

ATLANTIC STRIPED BASS TECHNICAL COMMITTEE

March 20 & 22, 2007 via conference call

Meeting Report

MEETING OVERVIEW

Objective: To review two proposals from Maryland Department of Natural Resources. For a proposal on 2007 spring season regulations, the TC was charged by the Management Board to generate a consensus opinion as to whether the regulations were capable of restricting the harvest of migrant fish to below the Board-approved target of 30,000 fish. For a proposal to change regulations in the Susquehanna Flats, the TC was requested to provide technical advice for the Management Board at its next meeting. Additionally, any TC comments were invited for a MD DNR report describing a telephone and access-intercept survey planned for the 2007 spring season.

Results:

- **The TC reached consensus on a revised proposal for the 2007 spring season consisting of the following regulations: April 21-May 15: 1 fish 28-35" or 41" or greater; and May 16-June 15: 2 fish 18-28" with one allowed over 28". Under these regulations, the 2007 harvest of migrant fish is estimated to be 28,267 fish.**
- **The TC developed technical advice for the Board on the Susquehanna Flats proposal as described within this report. This advice, which included general support for the proposal, will be provided to the Board at its next meeting.**

DAY 1: March 20, 2007

Committee Members Present

Vic Crecco (CT)	Brandon Muffley (NJ)	Tom Squires (ME)
Charlton Godwin (NC)	Gary Nelson (MA)	Vic Vecchio (NY, V.Chair)
Doug Grout (NH, Chair)	Alexei Sharov (MD)	
Des Kahn (DE)	Gary Shepherd (NMFS)	

Other Attendees

Nichola Meserve (ASMFC, Staff)	Mike Slattery (MD DNR)
Linda Barker (MD DNR, Proposal Co-Author)	Howard King (MD DNR)
Tom O'Connell (MD DNR)	

Maryland DNR Spring Trophy Fishery Proposal

Alexei Sharov provided an overview of the proposed regulations for the spring "trophy" season. Based on analysis of expected harvest at variable size limit options, MD DNR proposed the following regulations: a one fish bag limit between the period of April 21 and May 15, with that fish being either 28-36" or 42"+. After May 16, the 2006 regulations would persist: 2 fish in the 18-28" range with one fish allowed above 28". These regulations were expected to produce a migrant fish harvest of 27,890 fish.

The TC was unable to reach consensus that the proposed regulations were likely to restrict harvest to the 30,000 fish target. The reasons provided for why harvest was underestimated are:

- 1) Increasing stock size: the expected harvest for 2007 was based on the harvest in 2006 and did not account for an increase in harvest based on an increase in fish availability;
- 2) Poor stock size estimate: the terminal year stock size from the VPA is likely an underestimate; other methods (i.e., those using tagging data) reveal larger stock size than used in the analysis;
- 3) Recoupment: restricting certain size fish from the permitted harvest results in a shift of fisher behavior to targeting and keeping more fish in the permitted slot limit than predicted under the modeled static conditions. Given that there are more fish available in the 28-36" slot than last year (if you include age 7 fish which ~90% are 28-36"), the actual harvest in the slot limit has the potential to be greater than predicted in the proposal.

The TC suggested several alternative regulations that might result in an agreeable proposal: a reduced season, a reduced slot limit, or a significantly larger minimum size. The TC members determined that if Maryland increased the expected harvest by 15% (a number based roughly on estimated stock size increase from Welsh *et al.* 2007 and age 7+ fish from tagging data through 2004) and re-evaluated the regulations, they might be able to reach consensus.

At this point, it was indicated that TC consensus was needed in four days (by March 23) in order to start the regulatory process in time for the new regulations to be in place for the start of the spring season. Thus, the call was suspended so that MD DNR staff could rework the analysis that day and the TC could review the revised proposal the following day before reconvening on March 22.

DAY 2: March 22, 2007

Committee Members Present

Vic Crecco (CT)

Brandon Muffley (NJ)

Tom Squires (ME)

Charlton Godwin (NC)

Alexei Sharov (MD)

Vic Vecchio (NY, V.Chair)

Wilson Laney (USFWS)

Gary Shepherd (NMFS)

Other Attendees

Nichola Meserve (ASMFC, Staff)

Linda Barker (MD DNR, Proposal Co-Author)

Maryland DNR Spring Trophy Fishery Proposal: Continued

The TC reconvened to review the revised proposal. Including an increase of 15% in the expected harvest from the 2006 harvest and also including expected harvest by Virginia fishers, Maryland changed the previously proposed regulations to be one fish 28-35" or 41" or greater (and keeping the remaining regulations constant). These regulations result in an estimated migrant fish harvest of 28,267 fish.

Through discussion the TC reached consensus that the method to estimate harvest under the proposed regulations was appropriate and that harvest could be limited to the 30,000 fish target provided that the method's assumptions are not violated.

Additional Technical Committee Comments

Two additional issues were of concern to TC members during the course of this meeting. These issues should be brought to the attention of the Management Board.

- 1) Strong disapproval of the process adopted by the Board for this issue. Normally, the TC reviews a state proposal and provides guidance to the Board, which makes the final management decision. Beyond being the normal procedure, such Board action, based on majority opinion, is often a necessity when the TC cannot come to a unanimous decision (being a consensus based body, such agreement is required). In this case, the Board approved the 30,000 fish target and left it to MD and the TC to come to an agreement on specific regulations without further Board approval. Without TC consensus, Maryland DNR would be forced to alter the analysis and proposed regulations as many times as necessary to reach consensus (if possible). This situation is unfair to both MD DNR staff and the TC because the TC is held to a higher standard of approval than the Board. Developing a proposal to attain the TC's consent was made even more problematic by the extremely short period of time between the Board's decision in January and the date when finalized regulations were needed. The TC feels very strongly that such a reversal of normal ASMFC process (i.e., the TC being tasked with making the final decision as opposed to the Board) should be avoided at all costs.
- 2) Concern that non-TC members including policy level individuals participated in the discussion of the technical merits of the proposal. The TC chair had to remind participants in the first call that the discussion should be between members of the TC and focus on the analysis of the proposed regulations. The second conference call did not have any participants beyond the TC members and staff. Commission practice has been to encourage attendance of Board members at TC meetings to observe the deliberations rather than participate in the debate.

Maryland DNR Susquehanna Flats Fishery Proposal

Alexei Sharov provided an overview of the proposal to open a two week catch and keep fishery in the Susquehanna Flats area of the upper Chesapeake Bay with the following regulations: from May 16-May 31, one fish 18-26". This change would not alter a catch and release fishery allowed in this area from March 1–May 3.

The TC largely supported the proposal for the following reasons:

- The season is only two weeks and will likely add *very* little mortality to the Bay-wide F
- The fishery will be on mostly mature resident males (the area is considered a staging area for them) and harvest will be included in the Bay-wide quota.
- Current F values for 18"+ fish are relatively low and the stock could safely accommodate a small increase from this fishery.
- Harvest will be monitored through existing methods employed in the rest of the Bay and MD will report to the TC estimated harvest in the Flats area.

There was, however, some lingering concern that Maryland needs to improve current harvest estimation methods on a Bay-wide scale. Also, while more of a policy item than a technical one, several TC members were concerned that this action would set a precedent for opening spawning areas to harvest.

Maryland DNR Telephone and Access-Intercept Survey Report

Technical Committee members will provide any comment on this report directly to the author or appropriate MD DNR staff.