gilmore, NY (AA)	Bryan King, DC
Brian Culhane, NY, proxy for Sen. Johnson (LA)	A.C. Carpenter, PRFC
Pat Augustine, NY (GA)	Steve Meyers, NMFS
Russ Allen, NJ, proxy for D. Chanda (AA)	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
Mark Robson, Law Enforcement Committee Rep.	

### Staff

Vince O'Shea	Bob Beal
Kate Taylor	Mike Waine

### Guests

Wilson Laney, US FWS	Brad Spear, SFP
John Croft, VMRC	Lloyd Ingerson, MD NR Police
Jack Bailey, MD NR Police	Michael Burnham, MD NR Police
Wayne Hittenbach, US DOJ, DC	Ed Liccione, CCA MD
Kenneth Endress, US F&W	David Skorski, CCA MD
Ellen Cosby, PRFC	Ed O'Brien, ASMFC AP
Harry T. Hornick, MD DNR	Bill Windley, MSSA
Beth Versak, MD DNR	Greg Shute, MSSA
Lynn Fegley, MD DNR	Patrick Paquette, MA SBA
David Pierce, MA DMF	Raymond Kane, CHOIR
Pete Himchak, NJ DFW	Rob O'Reilly, VA MRC
Mike Armstrong MA DMF	

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, February 7, 2012, and was called to order at 4:20 o'clock p.m. by Chairman Tomas O'Connell.

### **CALL TO ORDER**

CHAIRMAN THOMAS O'CONNELL: Good afternoon, everybody. I'd like to call the Striped Bass Management Board to order. My name is Tom O'Connell and I am taking over as chairperson. I think we owe Jack a level of gratitude for his last two years of leadership and facilitation through a couple of difficult issues. Thanks, Jack, you leave some big shoes to fill and I hope I can do a good job for you guys. The first order of business is approval of the agenda.

### **APPROVAL OF AGENDA**

MR. PATRICK AUGUSTINE: Thank you, Mr. Chairman, and congratulations and congratulations to you, Jack, for having done such a yeoman's job. I was concerned that some items might come up in today's meeting that might require some input from our new chairman. I would leave it up to him to suggest maybe changing the election of the vice-chair and move it up to one of the first items in the event that happens.

However, Mr. Chairman, you may feel comfortable there isn't any issue on there that may impinge upon your being chairman and you might want to step aside or recuse yourself to address, for what it's worth.

CHAIRMAN O'CONNELL: Is there any objection to moving up the election of the vice-chair after public comment? All right, we'll go ahead and move that item up. Any other modifications to the agenda? Seeing none, the agenda will stand approved.

### **APPROVAL OF PROCEEDINGS**

The next action item is approval of proceedings from the November 8, 2011, meeting. Are there any modifications? Is there any objection with approving those minutes? Seeing none, the November 8, 2011, proceedings stand approved.

### **PUBLIC COMMENT**

Public comment; this is an opportunity for the public to provide comment on items that are not on the agenda.

Is there any public comment at this time? Depending if time allows, we will try to make public comment available if there are actions that the board is taking today. The next item is election of a vice-chair. Terry Stockwell.

### **ELECTION OF A VICE-CHAIR**

MR. TERRY STOCKWELL: Mr. Chair, I would like to nominate Doug Grout.

CHAIRMAN O'CONNELL: We've got a motion to elect Doug Grout as vice-chair by Terry Stockwell; seconded by Pat Augustine.

MR. AUGUSTINE: Mr. Chair, I move to second that and close nominations and cast one vote for our new vice-chairman.

### **REVIEW OF THE INTERSTATE WATERSHED TASK FORCE RECOMMENDATIONS**

CHAIRMAN O'CONNELL: Thank you and welcome aboard, Doug. The next item is a review of the Interstate Watershed Task Force Recommendations. You may remember that at our November board meeting this task force presented information from their investigation in the Chesapeake Bay and Watershed and concluded with some recommendations.

At our last meeting there wasn't sufficient time to have adequate discussion on the recommendations and the board requested that the task force come back. You have received a handout that summarizes their recommendations. I'm going to turn it over to Mark. I appreciate the task force members for being here today.

MR. MARK ROBSON: We appreciate this opportunity to come back and have this continuing discussion. As you recall at the last meeting we had members of the Interstate Task Force give you a presentation. They have returned, plus one, and let me go ahead and introduce you to them now. On my immediate left is Wayne Hettenbach from the Department of Justice. We have Jack Bailey from the Maryland Natural Resource Police; Ken Endress

from U.S. Fish and Wildlife Service; and John Croft from Virginia Marine Police.

They're here to continue that discussion with you and to have some give and take as the chairman has talked to you about. At the meeting in November you recall this team gave you some recommendations that were pretty specific and targeted to address some of the issues that they found in the course of this investigation.

Since that meeting we have also had an opportunity to review those recommendations with the members of the Law Enforcement Committee, your Law Enforcement Committee. We are able to bring to you today not only a continuing discussion of those task force recommendations but knowing that the Law Enforcement Committee has also looked at those and has supported them and continues to make these kinds of recommendations along the lines of what the task force has provided to you.

Those are summarized in the little summary document that we did. The significant part, of course, is on the second page where we talk about law enforcement recommendations. Again, these are coming from the Law Enforcement Committee, but they basically fold in the task force recommendations that you saw last week.

We also do have at least a screen shot that we can give of the specific recommendations that came out of the Law Enforcement Committee discussion; and then also if you need to refer back to the task force recommendations from their PowerPoint at the last meeting, we have that well. I'm going to step out of the way and turn it over to you, Mr. Chairman, and to the members of the task force.

CHAIRMAN O'CONNELL: As part of the board's discussion today is to take a look at these recommendations and determine if there is any action that the board would like to take. I think there are probably three different courses that the board can take. One option is the board takes a look at these recommendations and takes them back home and applies them as needed.

A second option maybe is the board is interested in getting more information as to where states currently stand with these recommendations, what some of the benefits and challenges would be for implementing these; and, thirdly, whether or not the board would want to consider moving this forward as an addendum to make these as compliance requirements.

Before the board begins, I will just share with you that based upon this investigation in the Chesapeake Bay Region and Maryland specifically, that we formed a pretty strong partnership with law enforcement both at the state and federal level, and through that partnership I know fisheries managers on my staff learned a lot, and we applied that information to make some pretty significant reforms in the Chesapeake Bay.

By listening to the advice of the Law Enforcement Committee in our state and the federal government has really motivated them. They see the fisheries managers trying to establish rules that make a difference. I think this is a great opportunity today. I really appreciate the work that you guys have done and bringing it before the board to see how we can improve the enforcement and accountability of this important fishery. With that, I'll open it up for questions or comments.

MR. JOHN CLARK: I just had a question about the recommendation for having a uniform color and style for every state. I know in Delaware the enforcement agents have been asking us to have different colors for the different fisheries. Was that an issue that you considered to make it easier to identify where the fish came from?

MR. WAYNE HETTENBACH: We know that some states have different colors in the same year, depending on the gear type that is being used by the fishery. I guess the thinking was for the goal of the uniform color system up and down the entire east coast is to increase accountability – not only to allow ease of enforcement for law enforcement officers for fishermen, but to increase accountability for fish houses that are buying.

It is much easier to do an education and outreach to a fish house and say in 2010 the color is green, period. You see any tag that comes in your door that isn't green, it's an illegal fish or it's from a prior year. Now, could you do that if you had three – as you add more colors to that very simple statement it becomes not as easy to enforce and its effectiveness is not as much there.

That is a weighing and balancing. I think some of the states – I'll let Maryland talk about it, but I think some of the states are moving away from a different color scheme for different gear types, and I think that helps enforcement to some extent. There are pluses and minuses, and I don't know if anyone else want to talk about those tradeoffs. We've talked about some of them.

MR. KENNETH ENDRESS: I think one of the other benefits of having a uniform color would be that state officers who are out on the water can look at a boatload of fish and determine – just do a quick glance that all the fish have tags and that they're all the color of the year that they are supposed to be, so it aids in that as well.

MR. JACK TRAVELSTEAD: On the color issue, we have two fisheries in Virginia, one in the ocean and one in the bay, and do issue tags of a separate color for those two fisheries. With the thinking that if a police officer comes upon a vessel and finds tags of the wrong color in the boat, without having to look at the tag and study the written language on the tag, he can pretty readily recognize wait a minute you've got ocean tags in a boat in the bay that's fishing, and I can look a little bit closer and do what I need to do. I can see some benefit to a uniform color up and down the coast, but I see far more benefit to separate colors. I know we strive hard in the bay region to actually have separate colors between us and Maryland and PRFC once again to keep track on the water to make sure that the tags are where they should be and not elsewhere.

MR. A.C. CARPENTER: We also have multiple colored tags for gear types. We have seven different gear types that we use, three primarily gear types. Again, it's exactly the same reason that Jack specified, that the officer on the water is the one that has got to make the decision when he pulls up to inspect the boat. If it has got multi-colored tags in the boat, there is a problem with it, and that is the point at which the enforcement needs to occur.

We do have the year and I think that is sufficient information that the fish house can deal with; that if it says 2011, then it's a 2011 fish. If it says 2012, it is supposed to be there. I don't know that we need uniformity in the color. Uniformity in the style, there are only so many manufacturers that make these tags, and I think all of us are under our purchasing guidelines that we have to go out and find a manufacturer that makes a product that suits our needs.

I'm not sure that we want to create a monopoly or a sole source for these tags. I'm afraid that is going to add significantly to the cost. While I have the mike, the size limits on the tag, every digit, everything that you put on that tag costs you more money at least with all the manufacturers that we've dealt with.

We have a situation where we have a slot limit from February 15<sup>th</sup> through March 25<sup>th</sup>. We have nothing

less than 18 or greater than 36. The rest of the year you can have any size fish greater than 18, so I'm not sure how I'm going to put all that information on a tag that is going to be useful and we can still afford.

Those are some of the concerns that I have with these recommendations. Virtually all of the recommendations have been in force and are enforced on the Potomac, so the only one that we don't have is the tagging requirement for the dealers and we have no authority to regulate dealers.

MR. JACK BAILEY: The issue is accountability. When we're dealing with law enforcement, as everyone in here is familiar, it would be in a perfect world absolutely the fact that we would like to have uniformed officers out there and they would be patrolling on the water and they would actually be checking people while they were working the gear type.

That is not occurring in our state because we don't have enough people. From dealing with adjacent states, they don't have enough people either. We're not on the water like we were 25 years ago. I don't want to get into a whole discussion about that, but the thing is we have to work on choke points. We have to work on areas in the market where all the fish from a certain area are coming through.

Somewhere in the neighborhood of about 80 percent of the fish that come out of the Chesapeake Bay are exported out of this area. They go through markets, they go through the Fulton Fish Market, and there is absolutely no way if we do not regulate and put the information on those tags that a uniformed officer can look at them and see that there is violation. It comes back to accountability.

If we're going to make accountable, then we're going to be able to track it and have somebody look at a tag and see whether or not it's legal or not. The adage that a fish is simply legal because it has a tag in it has no bearing. That does not make a fish legal and that is what is happening right now. Every state officer sees fish from other states and other jurisdictions. If it has a tag in it, they pretty much have to walk away from it, so it has no bearing really on accountability.

MR. HETTENBACH: On the size issue, I know that Virginia in some years has put the slot limit size on it that said it had an 18- or 36-inch limit. It did print on the tags and it did give out tags to be used during that slot limit season, which is a very critical time period during the spawning season.

Yes, I think we understand it costs more money, but in terms of the enforcement that we're looking at, as Jack said, without other states being able to look at other state's tags and determine the legality of those fish, there is real trouble with enforcement. The bang for the buck of enforcement isn't coming on the water. It's really coming in the choke points and these recommendations are geared more towards trying to address those issues than the patrol driving by on the water.

MR. ROY MILLER: I'll be brief because most of my concerns have already been raised by other members of the board. There may be one benefit to uniform tags and that's some economy in purchasing. There may be a better price available with a volume discount, if you will, but differing states' purchasing procedures may confound the savings that would be gained from buying tags en masse. That's all I'll say for now. Thanks.

MR. PAUL DIODATI: I want to thank the members of the task force for coming here today. I really appreciate all the work you have done on this. I have to say that sitting in many, many fisheries management meetings, I haven't had many enforcement task forces come to make a recommendation; and so when it happens, I think we need to pay attention. Ultimately this is going to help us manage the resource and I support the recommendation.

I represent Massachusetts, by the way, and we're one of the only states I think that don't require fish to be tagged, although many of our seafood dealers do acquire tags on their own in order to get their products into other states that require them. But, most states by regulation now do require some type of tagging. It's just that it's not part of a management plan and so it's kind of a mixture of what is being done.

I think that the board really needs to consider an addendum, and to do that I think it would be helpful if our PDT or drafting committee works with either the task force or our LE coordinator to go through the list and narrow it down to the essential items that we have to coordinate on, whether its color, size, numbers, whatever it is.

I think to simplify and standardize the tagging process I think would be the easiest thing; not that this would be easy for Massachusetts. We have a lot of harvesters in our state. It's a hook-and-line commercial fishery and it's a large quota, so we have over a thousand harvesters in any given year, so I'm

not looking to administering that. But, I think that's the way we need to proceed; and when the time comes, I'll make a motion if we need one, but I think everyone might agree that an addendum might be the correct way to go.

CHAIRMAN O'CONNELL: Thanks, Paul. Let's take a few more comments and then we'll come back to you. John Clark.

MR. CLARK: I also would like to thank the task force for a great job. We're trying to implement some of these recommendations in Delaware. I just had a quick comment. I don't know if it's feasible but the major producer of the tags that we use, Tide and Brooks, will now put a bar code on the flag. Knowing that in our state, many of enforcement agents have smart phones already, would that be something that would be feasible for enforcement? Would that make things easier? Instead of having to look for all the information, you could scan a bar code and get all that information. Thank you.

CHAIRMAN O'CONNELL: Not to that extent but in Maryland one thing we just implemented a couple of weeks ago was our IT staff developed a data base of all the tag numbers and who the individual is who has got those tag numbers. An NRP, while in the field, can tap into their smart phone a tag number of an individual's fish based on upon if it's on the boat or on the road and it tell the NRP officers who should have that tag. I know that has been a great tool that our officers in Maryland appreciated. Doug.

MR. DOUGLAS GROUT: Thank you, Mr. Chairman, and thank you to the task force members for coming up with some recommendations to address what was a problem with enforcement. I mean, there was an issue here that caused a tremendous amount of illegal striped bass to be taken. I agree with your suggestion, Paul.

I think that's a great idea and I would go one further, given that there has been a number of commissioners here that have identified issues with some of these recommendations that maybe it should be a group of the PDT, maybe Mark and a core group of commissioners whose states have commercial fisheries with tags in it to try and bring in the issues they would have with some of these recommendations and see if there is some kind of a compromise that could be put in place in the addendum or some kind of recommendations on how to do this.



Clearly, from my standpoint the one thing that would apply coastwide would be some kind of guidance on color here. The other things could probably be done internally within each state. I would suggest expanding that to a subcommittee that would include a small group of commissioners, too, to help flesh these things out. Thank you.

CHAIRMAN O'CONNELL: Thanks, Doug. In talking to some of the Law Enforcement Committee members, I think they began discussions on prioritizing these recommendations, which would be helpful. I've got two more people on the list and then we'll come back to seeing how the board wants to move forward with this. Pat Augustine.

MR. AUGUSTINE: Mr. Chairman, I think I'm at a loss for words. The last three gentlemen have spoke to the issue and again you gentlemen have done an outstanding job, yeoman's work, and I hope you set the stage for other groups to do the same thing you're doing. The only thing I would add to it, we talked about color briefly. I do think we need a subcommittee.

I do think we have to maybe consider different colors for different states. All the other information may very well be the same. The bar code was my suggestion; and without any further words, I'll say thank you. Keep up the good work, gentlemen.

DR. JAIME GEIGER: I want to congratulate the members of the task force. I think these recommendations are solid. I think they are well thought out and they're long overdue. Again, as I heard you all say, it's all about accountability. We have billion dollar plus fishery along the Atlantic coast. This has been going on for far too long. We're all concerned about striped bass, status of the stocks, and the future of the fishery.

Certainly, these are great, solid recommendations. I urge us to as soon as possible try to implement these. I understand there are concerns. There always will be, but I would certainly urge the board to seriously move forward quickly to implement these recommendations, all of them in as expeditious and quickly manner as you can. I think again they are well vetted out. I think they're excellent and again long overdue, and I congratulate the task force for bringing them to our attention. The Fish and Wildlife Service strongly supports all of these recommendations.

MR. KELLY PLACE: The advisory panel is going to be extremely gratified at the efforts that you all put

forward. We've been pushing for about five years for better enforcement in a number of ranges, and this is very impressive work. There is one other side to the coin, though, that I know the advisory panel would want to know.

Thanks to Mr. O'Brien who has pushed these types of issues at the advisory panel for years and years. I can already say that he'll want to know do you still have an investigation going on with the illegal catch in Wave 1, so-called Wave 1 off of Virginia, Carolina and to a lesser extent Maryland because there is pretty much generally the opinion that the illegal poundage that is being taken out of stock, which is mostly spawning stock, possibly rivals what we've seen illegally taken in the commercial sector. Basically, are you all still investigating what is going on in the EEZ or at some point will we have report on those issues?

CHAIRMAN O'CONNELL: Anybody want to comment on that?

MR. HETTENBACH: I didn't know if that was directed at us. Unfortunately, we're only here talking about an investigation and this task force work was concluded. We can't talk about ongoing investigations, whether there are or aren't going on or any of the details of those. We're over here to talk about these recommendations from this past task force; but whether there are or aren't other investigations currently underway we can't speak to.

MR. PLACE: We had been told at a previous meeting that those investigations were ongoing and there certainly has been certain activity off Virginia and Carolina that I know of. Understand that we are again real impressed with the work you've done on this; and I wouldn't expect if it's not your purview to be involved in that, but I would ask the board or staff, whoever is necessary, that I can tell you in advance that the advisory panel would really like to have a report on what is being done on the illegal fishery in the EEZ, specifically the Wave 1 fishery off of Maryland, Virginia and North Carolina, but mostly Virginia and North Carolina. But, good job, guys, thanks.

CHAIRMAN O'CONNELL: All right, we've gone through the list of people that wanted to comment. It seems like the suggestion that has been talked about is directing staff along with maybe a core group of law enforcement and state representatives to draft an addendum to provide more clarity of this issue, the benefits, the priorities of these recommendations, the challenges. I think it would be useful for the board, if

they wanted to go forward down that pathway, to have a motion. Pat.

MR. AUGUSTINE: Mr. Chairman, myself or Mr. Diodati – I think Mr. Diodati outlined it quite well. If he is ready to make a motion; otherwise, I'll make a motion.

MR. DIODATI: Pat, why don't you go ahead?

MR. AUGUSTINE: That's strange for you people telling me to make a motion. **Okay, I move that we develop an addendum to address the law enforcement recommendations** and encompass the bulk of the recommendations they have presented in this I'll call it a white paper. Now, please help me wordsmith this. Paul, do you want to jump in on this? I tried not to be too specific.

MR. DIODATI: I don't think we want to say the bulk. I think you want to move to develop an addendum to address LEC recommendations.

MR. AUGUSTINE: That's clean; thank you, Paul.

MR. DIODATI: And I think that Doug had recommended some type of different ad hoc group to work on this. I don't think that belongs in this motion.

CHAIRMAN O'CONNELL: Is it the understanding of the board with this motion that the plan development team with some assistance from state representatives and law enforcement would work together on this?

MR. AUGUSTINE: Absolutely.

CHAIRMAN O'CONNELL: Okay, so we have a motion move to develop an addendum to address the Law Enforcement Committee recommendations. Motion made by Mr. Augustine; second by Paul Diodati. Discussion on the motion? Jaime.

DR. GEIGER: Mr. Chairman, it would certainly be beneficial from my perspective to put some kind of timeframe in there by which we can anticipate the group to come to some kind of closure on this rather than leaving it open-ended in terms of a timeframe.

MR. AUGUSTINE: Could we ask Bob, Mr. Chairman, what the budget looks like?

MR. ROBERT E. BEAL: I think it's more of a staff time issue than a budget issue. Kate is wrapping up the stock assessment and peer review for American

eel and river herring between now and the May meeting. We can help her out and do the best we can to pull something together by the May meeting and we can work with Mark as some additional help. We'll do the best we can for May; and if it needs more work after the May meeting, we can send it back to the PDT and they can beat on it some more for the August meeting.

CHAIRMAN O'CONNELL: So unless there is objection, we'll move forward with trying to work towards a draft addendum for the May meeting. Seeing no objection, that's the timeline that we'll go on. We do have a motion on the table. Any other comments on the motion? Mark.

MR. MARK GIBSON: Mr. Chairman, I don't object to initiating the addendum, but I will point out for the record that second bullet about requiring every fish harvested to be tagged upon possession, that's going to be a substantial lift for some agencies. The Commonwealth doesn't require any tagging. Rhode Island distributes tags to dealers and that's point when they enter into commerce where they're required to be tagged.

To follow that bullet we will have to provide tags to every commercial fisherman participating in the fishery, and we have to be forced into situations of examining individual fishing quotas, sectors all kinds of things that could be unintended consequences of that requirement of tagging a fish. Possession occurs as soon as you unhook it and leave it in your boat, as soon as you take it out of the net and leave it in your boat.

We may have to think closely about that as this addendum moves forward. I don't want to have to decide how many a tags a hook and liner gets, an otter trawler gets, a fish potter gets. That's going to create a big problem for us. Thank you.

MR. DIODATI: Well, that's precisely what my point was and I think Doug's was to use as much of our collective experience in order to develop pragmatic recommendations for the addendum. I think we all recognize that kind of hardship or actually it might be one of those tasks that we couldn't succeed at if I had to deal with all the fishermen that we have. I think this ad hoc committee could come up with a refined recommendation for us to consider, we go through the hearing process, the discussion here and hopefully we work it out.

DR. MICHELLE DUVAL: Mr. Chairman, I just want to wholeheartedly echo Mark Gibson's

comments. We distribute our tags to the dealers. With that said, I would be more than happy to participate in any ad hoc group that might be called upon to assist in that regard.

CHAIRMAN O'CONNELL: Okay, if the motion passes I'll ask for a show of hands who wants to help Kate on this PDT effort. Vince.

EXECUTIVE DIRECTOR JOHN V. O'SHEA: Mr. Chairman, recall about three or four years ago when some of these cases were first coming out, there was considerable outcry up and down the coast, some of it directed at individual states about their ability to control their fisheries and whether or not they should even be allowed to have fisheries. I mean, this is the public outcry.

I think the states that are anticipating some problems might want to just consider that there but for the Grace of God it wasn't them and what would have happened had the task force settled into another region of the country and found these types of problems. This in my mind is moving in the direction to take advantage of an opportunity and learning from a lesson.

CHAIRMAN O'CONNELL: Thanks, Vince. Any other comment on the motion? Since we are on schedule, is there anybody from the public that would want to comment on the motion before the board takes action? All right, seeing none, does the board want a brief minute to caucus?

(Whereupon, a caucus was held.)

CHAIRMAN O'CONNELL: All right, is everybody ready? All right, we're going to take a vote here. All those in favor of the motion please raise your right hand; all those opposed please raise your right hand; any abstentions; any null votes. **The motion carries fourteen, zero, two abstentions, no null votes.** In regards to getting a few people together to help work on this plan, can I get a show of hands on who would be interested to work with that: Jaime Geiger, Michelle Duval, A.C. Carpenter, Steve Meyers from NMFS and Paul Diodati. It sounds like a pretty good list there. A.C., do you have a question?

MR. CARPENTER: Is it within the purview of this addendum to require that the tag remain on the fish until the final consumer; is that something that can be added into this?

CHAIRMAN O'CONNELL: Is there any objection from the board to include that as a possible inclusion

in the draft addendum? Seeing none, let's include that and we'll have a board discussion when it becomes available. Kelly had a suggestion that may be helpful to ask an industry representative or have Kelly to participate in this group to provide an industry perspective on the enforcement. Is there any objection? I'll work with Kate to try to get a representative from the stakeholder group on this group as well. All right, seeing none, I'll work with Kate to do that as well. The next item on the agenda is the review of the Connecticut Alternative Management Plan implementation. Kate.

### REVIEW OF THE CONNECTICUT ALTERNATIVE MANAGEMENT PLAN IMPLEMENTATION

MS. KATE TAYLOR: It is the plan review team's responsibility to review an alternative management plan one year after implementation and report back to the board. Last year, as you will recall, Connecticut requested that their striped bass quota be approved for use as a spring bonus recreational fishery operating within the Connecticut River under an open slot limit from 22 to 28 inches total length.

They determined that the conservation equivalency of their quota, which was 23,750 pounds, to be equal to 425 fish. In 2011 it was estimated that no more than 2,000 tags were handed out. A total of 80 tags were returned with information. Four other tags were returned unused and 34 protest tags were returned.

The attributed the low harvest rate primarily to high river flows during the spring. There are some program modifications that Connecticut was requesting for 2012, including expansion of the program outside of the Connecticut River for the reasons of mitigating predation on river herring and also to provide public fishing opportunities particularly in urban areas.

The plan review team's consensus was that the program did not have any consequences beyond the scope initially considered. However, the PRT notes that it was clear that river flows in 2011 impeded the fishery and resulted in less catch than expected. The PRT is concerned over the potential lack of enforcement in requiring anglers to mail in their harvest cards.

Therefore, the PRT recommends that the program continue for an additional year under the initial parameters so that it would be possible to judge the impact to the fishery under a normal flow year and also so that it would be easier to assess compliance in

harvest reporting if the fishing grounds were limited in size rather than opened further. Thank you, Mr. Chairman.

CHAIRMAN O'CONNELL: Thanks, Kate. Any comments on the proposal? Pat.

MR. AUGUSTINE: Mr. Chairman, would you like a motion to move to approve?

CHAIRMAN O'CONNELL: That would be fine.

MR. AUGUSTINE: **Move to approve Connecticut's alternative plan for management for the year 2012 for striped bass.**

CHAIRMAN O'CONNELL: Do we have a second to the motion; Paul Diodati. We have a motion move to approve Connecticut's alternative plan for management in 2012. Motion made by Mr. Augustine and seconded by Mr. Diodati. Any comments on the motion? Roy.

MR. MILLER: Mr. Chairman, I just point out the obvious. I assume that in Figure 1 in the Connecticut Proposal, that should be inches and not centimeters?

CHAIRMAN O'CONNELL: Kate is looking into it. While Kate is looking for that, are there any other comments? Kate is saying, yes, it should be inches, Roy. Pat.

MR. AUGUSTINE: Mr. Chairman, as the result of having implemented this for one year, has there been a change in observation of the river herring that have gone up through the Connecticut or is it too early to ask Connecticut if they've seen any improvement in that stock. I know the plan was originally put in place to reduce predation on shad and river herring and I think that's where we're going.

Although the plan didn't get a lot of broad utilization this year, one of the reasons I support it is because I think it's a move in the right direction for shore-bound people. Is it too early to ask if Connecticut has seen any improvement or change in their river herring or it would be just a visual observation?

CHAIRMAN O'CONNELL: It's not too early to ask; is it too early to tell? David.

MR. DAVID SIMPSON: It wasn't part of this proposal to do any kind of assessment of the effects and we acknowledged from the beginning that 4,000 stripers isn't nearly enough to put a dent in the predation issue, but the information that we've gotten

from surveys and informal surveys and collections is that there are quite a few blueback herring in the last couple of years in the Connecticut River Proper below the Holyoke Dam, and alewife runs were record numbers in 2010 and 2011, so there are some encouraging signs.

MR. PLACE: When this plan was first brought in front of the advisory panel, it was sold very heavily to us as being a fishery to bring underprivileged and disadvantaged youths in the intercity into the fishery. We discussed that for well over an hour and maybe more like an hour and a half. Most people were more or less on board; a few people were opposed.

We're glad to see everyone back with this. Looking at an article, I found though describing this program in a Connecticut newspaper, it doesn't describe anything that we were told was the main rationale for this program, which even though it's a small increase in mortality. I'm just wondering is there a disadvantaged and intercity youth component to this program like it was sold to the advisory panel or is there not. That doesn't mean that we're opposed to it. We didn't have a conference call or a meeting so no one has expressed an opinion, but a couple of people did ask me to find out if in fact that rationale that we were given to approve the program in the first place was true or not. Thanks.

MR. SIMPSON: Yes, I remember those conversations last year. Yes, unfortunately, the technical committee person who spoke to the AP frankly didn't read the document that we produced that you were given. If the AP read the document, that is 100 percent what we were doing. I don't mean 100 disadvantaged youth.

That's a component of a much broader effort on the agency's part to promote recreational fishing; provide recreational fishing opportunity in urban communities, especially youth included in that but not particularly singled out beyond that recruitment and retention context. There is the additional predator mitigation ecosystem-based management component to it. It is those two parts.

In 2012 there is a little bit of a de-emphasis on the predation part, but we're exploring multiple new avenues for providing that gateway experience to bringing people into angling and keeping them there. Inshore mode fisheries for summer flounder, I hope scup and this striped bass program will be the three pieces that we see as the way forward to keep people interested in recreational fishing.

MR. PLACE: Yes, I appreciate that. One last thing; I just want to mention that when a state or anyone brings any proposal in front of the advisory panel or any other board, I think that accuracy of the intent and the implementation of the plan is absolutely critical, because like I said we spoke for at least an hour and a half on how the disadvantaged youth and all that were going to be brought in.

I believe we also asked were these just striped bass tags that anyone can go get and apply for, and we were essentially informed negative on that count. Now, we're not terribly worried about it because it's not a huge amount of mortality; but in terms of being told that the average person couldn't just go and get one, the first sentence in this news article in one of your papers is that the State Department of Environmental Protection is issuing free vouchers to anglers fishing in the Connecticut River to take this many striped bass, dot, dot, dot.

I just want to mention the advisory panel really would like accuracy in any type of proposal that comes in front of it as I'm sure any other board would and hopefully wouldn't read in the newspaper exactly contrary to what we were told when the proposal was made in front of us. I don't blame you for that. I'm sure there was miscommunication but I just want to make that clear what the rationale was we were given.

CHAIRMAN O'CONNELL: Thanks a lot. I appreciate your clarification, Dave, and, Kelly, point taken. Dave, did you want one more comment on this?

MR. SIMPSON: Again, I don't write scripts for technical people when they go to meetings. I gave a document to that person. This board received a document. The AP presumably received a document. We did 100 percent what that document said we were intending to do. If the technical committee person mischaracterized it and embellished a little bit, it probably wouldn't be precedent setting for that particular individual to put his own interpretation into things, if you know what I mean.

It's very entertaining but sometimes he gets off track or used to get off track. I will say for this coming year tags will be available to the entire public, but we're going to be very strategic in how we meter them out. We don't give them away on the internet through our licensing system. We place them in strategic places in strategic amounts, work with groups like Riverfront Recapture, which are all about bringing the Hartford community to the Connecticut

River to enjoy the natural environment; law enforcement, creel agents, urban and suburban park and recreational departments, give them vouchers for special programs to enhance youth opportunities and so forth. I apologize for a past employee's poor characterization of the fishery, but believe me we've been clear in what we said we were going to do and have lived up to that.

CHAIRMAN O'CONNELL: Thanks a lot, David. Is there anybody from the public that would want to comment on this motion? Tom, and then we're going to take a vote.

MR. THOMAS FOTE: This is his commercial quota. He can use it almost any way as long as he stays within the quota, and that is my only concern here; the same way New Jersey uses its bonus tag program. We have to be fair and equitable to all the states. For that reason, I'm going to support this motion.

CHAIRMAN O'CONNELL: Thanks, Tom. Is everybody ready to vote on the motion? All right, all those in favor please raise your right hand; any opposition to the motion; any abstentions; null votes. **The motion carries unanimously.** That is all the items on the agenda. Doug Grout.

## OTHER BUSINESS

MR. GROUT: Sorry to delay this; I know we're ready to go, but Alexei came here and I wanted to ask him a question. I am going to preface this with at our last meeting we were considering an addendum on striped bass to reduce the fishing mortality. We had a motion to table or postpone it until the next assessment, and that's fine.

What I wanted to ask Alexei is if he could provide either at this meeting or if not the technical committee could provide at the following meeting is in the stock assessment it indicated that by 2017 we were going to be in an overfished condition. They also gave projections that showed that if we reduced F by about 13 percent to F 0.20 it would prevent the overfishing status from occurring.

I'm wondering if either Alexei could provide at this meeting or again ask the technical committee to provide us with information that if we delay taking action to, say, 2014, until we have that assessment in hand, is that going to require an even bigger reduction in F. And if it is, can you give us some guidance on how much more reduction in F we'd

have to take by waiting to 2014 to take action to prevent an overfished status?

CHAIRMAN O'CONNELL: Alexei, are you able to provide some response today?

DR. ALEXEI SHAROV: Sure, Tom. I'm Alexei Sharov, the next TC Chair and not the new one but the next one. I begged Wilson to come and stay here. He said, "Thank you; they're very nice guys" but he wanted me to be in the chair. Yes, I think we could pull up a few slides from the presentation that you saw the last time in November in Boston.

I think that would be very helpful in answering the question. While I'm opening the presentation, I would just remind you that the question is based on the fact that we presented you the projections a few months ago on the dynamics of the spawning stock. As every projection, it is based on a number of assumptions and there are a number of uncertainties involved. When you do the projections, some of those uncertainties that would affect our understanding of the status of the stock would be the catch information, how reliable it is.

There would be also the so-called retrospective pattern, if you would recall, as well as assumptions on recruitment and natural mortality. With certain assumptions that we made, we projected that the spawning stock will be declining. If you would look at this slide, you would see that the female spawning biomass was projected under a scenario of low recruitment and average recruitment, and the spawning stock biomass has been declining since 2004 due to the natural process of the large cohorts dying off.

Several options for fishing mortality that we've investigated resulted in either decline of the female spawning stock biomass under the current fishing mortality or the spawning stock leveling off and increasing under reduced levels of fishing mortality. As Doug noted, the reduction of fishing mortality by 30 percent would, given this scenario, level off the spawning stock biomass decline and that further reductions would increase the spawning stock biomass.

That looks tempting that if we'll take an action, we certainly will avoid hitting the threshold. However, if you would recall that generally the feeling of the technical committee was that at the moment there is sufficient spawning stock biomass and that the amount of the spawning stock biomass should be able to provide a good recruitment given the appropriate

environmental conditions, which we happily saw that it did happen in 2011.

Beyond that, I would note that with respect to the status of the stock we have two parameters, spawning stock biomass and fishing mortality. Our fishing mortality, as you would recall, is well below the target. It's 75 percent of the target and well below the threshold. If the technical committee appropriately chose the target fishing mortality level in the past, in principle we should be able to maintain a healthy population just staying at the target fishing mortality level of below.

With that respect, we should be feeling rather confident that the management is doing the right thing with respect to the exploitation. We're not exercising too much of the fishing pressure on striped bass, which is the good news. The female spawning stock biomass is declining because of the natural decline of the strong year classes that we had in the 1990's

The action that we could take would possibly slow down that decline of the ages eight and older fish; but with respect to the success of the strong year classes in the future there is no indication that would necessarily be helpful. If we would look at the stock recruitment plot that shows all the data points for the spawning stock biomass and the number of recruits they have produced, and the most recent you see these red data points where we have a pretty large spawning stock biomass but we have consistently low recruitment.

Yet fortunately last year we had a strong year class which would be somewhere in the upper right corner of this graph, but what we're concerned about that we're going toward is this dotted line which represents a spawning stock biomass as our threshold. Even if we touch that line, we're still in the area where we historically saw strong year classes. I think that's the current status of our understanding of the stock. I'll be happy to answer and provide any additional answers.

MR. GROUT: The stock assessment committee had provided a very thorough description of what the status of the stock was. My concern and the reason for the question that I asked was I see under the projections you made and in the text of the assessment it says by 2013 we will be in an overfished status under any recruitment scenarios. Well, it said 2017.

What I'm looking at is we've had a motion on the board that says we're going to delay action until after the next assessment; and what I want to find out is what are the consequences of doing that? Now, under the projections that you provided in the assessment the most conservative reduction was to go to F 20, and that is a 13 percent reduction in the fishing mortality rate.

Under those projections that was going to take place in either 2012 or 2013. What I'm asking is, is there going to be a consequence to the amount of reduction we need to prevent that overfished status in 2017 by delaying to 2014? If you can't answer that right now, could you get the technical committee to discuss that and tell me?

It may not be that there is going to be any consequence to that. I just want to make sure that by delaying here – and there is some reasonable justification for delaying – that we're not putting us farther behind the eight ball; because in 2014, now we're three years away from potentially having to do something to prevent the overfished status. We don't want to get to that. That would be in my opinion almost an embarrassment for this commission. Can you provide that information right now; is there a consequence by waiting a year; instead of taking a 13 percent cut, we might have to do something that would result, say, in a 20 percent cut instead.

DR. SHAROV: The consequence will depend on how sure we are respect to the current status of the stock. What you have is you have a projection that we've made. Starting with 2010 we projected seven years forward. We're making a leap of faith here in doing so. What you're seeing is essentially a fixed projection as I said with a certain number of assumptions; but if we would include the uncertainty that is always involved – consider this graph shows you a 50 percent chance, that there is a 50 percent chance that under such a level of fishing mortality we are going to cross the threshold, which formally defines the overfished.

What may happen is that just within a few months, this summer, we will be doing the next assessment because it is a scheduled benchmark assessment. The first step of it would be an update; that is, we're not changing the model but we're just adding more data to it, which obviously will make us more confident with respect to how we estimate the status of the stock, where the fishing mortality is and where the spawning stock biomass is.

In addition to that, the improvements that we have in the plan hopefully will also reduce the level of uncertainty that we have with respect to the current status and the projections. That is as far as I think myself and the technical committee would go at this moment; that is, having no more data, we can only speculate then and just outline for you the probabilities of us being overfished five years from now. We will not be more certain without having more data and then running the model and then coming to you and reporting on the latest assessment.

CHAIRMAN O'CONNELL: Doug, I'm not sure if that answered your question specifically. I've got a good sense of what you're asking and I did Alexei did and perhaps we can talk a little bit more offline and see if Alexei can bring back some further information by the next meeting. Is that okay? All right, I've got Pat and then Jaime.

MR. AUGUSTINE: Mr. Chairman, thank you for that explanation. My concern was when I made the motion in Boston about postponing further action on that was exactly as what is described. We need the stock assessment. The concern that there was a possibility of the stock crashing – the big concern, the emotional push, as you all recall, was the lack of seeing small fish up along the northeast coast, up along Rhode Island and that way.

We share the same concern, but we also share the same concern along our New York Shoreline we have seen change in where our greater number of striped bass has been showing up is they're moving a little farther offshore earlier and moving farther up along the coastline. But if we go with what is in Addendum VI that tells us we have three triggers that we should be abiding by and we have not hit any of those triggers in a significant amount of time to allow us to do any management changes, I think we're on target for the assessment coming up in 2013.

I had an offline discussion with Doug about I would support – if any action were to go forward, I would definitely support and move along the same lines with trepidation, if you will, that it's really not time to take any action of any sort or spend any more board time or staff time until the benchmark review is completed. I think we've got to stick to our guns on this one.

This board has done yeoman's work on striped bass and getting it up to speed. We now have an LEC that has moved forward and given us some super recommendations to move forward with capturing that other part. I think we're right on target. Unless

there is any other business, Mr. Chairman, I move to adjourn.

CHAIRMAN O'CONNELL: We've got two more comments and then hopefully we'll be there.

DR. GEIGER: Mr. Chairman, with the board's indulgence I would like Dr. Laney to give a quick, very brief update on the winter cruise, please.

DR. LANEY: Mr. Chairman, just a quick update. For 2012, this year we once again do not have funds to underwrite the traditional trawling approach to catching and tagging striped bass, so we are working on putting together charter trips like we did last year, so we are going to get out there and tag striped bass using hook-and-line gear, following the Massachusetts protocol as we did last year. I'll be reporting to you on the results of that at the next board meeting.

And then I'm very pleased to report and thanks to North Carolina Division of Marine Fisheries and I guess the North Carolina Wildlife Resources Commission, the group that approves the Coastal Recreational Fishing License Grants, Dr. Roger Rulifson at East Carolina and I did apply for a CRFL Grant, and we did get approval for that grant, so we have close to quarter million dollars for next year.

We will be doing the Cooperative Winter Tagging Cruise in 2013 and also doing hook-and-line tagging so we will have two cohorts of tagged striped bass out there that we can compare to each other. I just wanted to make that report to you. Thanks.

CHAIRMAN O'CONNELL: Thanks a lot, Wilson, we appreciate your persistence and commitment to that cruise. Vince.

EXECUTIVE DIRECTOR O'SHEA: Mr. Chairman, I actually had a question for Dr. Sharov on this report. You showed us some graphs up there and you said this is due to the natural decline of females from the nineties, which, quick math, would be about 17-year-old fish. What is the largest source of mortality on 17-year-old fish that would be contributing to this natural decline?

DR. SHAROV: Well, when I said "natural", of course, I didn't mean just the natural mortality in itself for natural causes. It's natural plus the fishing mortality as well. The fishing mortality at this time as we estimated is about 150 percent of the natural mortality; but taking it all together in the course of even 17 years of the fish life, the strong year class

really declines to low numbers. That essentially was the essence of the message.

There was also, as you know, quite a lot of discussion of the possibility of the increase in the natural mortality, which would in fact indicate that the fishing mortality in itself is lower than we estimate, but the estimation of the natural mortality is very challenging; and even though our committee did try to do that and we continue to do so, the estimates that we get at the moment are quite variable and not always believable, so we are struggling but trying to improve.

## ADJOURNMENT

CHAIRMAN O'CONNELL: All right, we're going to entertain a motion to adjourn in a second but before we do, when we get that motion if everybody could stay in their seats for a second, Roy Miller would like to mention something to the commission. Do we have a motion to adjourn? I've got Tom Fote; seconded by Pat Augustine. No objections? The meeting is adjourned.

(Whereupon, the meeting was adjourned at 5:30 o'clock p.m., February 7, 2012.)