

# Atlantic States Marine Fisheries Commission

## Atlantic Striped Bass Management Board

August 3, 2020  
9:00 – 10:00 a.m.  
Webinar

### Draft Agenda

The times listed are approximate; the order in which these items will be taken is subject to change; other items may be added as necessary.

1. Welcome/Call to Order (*D. Borden*) 9:00 a.m.
2. Board Consent 9:00 a.m.
  - Approval of Agenda
  - Approval of Proceedings from May 2020
3. Public Comment 9:05 a.m.
4. Consider Approval of 2020 FMP Review and State Compliance 9:15 a.m.  
(*M. Appelman*) **Action**
5. Discuss Work Group Report on Issues to be Considered in the Next Management Document (*M. Ware, M. Gary*) 9:30 a.m.
6. Recess 10:00 a.m.

August 4, 2020  
3:00 – 4:30 p.m.

7. Reconvene (*D. Borden*) 3:00 p.m.
8. Consider Postponed Motion from April 2019 (*D. Borden*) **Action** 3:00 p.m.  
*Main Motion: Move to initiate an Amendment to the Atlantic Striped Bass Fishery Management Plan to address the needed consideration for change on the issues of fishery goals and objectives, empirical/biological/spatial reference points, management triggers, rebuilding biomass, and area-specific management. Work on this amendment will begin upon the completion of the previously discussed addendum to the management plan.*

*Motion to Amend: Move to amend to add reallocation of commercial quota between states.*

9. Consider Postponed Motion from February 2020 (*D. Borden*) **Action** 4:00 p.m.  
*Move to task the Plan Review Team to review state reductions in the Fishery Management Plan Review of the 2020 fishing year. If a state is below their predicted target reduction, the Board may direct a state to modify measures for the next fishing year to achieve the target reduction.*
10. Elect Vice-Chair (*D. Borden*) **Action** 4:25 p.m.
11. Other Business/Adjourn 4:30 p.m.

## MEETING OVERVIEW

### Atlantic Striped Bass Management Board Webinar

August 3, 2020; 9:00 – 10:00 a.m.

August 4, 2020; 3:00 – 4:30 p.m.

Chair: David Borden (RI) Assumed Chairmanship: 02/20	Technical Committee Chair: Kevin Sullivan (NH)	Law Enforcement Committee Rep: Kurt Blanchard (RI)
Vice Chair: Vacant	Advisory Panel Chair: Louis Bassano (NJ)	Previous Board Meeting: May 5, 2020
Voting Members: ME, NH, MA, RI, CT, NY, NJ, PA, DE, MD, DC, PRFC, VA, NC, NMFS, USFWS (16 votes)		

## 2. Board Consent

- Approval of Agenda
- Approval of Proceedings from May 2020

**Public Comment** – At the beginning of the meeting, public comment will be taken on items not on the agenda. Individuals that wish to speak at this time must sign-in at the beginning of the meeting. For agenda items that have already gone out for public hearing and/or have had a public comment period that has closed, the Board Chair may determine that additional public comment will not provide additional information. In this circumstance, the Chair will not allow additional public comment on an issue. For agenda items that the public has not had a chance to provide input, the Board Chair may allow limited opportunity for comment. The Board Chair has the discretion to limit the number of speakers and/or the length of each comment.

## 4. Consider Approval of 2020 FMP Review and State Compliance (9:15-9:30 a.m.) Action

### Background

- Annual state compliance reports for Atlantic striped bass are due June 15. Non-confidential reports are compiled in **Briefing Materials**.
- The Plan Review Team reviewed the reports and drafted the 2018 FMP Review report (**Supplemental Materials**)

### Presentations

- 2020 FMP Review by M. Appelman

### Board Actions for Consideration

- Consider approving the FMP Review Report and state compliance

## 5. Discuss Work Group Report on Issues to be Considered in the Next Management Document (9:30 – 10:00 a.m.)

### Background

- Since the May meeting was switched to webinar due to COVID-19, the decision was made for the May Striped Bass Board meeting to be informational only because it was the first time the Board met via webinar. As a result, action on two postponed motions was deferred to August.
- In the interim, the Board decided to form a work group (WG) of Board members to allow work on these important issues to continue.

- The WG met four times to further explore issues that could be considered in the next management action (**Supplemental Materials**).

**Board Actions for Consideration**

- None

**6. Recess (10:00 a.m.)****7. Reconvene August 4, 2020, 3:00 – 4:30 p.m.)****8. Consider Postponed Motion from April 2019 (3:00 – 4:00 p.m.) Action****Background**

- Following review of the 2018 benchmark assessment results, and after initiating development of Draft Addendum VI, the Board postponed a motion that considers initiating an amendment to address a suite of management issues:

*Main Motion: Move to initiate an Amendment to the Atlantic Striped Bass Fishery Management Plan to address the needed consideration for change on the issues of fishery goals and objectives, empirical/biological/spatial reference points, management triggers, rebuilding biomass, and area-specific management. Work on this amendment will begin upon the completion of the previously discussed addendum to the management plan.*

*Motion to Amend: Move to amend to add reallocation of commercial quota between states.*

**Board Actions for Consideration**

- Consider initiating an amendment to the Interstate FMP for Atlantic striped bass

**9. Consider Postponed Motion from February 2020 (4:00 – 4:25 p.m.) Action****Background**

- Following final action on Addendum VI, the Board postponed a motion that considers accountability measures for the 2020 fishing year:

*Move to task the Plan Review Team to review state reductions in the Fishery Management Plan Review of the 2020 fishing year. If a state is below their predicted target reduction, the Board may direct a state to modify measures for the next fishing year to achieve the target reduction.*

**Board Actions for Consideration**

- Consider the postponed motion

**10. Elect Vice-Chair (4:25 p.m.) Action****11. Other Business/Adjourn (4:30 p.m.)**

## Atlantic Striped Bass

### Activity level: High

**Committee Overlap Score:** Medium (TC/SAS/TSC overlaps with BERP, Atlantic menhaden, American eel, horseshoe crab, shad/river herring)

#### Committee Task List

- SAS/TC – various taskings relating to management response to 2018 benchmark
- TC – June 15<sup>th</sup>: Annual compliance reports due

**TC Members:** Nicole Lengyel (RI, TC Chair), Kevin Sullivan (NH, Vice Chair), Alex Aspinwall (VA), Alexei Sharov (MD), Carol Hoffman (NY), Charlton Godwin (NC), Ellen Cosby (PRFC), Gail Wippelhauser (ME), Gary Nelson (MA), Heather Corbett (NJ), Jeremy McCargo (NC), Jason Boucher (DE), Kurt Gottschall (CT), Luke Lyon (DC), Michael Kaufmann (PA), Peter Schuhmann (UNCW), Winnie Ryan, Gary Shepherd (NMFS), Steve Minkkinen (USFWS), John Ellis (USFWS), Katie Drew (ASMFC), Max Appelman (ASMFC)

**SAS Members:** Gary Nelson (MA), Alexei Sharov (MD), Hank Liao (ODU), Justin Davis (CT), Michael Celestino (NJ, Chair), John Sweka (USFWS), Gary Shepherd (NMFS), Katie Drew (ASMFC), Max Appelman (ASMFC)

**Tagging Subcommittee (TSC) Members:** Stuart Welsh (WVU, Chair), Heather Corbett (NJ, Vice Chair), Angela Giuliano (MD), Beth Versak (MD), Chris Bonzak (VIMS), Gary Nelson (MA), Ian Park (DE), Jessica Best (NY), Carol Hoffman (NY), Gary Shepherd (NMFS), Josh Newhard (USFWS), Wilson Laney (USFWS), Katie Drew (ASMFC), Max Appelman (ASMFC)

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

**Webinar  
May 5, 2020**

These minutes are draft and subject to approval by the Atlantic Striped Bass Management Board.  
The Board will review the minutes during its next meeting.

Draft Proceedings of the Atlantic Striped Bass Management Board Meeting Webinar  
May 2020

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2. **Move to approve proceedings from February 5, 2020** by consent (Page 1).
3. **Adjourn** by consent (Page 20).



**ATTENDANCE**

**Board Members**

Megan Ware, ME, proxy for P. Keliher (AA)  
Sen. David Miramant, ME (LA)  
Cheri Patterson, NH (AA)  
Ritchie White, NH (GA)  
Dennis Abbott, NH, proxy for Sen. Watters (LA)  
Mike Armstrong, MA, proxy for D. McKiernan (AA)  
Raymond Kane, MA (GA)  
Rep. Sarah Peake, MA (LA)  
Jason McNamee, RI (AA)  
David Borden, RI (GA)  
Eric Reid, RI, proxy for Sen. Sosnowski (LA)  
Justin Davis, CT (AA)  
Bill Hyatt, CT (GA)  
Jim Gilmore, NY (AA)  
Emerson Hasbrouck, NY (GA)  
John McMurray, NY, proxy for Sen. Kaminsky (LA)  
Joe Cimino, NJ (AA)  
Tom Fote, NJ (GA)

Adam Nowalsky, NJ, proxy for Asm. Houghtaling (LA)  
Kris Kuhn, PA, proxy for T. Schaeffer (AA)  
Loren Lustig, PA (GA)  
G. Warren Elliott, PA (LA)  
John Clark, DE, proxy for D. Saveikis (AA)  
Roy Miller, DE (GA)  
Craig Pugh, DE, proxy for Rep. Carson (LA)  
Mike Luisi, MD, proxy for B. Anderson (AA)  
Russell Dize, MD (GA)  
Phil Langley, MD, proxy for Del. Stein (LA)  
Pat Geer, VA, proxy for S. Bowman (AA)  
Bryan Plumlee, VA (GA)  
Sen. Monty Mason, VA (LA)  
Chris Batsavage, NC, proxy for S. Murphey (AA)  
Jerry Mannen, NC (GA)  
Marty Gary, PRFC  
Derek Orner, NMFS  
Mike Millard, USFWS

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

**Ex-Officio Members**

**Staff**

Robert Beal  
Toni Kerns  
Max Appelman

Katie Drew  
Maya Drzewicki

**Guests**

(No guest list distributed as meeting held via webinar)

The Atlantic Striped Bass Management Board of the Atlantic States Marine Fisheries Commission convened via webinar; Tuesday, May 5, 2020, and was called to order at 3:05 p.m. by Chairman David V. Borden.

### **CALL TO ORDER**

CHAIRMAN DAVID V. BORDEN: Hello this is David Borden; I would like to call the meeting to order. We have only an hour for this session, so I hope we can proceed in a fairly efficient manner and avoid motions, as most of the agenda pertains to briefings not really a subject. I would like to remind everyone to raise your hand if you want to speak, and then mute.

### **APPROVAL OF AGENDA**

CHAIRMAN BORDEN: The first item of business is approval of the agenda. Are there any changes or objections, and if so, raise your hand? Toni, do we have any hands up?

MS. TONI KERNS: No.

CHAIRMAN BORDEN: All right, if there are no hands up, I'm going to approve the agenda by consent.

### **APPROVAL OF PROCEEDINGS**

CHAIRMAN BORDEN: The next item of business is the Approval of the Proceedings from the February meeting. Are there any changes, additions, or deletions to that? If you want to speak, please raise your hand.

MS. KERNS: I do not see any hands raised, David.

CHAIRMAN BORDEN: Then the proceedings stand approved without objection. Normally we would take public comment at this time, but we're going to move that to the end of the agenda, consistent with the policies and practices from earlier in the meeting. There are two issues on the agenda that need to get discussed today.

### **REVIEW OF THE PREDICTED FISHERY PERFORMANCE IN 2020 BASED ON FINAL ADDENDUM VI MEASURES, COUPLED WITH THE NEW STOCK PROJECTION**

CHAIRMAN BORDEN: The first item on the agenda relates to a Technical Review of the last actions by the Board. The Board had requested that the Technical staff complete a Review of the Predicted Fishery Performance in 2020 Based on Final Addendum VI Measures, coupled with the New Stock Projection. We have a presentation on the issue by Dr. Drew. Following that presentation, we'll take questions and discussion. With that I'll turn it over to Katie.

DR. KATIE DREW: Hopefully everyone can see my presentation now. As was discussed in the agenda, I'm just going to go through the TC Report that was part of your briefing materials about the Board task from the last meeting. Just some quick background information, so we're all up to speed.

Addendum VI laid out new regulations to reduce total striped bass removals by 18 percent, relative to 2017. This was intended to reduce F to the target in 2020, to address overfishing. This 18 percent reduction that we predict for the measures in Addendum VI, is based on all states implementing the Addendum VI measures. However, several states elected to pursue conservation equivalency, as is allowed by the plan, and as the Board allowed and approved. But with some states implementing Addendum VI measures, and some states implementing conservation equivalency measures, the predicted total removals in 2020 will be different from that original assumption that all states are going to implement the Addendum VI measures.

The Board tasked the TC with evaluating the effect of the conservation equivalency measures on the predicted reduction of total striped bass removals in 2020. The Board is

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looking to kind of get an idea of how much they've deviated from their overall goal of reducing fishing and removals in 2020.

The TC analysis calculated the expected reductions in total removals, based on the measures each state implemented in 2020, for both the commercial and the recreational side. This way we can evaluate what the actual percent expected reduction will be in 2020. Then in addition to provide some context for that percent reduction, we also updated projections for F and FSB, based on the new predicted 2020 removals, but also on updated 2018 data, and preliminary 2019 data.

Just as a reminder, when we did these projections initially to develop Addendum VI, we did not have any information on what removals were going to be like in 2019, and so we used a three-year average of '16, '17, and '18 total removals as a proxy for 2019 removals just to work on, because we didn't have any information at that point.

We now have the preliminary 2019 recreational data, and so we were able to incorporate that into the estimates for these projections, to give us a slightly better handle on where we're going from here. The final 2020 measures. I'm not going to go over each individual set of measures, I believe that is in your briefing materials.

But just to point out that it was about half and half between states that implemented the Addendum VI measures and states that implemented the conservation equivalency measures, in terms of the recreational and commercial measures in place. Just to point out that Delaware did implement the coastwide measures, but they used changes to the commercial side to offset some of the predicted savings.

The predicted reductions, the new predicted total removals in 2020 is a 15 percent reduction

from 2017 levels compared to the 18 percent reduction predicted for the consistent coastwide Addendum VI measures. The updated projections indicate a 42 percent chance of being at or below the F target in 2020, compared to a 50 percent chance that was calculated with the original projection.

I'm just going to go through a couple of figures now to kind of show what that looks like. For this graph you can see the goals line with the triangles is the final measures with conservation equivalency, and the gray line with the circles is the original analysis. This big difference here between fishing mortality in 2019, and between the original analysis and the updated analysis, is the result of the incorporation of that new 2019 data, which was lower than our sort of placeholder value. But you can see that overall, where the original analysis ended up directly on that line. The final 2020 measures with conservation equivalency are very slightly above it. However, the confidence intervals include the F target. It is very close to the F target, and do not include the F threshold.

We have a very high chance of ending the overfishing, as well as a moderately high chance of actually achieving the target in 2020. This is the projections for spawning stock biomass, and as you can see they are extremely similar between the original analysis and the final 2020 measures with conservation equivalency, as well as again that sort of reduced harvest in 2019 did have a protective effect on the spawning stock biomass, compared to our original projections.

However, you can see the trajectories are virtually identical, and the confidence bounds overlap, and that as we are approaching the 2019 ten-year rebuilding timeframe, 2029 rebuilding timeframe, we are approaching the target, but we will still be slightly below it. We'll have a moderate chance of being below it into the future.

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Overall, relative to the consistent coastwide measures, this combination of Addendum VI and conservation equivalency measures implemented in 2020, would result in lower predicted reduction relative to 2017. You're talking about a 15 percent predicted reduction versus an 18 percent predicted reduction, and a lower probability of achieving the F target in 2021, a 42 percent predicted probability versus a 50 percent predicted.

Overall, you do have a slightly lower reduction, and a slightly lower chance of achieving the F target, but it does not significantly undermine the Board's efforts to reduce F and end overfishing in 2020. However, this obviously comes with a big caveat that the 15 percent reduction calculated for 2020, relies on the assumption that effort in 2020 will be similar to effort in 2017.

We've already seen effort in 2018 and 2019 was different than 2017, even under the same Addendum IV measures, and had significantly lower total removals than 2017 under those same measures. Obviously, this is a source of uncertainty that we have in all of our bag and size limit analyses is trying to understand those changes in effort, and what's driving them.

But obviously the real big elephant in the room is the effects of the current Covid-19 situation on total removals, which we've talked about already for several of our other species, and I won't dwell on it here, except to say that we have no way of predicting what effort or removals is going to be like in 2020 at any point.

I think the overall takeaway is that on paper the implementation of those conservation equivalency measures did not significantly undermine the Board's efforts to reduce F back to the target. However, the projections and those calculated reductions are rendered extremely uncertain by the current Corona Virus situation, as well as just the natural uncertainty and these kinds of bag and size limit

analyses. With that I'm going to take questions from the Board.

CHAIRMAN BORDEN: Questions for Katie? Toni, if you please call off those that want to speak.

MS. KERNS: Yes, we have Russell, John Clark, and then John McMurray. For Russell, you just need to unmute yourself, and then you can speak.

MR. RUSSELL DIZE: Toni, if you're speaking to Russell Dize, I had no questions.

MS. KERNS: Okay, sorry Russell, I was. Your hand was up, but now it is down. Then we have John Clark and John McMurray.

CHAIRMAN BORDEN: John.

MR. JOHN CLARK: Just curious, Katie would you be able to put up a chart that would show what the reductions are by state, based on the measures that have been implemented?

DR. DREW: Yes, we have that just one second.

MR. CLARK: Thank you, at the last meeting there was a lot of criticism of conservation equivalency measures, and I just think this points out very clearly that the states that did use conservation equivalency are meeting the reduction and then some.

And the Addendum VI measures. If all states adopted those, maybe we would have gotten coastwide 18 percent reduction, but the reduction would have fallen very much heavier on certain states than others. As we move forward, I know there is a lot of criticism of conservation equivalency, but I think this shows pretty clearly that even if everybody adopted the same measures, it would not have the same effect in all states.

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CHAIRMAN BORDEN: I've got John McMurray next.

MR. JOHN G. McMURRAY: We ended up with a 15 percent reduction after the conservation equivalency measures, compared to the 18 percent reduction that we should have gotten, and the probability that F will be at F target was projected to be 42 percent instead of 52 percent. We're saying we didn't undermine the Board's efforts to end or reduce F to F target in 2020. I don't see how that is the case, when we're looking at 15 percent instead of 18, and 42 percent instead of 50. Maybe somebody can explain that for me.

DR. DREW: The TC's comment was that it did not significantly undermine the Board's effort. I think we agreed that this is not as conservative as everybody either going to the Addendum VI measures, or everybody doing their own 18 percent reduction. You do end up in a less conservative place. But given some of the other uncertainties around this analysis, we didn't think it was a significant undermining of what the Board is trying to do. It's not like we ended up with a 2 percent reduction overall, we ended up close to where the Board wanted to be.

MR. McMURRAY: Okay, follow up if I could. Yes, that is understood. But I did have a question about the chart you put up in response to John Clark's question, or to his statement. Those New York through Virginia measures, they are relative to the 18 percent, not what they would have achieved if they were implementing coastwide measures. Is that a correct assumption?

DR. DREW: Correct. If these states had implemented the coastwide reductions, they would have had a higher reduction on the recreational side than what they have implemented here.

MR. McMURRAY: Okay understood, thank you.

CHAIRMAN BORDEN: Toni, who have you got on the list?

MS. KERNS: We have Mike Luisi, Emerson Hasbrouck, and Ritchie White.

CHAIRMAN BORDEN: Mike.

MR. MICHAEL LUISI: Katie, can you go back to your slide that showed fishing mortality? You went through quickly, and I just wanted to look and see where we were, as compared to where we might be in 2019. When we took action the terminal year, correct me if I'm wrong, but the terminal year was 2017 in the latest assessment, so we took these actions to take reductions for fishing mortality.

In the interim over time, before those reductions were put in place in 2020, we dropped below, so the updated information on the assessment indicates that we, I want to make sure that I'm right here in looking at this. We've got the 2020 measures with conservation equivalency being below the fishing mortality target.

What was the gray line there? That was the original? I want to understand where we stand currently, because you know looking back, I see that by doing nothing over 2018 and 2019, as we were working through this in the Addendum. We ultimately achieved our desired fishing mortality just by chance.

You know now as I look at this, we're below the mortality target, as of 2019, and we're predicting in 2020 under our current measures to be right at the target again. I'm just trying to understand this graph a little bit as to what the differences are between the gray and the yellow, or I guess it is like a tan bar.

DR. DREW: Yes, the differences are in 2020 we now have the 18 percent, or instead of the 18 percent reduction we have the 15 percent reduction that we're predicting for the current

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measures. But we also do have updated information on the preliminary recreational removals from 2019, as well as final 2018 data. The gray line is the original projections that we did on the basis of preliminary 2018 data, and a three-year average for 2019.

We didn't have when we did these projections originally, we didn't have any information on what 2019 was going to look like. As you pointed out, we have, so 2018 if you remember was significantly below landings in 2017, and 2019 was also much lower than 2017 was on the recreational side. We didn't have for this analysis any commercial data for 2019. It includes a placeholder for commercial data in the projections, but yes, this reduction that you see from this sort of predicted 2019 values originally, to below the target in 2019, is on the basis of those preliminary recreational numbers, and some placeholder numbers for the commercial side. Yes, that happened without Board intervention, so that whatever happened in 2018 and 2019, effort declined in both of those years relative to 2017, and as a result we have lower recreational landings, and a lower projected F value, even without the Board doing anything.

MR. LUISI: Okay. Is it safe to say then that you know the uncertainty over time, let's bracket it at like three or four years? I mean there is variation over time, we see it with everything that we do. I'm just wondering, I'm just thinking through. Like we've gone through an enormous amount of effort to put into place new measures for 2020, which we're getting ready to enact here shortly with the summer season starting in just a few weeks.

But I'm just wondering, you know in the event that an update had been done in 2019, and we were to show that fishing mortality was below the target. I mean it's almost like you pick and choose. You almost get to the point where you're picking and choosing your years, and depending on what the outcome is on that

terminal year, you either make management changes or you don't.

I'm thinking maybe we should be thinking, and this could be maybe for the Amendment that we're contemplating. Perhaps, with the variation throughout the years, maybe we should be less kneejerk reaction to things. Without any action we've gotten ourselves to a place where fishing mortality is very controlled.

To the point where management would say that it is at a great level. I'm just making the point that I think in the future we need to think about the reactions that we take to one assessment, and the terminal year of that assessment. It creates a lot of controversy and a lot of problems throughout the coast. I'll leave it at that Mr. Chairman. Thank you for giving me the opportunity to speak.

DR. DREW: If I could just interject there. I think the figure might be a little misleading, because we start out in 2017, and then everything else is below that overfishing threshold. But if you remember the original assessment, it is not just a single year that we have been overfishing for striped bass for a number of years prior to 2017, under the same regulations.

In addition, we also have been seeing a declining trend in spawning stock biomass. Yes, there is definitely interannual variability when it comes to trying to predict removals under one management scheme or the other, but I think it also helps to look at the big picture for striped bass, and try to figure out what are we doing and how are we responding to interannual variability in a positive or negative direction.

MR. LUISI: Yes, thanks for that Katie, that's a good point. Yes, we were overfishing for a very long time, and we needed to do something. Just looking at this graph right here. It changes the outlook; it changes the perspective when you don't see years prior to 2017. But no, thanks for that I appreciate that. I'm not

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complaining or criticizing the efforts that we've made, it's all in good faith for the resource. But thank you.

CHAIRMAN BORDEN: Could you remind me who you've got in the queue at this point?

MS. KERNS: Right now, I have four, maybe five, Dennis had his hand up and then he took it down, so I don't know if that was an error or not. But here is what the queue is for right now. I think it was Ritchie, Emerson, and then we have Tom Fote, maybe Dennis and John McMurray.

CHAIRMAN BORDEN: Let's deal with Ritchie White next.

MR. G. RITCHIE WHITE: I'll pass for now.

CHAIRMAN BORDEN: Okay, Emerson Hasbrouck, please.

MR. EMERSON C. HASBROUCK: Two things, one is I put it in the text box, so I just want to put it on the record that I missed the roll call, but I am present for this Board meeting. The other is for that slide that is on the screen now. We have the gray, I'm going to call it the gray line with the gray shading around it, the light tan line with light tan shading around it. Then we've got the darker brown, where it looks like the two overlap.

In the staff memo, the legend for that figure says that the shaded areas indicate 95 percent confidence intervals of the projections. If I understand this correctly, the two dots that we have there for 2020, the gray dot and the brown dot, both fall within each other's 95 percent confidence interval. That would leave me to believe that statistically there probably isn't any difference in that result. Is that correct?

DR. DREW: That is correct. They're within each other's confidence intervals. You can see the

confidence intervals don't overlap perfectly, but they are within each other's confidence intervals.

MR. HASBROUCK: The second part of that then there is likely no significant difference between that end result in 2020?

DR. DREW: Yes, depending on what kind of a statistical approach you want to take here. Yes, the distributions are slightly different, you have a slightly different chance of being at or above the target for one run versus the other, but as you said, they fall within each other's confidence intervals, in terms of that final F value. They are, by a lot of standards, indistinguishable.

CHAIRMAN BORDEN: Tom Fote.

MR. THOMAS P. FOTE: Yes, I just wanted to point out the fact that we didn't know we were overfishing, just like we didn't know we were overfishing in bluefish, until we put in all these new MRIP numbers, which basically pushed us overfishing, and pushed the recreational catch of summer flounder, scup, and a few other species.

We were moving along as if we were thinking that we were at a different place than we actually were, according to the new numbers, whether you believe those numbers or not, but that is according to the new numbers. That is what pushed us over to overfishing. Also, we knew what '18 and '19 looked like when we basically put most of these rules into place. But that is neither here nor there, but yes, it seems like we're doing fine.

CHAIRMAN BORDEN: I have Dennis Abbot next, then John McMurray.

MR. DENNIS ABBOTT: As you know I've been consistent in my criticism of the application of conservation equivalencies, though in some cases they are legitimate, or beyond being

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legitimate. That is probably not the right term. We started this whole thing off in an attempt to achieve an 18 percent reduction.

The result now is a 15 percent reduction, which is 8.5, 8.25 percent less than what we set out to do. Then there is a confidence factor involved, so we may end up possibly only achieving 12 percent or some lesser number, maybe a higher number. But the fact is we're not where we intended to be. I think we've really dropped the ball on what we've done to this point.

My thought is as an example, what we did here in trying to achieve 18 percent, we should have started off with a figure of 20, 21, 22 percent, because you know in striped bass that there wasn't as fast exercise. Not everyone, but most everyone came in with conservation equivalencies, and the result of that was we did not achieve what we said we were going to achieve.

Maybe when we're looking for 18, we try for a higher number, and then after the conservation equivalencies are factored in, we see where we are. But again, it's disappointing to find out that we were looking for a figure. We said that is the figure we would achieve. We did not do that. We missed the ball by 8.333 percent. Thanks.

CHAIRMAN BORDEN: I've got John McMurray.

MR. McMURRAY: First off, I agree with Dennis's comments. I think they were on the mark. But I really just wanted to make a quick note on the assumptions for 2018 and 2019. I don't think we should look at the decline in removals as the new normal. Speaking as a charterboat captain, I would argue that less availability, less effort.

More availability, more effort. I think as those 2015s recruit, we're already seeing what are likely 2015s, those 26-inch fish. I suspect effort will go way up. I think we should all keep that

in mind, and I suspect we're going to see it happen as early as this year.

MS. KERNS: David, we have Mike Luisi and Joe Cimino, and that's it.

CHAIRMAN BORDEN: All right, I have Mike.

MR. LUISI: Thank you, Mr. Chairman, for another opportunity to speak. I don't know who's in control of the screen, but can you go back to the state-by-state reductions, based on the analysis that was done? There it is. You know, I just want to make the point. The last couple commenters made comment to the fact that we may not be achieving the desired result, based on what the Board had decided early on as achieving the desired result in reductions. But it frustrates me a little bit in looking at this graph, or looking at the measures that we're looking at here, and the reductions that the states are taking. You know from New York through Virginia; we've exceeded the desired result. But there are other states that based on the measures that they put in place; they are far from the 18 percent that was part of the Addendum. It is frustrating to hear that across the board no; we're not achieving what we ultimately wanted to achieve.

But a lot of us, we got there, and there are some states that fell short. Those states could have, if they chose to, they could have put forth measures that were more restrictive than what was in the Addendum to get us to that desired result. I just wanted to go on the record with that.

CHAIRMAN BORDEN: Joe Cimino, please.

MR. CIMINO: Yes, I think Mike hit the nail on the head there. It is frustrating to hear that type of comment, where we see that the conservation equivalency measures were in fact shooting for something higher than 18 percent. I think for most states that was intentional. Virginia was very clear on that and in the end,

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you know I know New Jersey's proposal was with the intent of being higher as well.

Also, just getting back to the 18 vs. 15 percent. The concern over that difference really says to me that folks don't understand what the analysis was. That assumption almost in what we're doing here is pretending that effort is going to be pretty much exactly the same as it was in 2017, with the fish in all the same places that they were intercepted in 2017.

Since we know that isn't happening, we're having the spring that we are having. I think it's not even worth having that comment, based on the analysis. I really appreciate what the TC did. I really appreciate Katie's slide presentation here, suggesting that we go into "wait and see" mode for what happens with the rest of this season.

Not that I think in any way we shouldn't have taken action. I agree with John McMurray in one point that the reduced harvest in recent years should be helping stock abundance increase. I do suspect there will be more fish out there. More fish available is going to mean higher harvest in the coming years.

CHAIRMAN BORDEN: Toni, do we have anyone else in the queue?

MS. KERNS: We have Ritchie White and Justin Davis.

CHAIRMAN BORDEN: Ritchie and then Justin.

MR. WHITE: I want to comment on Mike's comments. This chart is taking us where striped bass management has never been. We've always managed striped bass as a coastwide stock, and we've always implemented coastwide measures. You could put Maine, New Hampshire, Rhode Island, Connecticut, maybe even Mass in moratorium. The other states are still going to have to take substantial cuts.

Because that's where all the fish are being harvested in a large degree. That is the majority of mortality. Saying that we're going to look at each state in the future, and say each state has to individually cut whatever the coastwide cut needs to be. Now you're going to have a wide variety of regulations up and down the coast, and that was never the intent of coastwide striped bass management, and never have we done that in the past. I think to look at New Hampshire, it's only a 3 percent cut.

We could go to moratorium and it wouldn't affect anything, any of the other states, because we're so small. New Hampshire would have gone more restrictive, the fishermen were all in favor of 36-inch, one fish. Anyway, so I think this chart is misleading, and I think we need to get back to coastwide management with a coastwide regulation.

CHAIRMAN BORDEN: Justin.

DR. DAVIS: Ritchie really covered a lot of what I wanted to say. I think it's important for the Board to be clear to the public that this slide we're looking at right now does not mean that the coastwide approach to management that we took in this last Addendum, and that we've used for striped bass for a long time, has failed.

It would be mistaken to assume that coastwide management means that you should see the same percent reduction in every state box here on this slide. Differences in availability of different size classes of fish in different states will affect the ultimate reduction that a state ends up taking under a coastwide measure.

Also, for instance in Connecticut, we have so many discards that we did the analysis at one point that you could have banned harvest of striped bass in Connecticut, but that if you didn't ban fishing for striped bass we would still have only achieved somewhere around a 12 or 14 percent reduction in removals.

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That is related to angler behavior, preponderance of small or sublegal fish in our state, and also some issues with the MRIP numbers, which we pointed out during the conservation equivalency process. I just wanted to be clear that I understand when some states were looking at this, they feel like they're lifting more of the weight than other states. That may be true, but that doesn't mean that somehow this process failed, or that is not what you would expect under a coastwide management regime.

CHAIRMAN BORDEN: Toni, do we have anyone else in the queue?

MS. KERNS: Yes, we have Adam Nowalsky and Marty Gary.

CHAIRMAN BORDEN: I'll take those two, and since there is no action required, I'm going to move on after that. Unless there is somebody on the list who has not spoken yet. Adam, you're up.

MR. ADAM NOWALSKY: I was just trying to get clarity on where this discussion was headed. I think you've just provided that clarity that we're about to move on. The takeaway from me, and I think the public here, should be the slides that based on the most current information we have available to us, now that we are looking at the '18 and '19 data. We are achieving the conservation goals that we set out to achieve, and at the end of the day that is what really matters. That is what is most important. That is what we should be judged on ultimately. I'm very glad to see that. I thank staff for their work on this, and I thank you for bringing a close to this discussion.

CHAIRMAN BORDEN: Next I have Marty.

MR. MARTIN GARY: Thank you for recognizing me. Hopefully a simple question, just a clarifying one for Katie. I realize obviously PRFC is not a state, we don't have an MRIP specific

estimate for PRFC jurisdictional waters. For the purposes of allowing me to talk to my commissioners and our constituents, can you characterize what PRFC measures may be accomplishing, or is that not possible, given the parameters of the data?

DR. DREW: Yes, it is hard to separate PRFC out from Maryland and Virginia separately. That is why this percent reduction on the recreational side doesn't reflect the PRFC. You'll see it also does not include DC or Pennsylvania, because we do not have MRIP estimates for those. PRFC is likely going to be on the recreational side somewhere between Maryland and Virginia, or closer to Maryland.

Because I believe you're implementing regulations similar to Maryland, then obviously the reduced reduction on the commercial side would also factor into that. But yes, for some regions or jurisdictions, we couldn't present this percent reduction on the recreational side for conservation equivalency measures.

MR. GARY: Yes, but it's in the ballpark of where Maryland and Virginia are, in your opinion, Katie?

DR. DREW: Since you are essentially Maryland and Virginia, yes. I think we don't have enough information to kind of get down to the fine scale, only these areas were within the PRFC versus the full Maryland and Virginia. But yes, the assumption for these analyses is that you would be in that ballpark.

CHAIRMAN BORDEN: We're still going to move on. There is no action required. I would like to take the opportunity to thank Katie and the Technical Committee for fulfilling the request and doing a nice job on it. I think they've done an excellent analysis, and put it forth in a clearly understandable format.

Thank you very much, pass that thanks on to the rest of the Technical Committee.

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**CONSIDER FORMING A WORK GROUP TO  
PROVIDE ADVICE CONCERNING HIGH PRIORITY  
ISSUES AND NEXT STEPS FOR MANAGEMENT**

CHAIRMAN BORDEN: The next issue on the agenda is the subject of Forming a Work Group. What I asked Max to do is to just brief us on a couple of different components. One is to remind us what the tabled motions are that we have on the table at this point.

Before anyone jumps to a conclusion on that. The leadership of the Commission would like those tabled motions to basically be taken off at the summer meeting. I also asked Max to identify some of the priorities that we all discussed during our last session, just to remind us of what those are. Max, could you summarize those, please?

MR. MAX APPELMAN: Sure, thank you, Mr. Chair. Again, I will be short here. Dave sort of went over the whole purpose of these few slides. I was hoping, Katie do you mind continuing to go through this presentation?

DR. DREW: Yes, absolutely.

MR. APPELMAN: Just a few slides here. Again, as Dave pointed out. The Board was slated to take up two postponed motions today. That first motion considers accountability measures specific to Addendum VI, and the second considers initiating an Amendment to address a suite of management issues, including stock rebuilding.

However, recognizing the challenges of having these very high profile, high complex management discussions in a webinar setting, Commission leadership did decide to further postpone these motions until the August meeting. I wanted to point out that this does not delay any action on those motions.

I'm sorry, this delay does not pose any significant impact on implementation of any subsequent, final actions. Meaning, whether an

amendment was initiated today or in August, implementation timeline remains the same.

This is a list of all the issues that the Board has expressed intent to address or revisit in a future management document. This is not meant to be an exhaustive list. It is possible that the Board may wish to address other issues in a future management document. But this is the list so far. The issues are stock rebuilding, fishery goals and objectives, reference points, management triggers, regional or area-specific management, and commercial allocations.

Those issues are explicitly mentioned in the postponed motions, or the motion to amend that will come back to this Board in August. The issues of revisiting conservation equivalency, and considering accountability measures for the recreational sector. Those were discussed at length at the February Board meeting, if you recall. They've been brought up a few times over the past few years.

In an effort to continue to address these management issues in a transparent way, and to the extent practical during these very challenging times, Commission leadership has recommended the Board form a work group of Board members to further explore these issues, and any other issues identified by the Board, and to develop recommendations for Board consideration.

I believe the intent here that this work group would report back to the Board in August, when the postponed motions come back as well. That is my quick recap, Mr. Chair. If there are any questions, I am happy to take those. If not, I think the Board can resume discussion.

CHAIRMAN BORDEN: Well, Max, can you just go back. Katie could you take that back to the prior slide. Let me just introduce this by saying that at our last meeting I had suggested that we form a working group, but we had some members express the view that we needed

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additional dialogue on that issue before moving forward. Quite obviously, the world has changed substantially since our last meeting, and it remains unclear whether or not we'll actually be able to have an actual in-person meeting. That said, I think the Board, you have a list yourself, has identified a number of important issues that we start working on. My suggestion at this point as a way forward, is to take that list and we could add anything else to that list that we wanted to today, but take that list, form a working group, and task the working group with having some discussions between now and the summer meeting, and try to flesh out some of these issues.

I'll just stick one subject in particular as an example of why we need a substitute working on this. The last issue on the list is accountability for recreational fisheries. Regardless of where you stand on that issue, there was a lot of discussion, particularly at the last meeting, about the pros and cons of that strategy, and even to the point of whether or not it was even possible to do that.

What data sources should you use? Some people had ideas on how to proceed on that. I guess the point that I'm trying to make at this juncture is that we need a small committee that can work through those types of issues, and then identify the pros and cons of that type of concept, and then present it at the next meeting.

The same goes for many of the other issues on this list. If you agree with the concept of continuing the work on this issue between now and summer, then to me the logical next step is you have a small group of commissioners follow the work group guidelines and standards that the Commission adopted last August, I believe.

Work through some of these items, and present pros and cons of different strategies, and even alternatives to some of these strategies at the next Board meeting. At that point we take up

the tabled motions, and kind of merge these two with a tasking for the PDT to move forward. If you agree with that, and I think one logical question we need to address is what type of group.

If you look at the standards, work group standards that we adopted. They basically recommend a small group, and in this case, they also recommend really diversified groups, so you have all of the different user groups be a party to the discussions. You want different views to come forward in that format.

My suggestion would be if you're going to form a small work group that we have say a maximum of six individuals from the Board on the work group, three from a producer state, and three from a coastal state, and that they basically take the list that Max just put up, and start there, and start working through some of these issues.

That is my suggestion as a way forward, and I am happy to entertain any questions or comments on it. Once we get through a few questions and comments, if there seems to be a consensus, I don't think we need a motion. With that as background, who would like to address that topic?

MS. KERNS: Your first hand raised is Mike Luisi.

CHAIRMAN BORDEN: Mike.

MR. LUISI: I'm in total agreement in moving forward. I want to understand what the task would be to the work group. There is no amendment that has been initiated. Would the task of the work group be to discuss these issues that are in front of us on the board right now, and inform the Board when making the decision about whether or not to initiate an amendment?

Is that what you see as being the task, you know to kind of talk through the different bullet

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points that are in front of us, and come back to the Board in August with some thoughts, only to inform whether or not we start an amendment or not? I might have a follow up after your answer.

CHAIRMAN BORDEN: My answer to your question, Mike, is yes. I think that is exactly it. If you have a work group, the first item on the agenda of the management issue, stock rebuilding, 2029. At 2029, I'm sure there is going to be a discussion by some of the members of the work group, is that appropriate?

Should it be shorter, should it be longer? If you get that type of dialogue going, I think it would be very informative for the Board, once they get to the point that you want to make a motion to forward with an addendum and some tasking for a PDT. My answer is yes, and you do have a follow up?

MR. LUISI: Well no, I just wanted to say that I'll be the first to raise my hand to say that I would appreciate your consideration for me as being part of that working group from one of the producer states. I'll leave it at that. Thank you.

CHAIRMAN BORDEN: I'll just follow up with that. Thanks for raising that perspective. I'll just follow up by saying, I think the way to do this is to allow, we could send out a letter. Max could send a letter out to all of its membership on the Board, have some suggestions, and then we look at it and basically make the selection, in order to make sure we have balance. As I said from the producer and coastal states, and geographic. In other words, this has to be a balanced committee. That is what the whole work group standard set up. Toni, next person in the queue.

MS. KERNS: You have Joe Cimino, Adam Nowalsky, and John McMurray. Earlier Justin Davis had his hand up, and I don't know if he

took it down on accident or not. Now I see Megan Ware with her hand up as well.

CHAIRMAN BORDEN: Okay, Justin, do you want to speak? If not, I'll go to Joe.

DR. DAVIS: I'm going to pass for now, thanks.

CHAIRMAN BORDEN: Joe, please.

MR. CIMINO: Yes, and quickly. I think in general I agree, since there are so many things that we have to think through. The one bullet I have some concern with is reference points. I'm not sure, you know is this working group planning on meeting with the Stock Assessment Subcommittee, and possibly potential past peer review suggestions on what is appropriate, or are they just looking a priori what are their preferences? I think out of that group of items that one really stands out to me as a working group decision.

MR. ABBOTT: Toni, Dennis here. My hand has been up for quite a while, and you're not recognizing me on the list.

MS. KERNS: Dennis, your hand is not up. It is actually down.

CHAIRMAN BORDEN: Back to Joe's point. In terms of the reference points. I would agree with you. I think the Board is probably going to have more suggestions on that to clarify what is intended there. But there is no reason that a working group can't talk through some of those types of concerns, and come back even with a list of questions they think the Board should address, as part of that issue. Joe, do you want to follow up?

MR. CIMINO: No, David, that is fine thank you.

CHAIRMAN BORDEN: Okay.

MR. ABBOTT: My hand shows as being up, and it has been up. I'm getting a green arrow, have

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been for some time. I have a process question that I would like to bring up at this point.

CHAIRMAN BORDEN: Go ahead. If you wouldn't mind, let me call on you first. Ritchie. Toni, could you read off the list in the order that the names came up.

MS. KERNS: I believe we had Adam, then Megan, then Mike and John. Somewhere in there would be Dennis, but Dennis, your hand is up when the red arrow is pointing down, and your hand is down when the green arrow is pointing up. Now your hand is up.

CHAIRMAN BORDEN: We'll take them in that order. I have Adam, Megan, Mike Luisi, and then Dennis. Adam next.

MR. NOWALSKY: I certainly understand the need to move forward, and I appreciate staff and leadership working with coming up a way forward. But I do have a concern, and that concern is what I see in front of me is essentially what a scoping document for an amendment would look like. If we go forward with a working group, we know that historically, while it certainly moves things along.

It is certainly not as public and transparent as a full amendment process would be, in terms of going out to hearings, getting scoping information, deciding which of these issues there should be people working on them, and helping fill in the other. I feel that this is premature. I think this would be a fine step if there was actually an amendment that had been initiated, and we had that management document.

If we had gone to scoping and these were the items that had come out of scoping, and we needed to try to fast track things to move them along. I'm concerned that we're short circuiting that process to put off initiating the amendment. Until the amendment actually is formally initiated, until we have a formal

method for involving the public, I have concerns about moving forward in this manner.

CHAIRMAN BORDEN: Adam, I guess the only comment I would make from my perspective, and I'm sure you know this but I'll just say it publicly. Work groups are not decision-making groups; they just talk through issues, and then present a range of options. The Board will decide these issues. At some point the only thing we're trying to do is accelerate that process, so that we don't have five or six months where we do nothing on these issues. That is what the intent is. Well, I'll take the next person on the list, which is Megan.

MS. MEGAN WARE: I support the work group process here. Adam, I definitely hear your concerns there. I think my concern is that this is a pretty daunting list potentially for staff, so I think it might be good to just have some thought and provide a little more guidance to this PDT moving forward.

I do agree about the concerns with transparency, and so I would just confirm or request that all of the work group meetings be posted to the ASMFC calendar, and that there be webinars that people can listen in to, not only the public, but I bet members or other commissioners will be interested in just listening in to those work group discussions. I think that might help move the process along.

CHAIRMAN BORDEN: Good point. That actually is part of the work group specification that they have to be transparent. Members of the public have to be notified in advance of meetings, and can listen in on the discussion. Next person I've got on the list is Mike Luisi.

MS. KERNS: It was Mike Armstrong.

MR. LUISI: Sorry that wasn't me, Mr. Chairman. I had my hand up, but I realized and I put it back down, it was from before.

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CHAIRMAN BORDEN: Mike Armstrong.

MR. MICHAEL ARMSTRONG: I think this is a good process. My only concern is when things appear on a PowerPoint slide, they are like etched in stone. I see some things on the list that I don't think ought to move forward in this Amendment, but I also see some things that aren't on there, particularly addressing discards.

That is 50 percent of the mortality, so we need to start looking at ways to minimize that. We moved forward with circle hooks that's great. I don't know what else we do, but that should be on the list too. Anyway, as we've pushed this forward, I just want to make sure that that PowerPoint slide is not the be-all, end-all for the discussion.

CHAIRMAN BORDEN: I just express my own views. This is the starting point, it's going to start the work, not going to end the work. The next person I have on the list is Dennis Abbot.

MR. ABBOT: I apologize between not recognizing the red and the green. My first point is a process. Way back, one of the very early slides it said that leadership took action on the two postponed motions. It is my belief that those two motions that have been postponed belong to the Striped Bass Management Board. I would ask who is leadership that decided to take that authority away from the Board. Then to move leadership also brought this forward, which I don't disagree with. It's a good idea in most respects, though I agree with Adam Nowalsky that you might be putting the cart ahead of the horse. But again, my process question is who is leadership, and how are they allowed to take away the Board's motions and take action on them?

CHAIRMAN BORDEN: Bob Beal, do you want to address that?

MR. ABBOTT: I would think that we would as a Board have a vote, or whatever, to put them

aside. That would have been the proper way, in my opinion, to handle those two postponed motions.

CHAIRMAN BORDEN: Is Bob Beal on?

EXECUTIVE DIRECTOR ROBERT E. BEAL: Yes, I'm here David. Dennis, the leadership can't do anything with Board motions. Those are Board motions, and the Board is the only one that can dispose of them or take action on them. I think really what it was is a conversation about what do we want to try to achieve at our first go at these remote, sort of virtual meetings.

Talking with the Board Chair, Commission Chair, myself and staff. You know we decided that let's try to just get the updates on the analysis that the Technical Committee has given us, and expected results of the conservation equivalency proposals, or the full suite of regulations that are going to be implemented.

Then the motions are still that of the Board. I wouldn't characterize it as we took action on them. I would just say what we took action on is trying to form an agenda for this meeting that we thought could be practical. A month or six weeks ago when we made that motion, we were hoping that we could get together in August, and we still may be able to.

But it seemed that deferring these decisions until August wasn't that big of a deal, because we would be back face to face, but who knows what's going to happen in August now? As far as recommending, saying leadership recommended a working group. I think it's the idea of since we decided we don't want to take these big actions during this virtual meeting, what can we do in the interim to keep things moving along?

The idea was maybe potentially forming this working group. That is up to the Board, to flesh out sort of some of the ideas that will be included in the next step of the amendment,

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should the Board decide to initiate an amendment. That is an important point that Mike Luisi made earlier is the Board hasn't made that decision to initiate an amendment. While I'm speaking really quickly, Mr. Chairman.

You know I think it's important to keep in mind the steps of an amendment. The first step would be a public information document. That would be, in my opinion anyway, the first charge to this working group is develop a suite of issues that you want feedback from the public on during the public information document of the amendment process. For the first round of public hearings, what do you want to hear back from the public on? Then, once the Board gets that feedback, then they start developing the specific management options down the road. Like Mike Armstrong just brought up, how do we deal with discards? How do we improve or reduce mortality? They may have some good ideas for that. Those are the things I think this working group can potentially do a job of fleshing out, and bringing back to the Board at the August meeting, either in person or virtually.

CHAIRMAN BORDEN: I think that's a useful point that he made. Let me just offer this as a way forward to a couple of members that have expressed similar concerns. We could form a work group with the intent of developing a scoping document, and at least use this list as the preliminary starting point, and then present that scoping document at the next meeting.

Then carry on the discussion about the tabled motions. If we were going to move forward, we would have this work product that would be the first step in an amendment. Then we could go through these issues, and decide at that point which of these that were relevant, and which are not. Does that sound like a reasonable way forward? Comments to that point.

MS. KERNS: One second, David. I'm just trying to think through whether or not you can really

write up a scoping document without initiating an amendment. But I think Bob has his hand up. Maybe he can respond to that.

CHAIRMAN BORDEN: Bob.

EXECUTIVE DIRECTOR BEAL: I mean I think the idea is kind of, this is sort of work assuming something happens with an amendment. The working group can start pulling together the public information document, scoping document. But if the Board decides not to go forward with an amendment, then that document just sort of dies on the vine.

I don't think we're causing any problems procedurally; we're just trying to prime the pump should the Board decide to go down this road. The Board, you know at their next meeting obviously will have full ability to edit, change, delete, do whatever they want to do to any issues that are in the draft PID and scoping document, if that is what the working group pulls together.

CHAIRMAN BORDEN: Okay, so let me ask, do we have objections to proceeding in that manner, any objections? Is there anyone on the list Toni that would like to speak to that point?

MS. KERNS: Well right now you have four people that have had their hand up for a while. I'm not sure if they're objecting, or if they just want to speak. Those four people are Adam Nowalsky, Justin Davis, Tom Fote, and John McMurray.

CHAIRMAN BORDEN: Adam, to my question?

MR. NOWALSKY: Directly to your question, if you would like me to speak to that.

CHAIRMAN BORDEN: Please.

MR. NOWALSKY: I appreciate your guidance on that. I do think that is a better way forward. I

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would have a higher level of comfort understanding that we haven't actually initiated the amendment, but that motion is out there. We do intend to take action on it at some point. If the scope of the working group was to work on the list of items that we would put into a scoping and some prioritization of them, I think that would be fine.

With that scope of that work to stop at not making specific recommendations on how to accomplish any of those, I think that would go too far. But to begin the work of developing the range of options we would want to get feedback on from the public, I think that is a reasonable way forward at this point. Thank you for that consideration.

CHAIRMAN BORDEN: Justin.

DR. DAVIS: I'll pass at this time. Adam covered sort of my attitude and stance on this, so I'll pass.

CHAIRMAN BORDEN: Toni, who do you have third on that list?

MS. KERNS: We have Tom Fote and John McMurray.

MR. FOTE: David, after listening to all these conversations and the back and forth going on here. We're in a whole new time. If we were basically going to have another Striped Bass Board meeting, we would have to wait until August and do that, because of travel, because of the time involved just to get to a meeting.

But we could actually do a virtual meeting again, just for striped bass. Do a four-hour meeting, five-hour meeting between now and August. If you have a working group, everybody who is not on the working group who wanted to be on the working group is going to feel left out, or worry about the agenda the people have on the working group.

If you had like we used to do in the old days, just have a special striped bass board meeting, which will not be costly. I mean it will take all our time, but if we're so interested in doing this, all we have to basically do is set aside four hours between now and some time in June or July, and sit down and put it over, and then set up.

That way you could actually go out at that point with more information, and a more transparent basically, conversation. I think we should start looking for that for all the things we're doing. This is going to be a new world that we're looking at as we go forward. Who knows where we are going to be for the rest of this year, so you have to move forward?

I think this meeting has worked very well. Matter of fact, except for my long conversation here, I probably spoke about five minutes all day. Joe would say to me in the old days, I cost him a lot of money, because he wasn't making any money on the stenography end of this. I'm thinking about maybe it would be just as well to have an actual Striped Bass Board meeting between now, to look at whether we do a scoping document or not.

CHAIRMAN BORDEN: John McMurray.

MR. McMURRAY: I think I've had my hand up for about 20 minutes now. Just to the working group. Of course, I agree it's a good initial first step in all of this. We shouldn't make this more complicated than it is. We're just generating ideas. We can certainly do that. I do have the same concerns about transparency. The public absolutely should be able to provide input at this level.

I hope we can make a good faith effort to allow that. But my question has to do with the two motions, in relation to initiating the amendment. The first motion deals with accountability for Addendum VI, and then we have accountability in the motion to initiate the

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Amendment. I'm just wondering, are we planning on two separate actions for that or were we going to roll that first motion into the amendment process?

CHAIRMAN BORDEN: Max, do you want to address that?

MR. APPELMAN: Yes, I just caught part of that question, John. That first motion is specific to Addendum VI. It's talking about if states don't meet their projected targets in 2020, what accountability will there be? The idea of accountability for the recreational fishery in the future, was a separate conversation that the Board had. That could be fleshed out in a management document, but that first motion really was specific to the 2020 fishing year, and accountability for Addendum VI measures.

MR. McMURRAY: Follow up if I may, Mr. Chairman. We're going to have to take action on that first motion in August, correct, to have it applied to the '21 fishing year?

MR. APPELMAN: I'm not going to speculate as to whether that motion will be voted up or down, but either are possible, and the Board can move forward from there.

CHAIRMAN BORDEN: All right, any concerns or options that have not been discussed at this point? Does anyone want to suggest something totally new? Are there any hands up, Toni?

MS. KERNS: There are no hands up from Board members, but we have had two requests from the public.

CHAIRMAN BORDEN: **All right, I'll take the two comments from the public**, but I ask you to keep your comments to approximately one minute. We don't have a motion. I actually would like to avoid a motion, do this by consensus, whatever action we're going to take. Who do you have on the list, Toni that wants to speak?

MS. KERNS: The first person is Peter Fallon, and I can unmute Peter now. Peter, you are actually self-muted.

MR. PETER FALLON: You should hear me now. Thank you, Mr. Chairman for the opportunity to contribute. My name is Peter Fallon; I run for-hire trips in Maine and Massachusetts, and president of the Maine Association of Charterboat Captains, and a member of the American Saltwater Guide's Association. I subscribe to the belief that greater stakeholder involvement in the management process leads to better results for the resource being managed. I urge the Board to avail itself of opportunities to improve public engagement. Steps should include transition to video webinar for all future Board meetings. My 82-year-old father is on Zoom twice a day, it's the new norm, and far more effective than the audio alone.

Provide for public comment at the start of any working group meeting. Provide work group progress reports to the public when they are issued to the Board, and make early public engagement in this process an immediate priority, by requesting input through written comments and scoping hearings. Given the possibility that some member states may have ongoing prohibitions against gatherings of more than 10 or 50 people, alternatives to in-person hearings should be in place.

I'm concerned by the level of disengagement, driven directly by distrust in striped bass management, and one key to rebuilding public trust is providing greater transparency and accessibility to the workings of the Board. Board leadership speaks to the importance of transparency. In the memorandum Next Steps for Management is outlined objectives for today's meetings. I'm encouraged by the Board's focus on transparency, and applaud efforts to improve same. Thank you.

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CHAIRMAN BORDEN: Thank you, Peter. Next speaker, Toni.

MS. KERNS: The next speaker is Patrick Paquette.

CHAIRMAN BORDEN: Patrick.

MR. PATRICK PAQUETTE: Yes. Congratulations to the entire ASMFC and staff for what has been a really well run, smooth meeting. I guess I have a suggestion/question. No matter how the process plays out, I believe that some level of input from the public or the public's representative to the working group is important.

It could bring up things that I think we would not want to see limited out of a scoping document that Commissioners might find as a good idea. My question is specific to the AP. I'm an AP member. Is the current process, as is the Board's vision, to involve the AP at any point in the working group's process?

CHAIRMAN BORDEN: Max, I don't have the working group rules right in front of me. Could you remind me of the provisions? There are provisions of those guidelines that apply to public input. Could you refresh all our memory on what those positions are, or Toni can do it if she has it?

MS. KERNS: Yes. Max do you want to?

MR. APPELMAN: I was going to make a couple responses, but Toni, you can fill in for sure. First and foremost, all work group meetings, just like any Commission committee meeting, are open to the public. There is limited opportunity for public comment at those times. Of course, in the event that a management document is initiated, there are those procedural steps to involve advisory panels in the development of that document. I want to just say that off the bat. As far as specific to

work group functions, Toni, maybe you can jump in.

MS. KERNS: Typically, in the guidance as Max said, and this is a little bit of a reiteration. But these work groups are to get us through, work through some issues that the Board may have not had time to, or cannot address within a Commission meeting. It's not intended to be delivered as in order to present back to the Board all the different concepts and their ideas behind that.

We have said that through work groups that we would provide progress reports to the Board midway through the meetings. Now that is dependent on the work group members completing their tasks. Staff can obviously provide summaries of meetings that have occurred. But if the work group members don't actually complete the work that they're doing, staff can't provide those updates.

But we can make those work group summaries available on the website. Unless the Board specifically says that the AP would be involved, it's not typically where we would have AP involvement. We would do that during the development of the document, and there are specific points at which the AP is involved, and then there is multiple times for Amendment documents.

CHAIRMAN BORDEN: I think the only thing I would add to that. If we proceed in this manner, any document that comes forward from a working group goes to the Board. It's going to be made available to the public, so the public is going to have an opportunity regardless, where they can talk to their commissioners from their state.

They can talk directly to the people on the work group. They can certainly talk to me, and flag the issue they think should be addressed. All this is going to do, in my view, is start a dialogue. We've had a lot of discussion on this

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today, so let me ask. We've kind of refined what was originally intended here.

This would be crafted more as a focus on the development of ideas that would go into a scoping document, and then present those to the Board. Do I have objection? Are there individuals here on the Board that object to proceeding in that manner at this point? If you do, I would like you to identify yourself, so we know how many members object. Toni, do we have any hands?

MS. KERNS: David, I don't see any hands up from the Board. I will say that previously I had said that there were only two individuals that had asked to make comments. I didn't realize that Ross Squire had asked to make a comment in the question box, so there was one other public member that had asked to make a comment.

CHAIRMAN BORDEN: Related to this issue or to address the Board?

MS. KERNS: I think it's related to this issue.

CHAIRMAN BORDEN: His first name was Russ?

MS. KERNS: Ross Squire, and I will unmute him.

CHAIRMAN BORDEN: Ross, would you like to speak?

MR. ROSS SQUIRE: Yes, my comment actually isn't on the item that is being discussed now. It was more something to be addressed to the Board, so do you want me to pose it now, or would you prefer that I held off?

CHAIRMAN BORDEN: That's why I asked the question. I prefer that you hold off, and I'll come back to you under Other Business. Okay, so we have no objections. What I would suggest is that staff circulate a memorandum to all the Board members, ask for suggestions on

which commissioners should be members of this.

We'll try to balance it, three from the coast, three from producer states, and pick a chairman to run the working group. Just so that everything is completely transparent, all commissioners will get notices of any of the discussion, and give you the minutes that get generated from the working group. If in fact we get to a situation where we need additional Board input, then I'm not opposed personally to us holding a short Board meeting to address some of the issues, if they arise.

I'm open to that suggestion that Tom Fote made. With that as an understanding, I think we'll on to the next item, and Max, if you would. Please try to send out an e-mail request to all commissioners in the next couple of days, so we can start the process of finalizing the work group. The next issue is Other Business, and I'll come back to the gentleman who wanted to address the Board.

**PUBLIC COMMENT**

MS. KERNS: I'm not aware of any other business. I don't see any hands up for Other Business, and then your member of the public is Ross Squire.

CHAIRMAN BORDEN: Ross, if you want to address the Board at this point.

MR. SQUIRE: I appreciate that. Thank you very much. First of all, my name is Ross Squire; I'm the president of the New York Coalition for Recreational Fishing, and confidence and trust are a big thing within the recreational sector. I appreciate all the work that's done that has gone into coming up with the 2020 regulations, and the calculations.

But at the same time, you know when you look at some of the estimates. You know Maryland's estimate of a 21 percent reduction is a half percent more than what was forecasted in

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Amendment 4, and we know how that turned out. The question that I really had was towards the Technical Committee, and that is, were there any lessons learned? Was there anything went into the analysis of the conservation equivalency proposals this time that would give the public a little bit more confidence, in terms of the accuracy of what we can expect?

CHAIRMAN BORDEN: Thanks for the question. Does anyone on the staff want to address that, since it's a technical issue?

DR. DREW: Sure, Mr. Chair, this is Katie Drew. First of all I think this time around when we did the conservation equivalencies, we had some better data, in that the previous I think real data deficiency that we had last time around was the fact that we had had a series of years of very poor recruitment, and then the strong 2011 year class.

As a result, we had a hard time predicting what the length frequency, the number of available fish would look like to the fishery, once we implemented those regulations. This time around we do have the information on the 2011-year class that will help us predict the impact of the '14 and '15-year classes coming into the fishery a little better.

However, we still recognize that there is a lot of uncertainty, and I think at this point not just whatever happened in 2018 and 2019 that changed effort under the same regulations. I think we can definitely speculate on that and try to figure that out. But just the fact that whatever is happening right now with 2020, it renders all of our predictions moot.

I think we have some confidence. We recognize there is a lot of uncertainty in this type of an analysis, and this year in particular is just going to really enhance all of that uncertainty going forward. I think we did a better job, but we can't really get at some of the underlying

uncertainty, and extra uncertainty has just been added on top of that.

CHAIRMAN BORDEN: Any follow up, Ross?

MR. SQUIRE: None at all, thank you very much, Katie, I appreciate it.

**ADJOURNMENT**

CHAIRMAN BORDEN: Okay, so I think we're through the agenda, is there any other business to come before the Board? If there are no hands up, is there any objection to adjourning? No objection.

MS. KERNS: No objections.

CHAIRMAN BORDEN: Okay, so this meeting stands adjourned. Thank you very much.

(Whereupon the meeting adjourned at 4:45 p.m. on May 5, 2020)

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Richard A. Redler  
2801 Mansway Drive, Herndon, Virginia 20171  
C. 703-980-7532                      [richredler@verizon.net](mailto:richredler@verizon.net)

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Max Appelman,  
Fishery Management Plan Coordinator  
Atlantic States Marine Fisheries Commission  
1050 N. Highland St, Suite 200 A-N,  
Arlington, VA 22201, (703) 842-0740  
Via e-mail: – [mappelman@asmfc.org](mailto:mappelman@asmfc.org)

Re: Striped Bass: Need for accurate catch-and-release science

Recent decisions by the agencies responsible for the management of Striped Bass have been perceived by many stakeholders as arbitrary and not “science based” as required by law. This has resulted in a lack of credibility, respect and support for the agencies and the decisions they are making.

For example, pre-season catch-and-release fishing effort estimates from MRIP, used in this decision-making process, claimed 600,000 fish caught in March and April of 2017, (the catch-and-release season) which averages out to 10,000 fish a day for 60 days (16 fish per minute of daylight). Even if we assume that the weather allowed for fishing on the open Bay every single day of March and April (which it obviously does not), the assumed number of catch-and-release fish, is not believable. In addition, the mortality of these fish is not based on accurate science.

Accurate information on the real mortality from catch-and-release is critical to the decision-making process. It is possible to obtain reliable science on the mortality of catch-and-release from both recreational and charter boat fishing in the Chesapeake Bay. In 2016 and 2018, studies were performed on cod (Estimating and Mitigating the Discard Mortality of Atlantic Cod in the Gulf of Maine Recreational Rod and Reel Fishery) and haddock (Fishery-Scale Discard Mortality Estimate for Haddock in the Gulf of Maine Recreational Fishery) in the Gulf of Maine, which provided scientific information on catch and release mortality including variables like temperature, depth, fight and handling times, fish size, hook location, and more. New tech is the ticket, and it’s called “acoustic telemetry”.

According to experts familiar with the Bay, it would be possible to initiate a similar comprehensive, multi-location, two-year study in the Chesapeake to obtain the solid science on striped mortality we need, for somewhere in the neighborhood of \$400,000 to \$500,000. This information would contribute to the recovery of a recreational striped bass fishery that supports over 10,000 jobs and contributes \$800 million to the state’s GDP (2016 numbers).

As the Fishery Management Plan Coordinator for ASMFC, you have the authority to require the agencies charged with striped bass management to initiate studies on striped bass mortality in the Chesapeake Bay, especially catch-and-release mortality. Their investment will help to restore the credibility, respect and support for the fishery management agencies and the decisions they are making.

Thank you for your attention to this matter.

Sincerely,  
Richard A. Redler

## Max Appelman

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**From:** Robert Gates <rlgates30@gmail.com>  
**Sent:** Sunday, June 28, 2020 1:34 PM  
**To:** Max Appelman  
**Subject:** [External] Chesapeake Bay Striped Bass

We respectfully demand that the agencies charged with striped bass management make designing and funding a comprehensive study on striped bass mortality in the Chesapeake Bay, especially catch-and-release mortality, a top priority. Businesses depending on recreational fishing, the lives of recreational anglers, and the health of the striped bass population up and down the coast from North Carolina to Maine are being adversely affected by a current lack of science and poor management decisions, and this must be remedied immediately. Thank you for your attention to this matter.

Robert Gates  
North East, MD

## Max Appelman

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**From:** Richard Kuhlman <rtkuhlman@msn.com>  
**Sent:** Friday, July 3, 2020 6:17 PM  
**To:** Bruce Vogt; Max Appelman  
**Subject:** [External] More Striped Bass Science Please

Striped Bass management in the Chesapeake Bay is at a critical juncture. With so much importance placed on the fishery by commercial and recreational fishermen, marinas and boat dealers, tackle and bait dealers and many other important commercial enterprises, we must use the best available science to manage the striped bass stock to the best of our ability for today and tomorrow.

I recently retired from USEPA, having worked there for 30+ years. While there, I learned how important good, science based information is necessary to develop informed, sound decisions directed towards meeting the challenges presented by today's complex environment. Currently, it is particularly important as the striped bass fishery is depressed from environmental/climate related issues and overfishing, including catch and release mortality.

Over the past 12 months I have watched in horror how the MD DNR has made poor decisions about how to regulate this important fishery. They continue to give lip service to the importance of better understanding the impact of fish mortality, especially related to catch and release, but they continue to apply unrelated studies and do not appear to have any interest in developing the appropriate scientific information to better inform the decisions they say are so important.

I respectfully request that you both do everything within you and your Agency's ability to ensure that a comprehensive study of striped bass mortality, especially catch and release mortality in the Chesapeake Bay, is designed and funded as quickly as possible.

Please let me know if there is anything I can do to support this request and rest assured that I will be contacting MD DNR to encourage them to do the right thing and either design and fund their own scientific study on striped bass mortality or to actively support your efforts.

Thank you for what you already do to protect and enhance the many fisheries along the Atlantic Coast and the Chesapeake Bay.

Richard Kuhlman  
316 Hillsmere Drive  
Annapolis, MD

410 263 5042



## Max Appelman

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**From:** felipe.urquilla@yahoo.com  
**Sent:** Thursday, May 28, 2020 9:17 PM  
**To:** Bruce Vogt; Max Appelman  
**Subject:** [External] On the subject of Striped Bass management

Hello,

I write today because recent events have brought to the attention of many recreational anglers on the Chesapeake Bay that poor management decisions have been made in regards to conservation of our fishery and it's striped bass population. We, as a community of concerned recreational anglers, respectfully demand that the agencies charged with striped bass management make designing and funding a comprehensive study on striped bass mortality in the Chesapeake Bay, especially catch-and-release mortality, a top priority. Businesses depending on recreational fishing, the lives of recreational anglers, and the health of the striped bass population up and down the coast from North Carolina to Maine are being adversely affected by a current lack of science and poor management decisions, and this must be remedied immediately.

Thank you for your attention to this matter.

## Max Appelman

---

**From:** Michael Brupbacher <mbrupb@gmail.com>  
**Sent:** Thursday, May 28, 2020 8:59 PM  
**To:** Bruce Vogt; Max Appelman  
**Subject:** [External] THE FUTURE OF THE STRIPER FISHERY

*We respectfully demand that the agencies charged with striped bass management make designing and funding a comprehensive study on striped bass mortality in the Chesapeake Bay, especially catch-and-release mortality, a top priority. Businesses depending on recreational fishing, the lives of recreational anglers, and the health of the striped bass population up and down the coast from North Carolina to Maine are being adversely affected by a current lack of science and poor management decisions, and this must be remedied immediately. Thank you for your attention to this matter.*

## Max Appelman

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**From:** Capt. TJ Karbowski <tedkarbowski@yahoo.com>  
**Sent:** Saturday, May 9, 2020 8:49 AM  
**To:** Max Appelman  
**Subject:** [External] Comments- Spring Meeting.

Comments- Menhaden/Striped Bass/Bluefish- Spring Meeting.

This is not that complicated.

Do what you have to with the reduction fishery because that's your only tool, but the bottom line is- There needs to be enough menhaden to sustain Striped Bass and large Bluefish. THAT IS WHAT THEY PREFER TO EAT IN MOST OF THEIR RANGE. Right now there are MILLIONS of striped bass and bluefish that have grown up over the winter, are heading north and are going to be hungry. They are going to be sucking every bunker out of the ocean that they can and there needs to be enough to sustain them. If these fish aren't healthy and viable enough for proper spawning, it's NOT us the recreational fishermen that killed them, it's YOU the regulators. These juvenile fish ARE the answer to rebuilding the striped bass and bluefish populations.

Over the past 4 or 5 years I can count on my fingers how many days each season there has been menhaden in Long Island Sound. ....and guess what? When the bunker are there, we catch mature striped bass and bluefish. I don't care what your trawl surveys or spreadsheets say. I am on the water everyday for a living for 10 hours a day, you are not. I am right.

In regards to the recent years striped bass numbers....

Find the food, find the fish.

If there's not enough menhaden, they will look for alternative food sources that alter their migration patterns, thus throwing all traditional data off; rec. harvest, trawl survey's, everything will be off. - If cars needed to fill their tanks several times a day and all gas stations were moved from their current locations to somewhere miles away from where they used to be, our traditional traffic patterns would change and we would hear on the news everyday of the absence of traffic on the highways. – Yes, it's really that simple.

P.S.- Unless you like arguing with people all day long and plan to argue with people for the rest of your career, someone needs to get some guts and take the lead to put an end to the NEW MRIP. I'm sick of wasting my time sitting on webinars for hours on end listening to people throw these ridiculous numbers around like they are credible. The NEW MRIP is NOT the best available source. Using numbers that popped into your head while tripping on LSD would be more accurate. NEW MRIP IS A FARCE. You know it, I know it, and everyone else knows it, but no one has the guts or is just too lazy to do anything about it. In the meantime, these ridiculous regulations are ruining people's lives, and the ecosystem in the process.

Have a good weekend. - TJ

Thank you,  
Capt. TJ Karbowski  
Rock & Roll Charters  
Clinton, CT  
203.314.3765  
<https://rockandrollcharters.com/>

Sir:

We respectfully demand that the agencies charged with striped bass management make designing and funding a comprehensive study on striped bass mortality in the Chesapeake Bay, especially catch and release mortality, a top priority. Businesses depending on recreational fishing, the lives of recreational anglers, and the health of the striped bass population up and down the coast from North Carolina to Maine are being adversely affected by a current lack of science and poor management decisions, and this must be remedied immediately.

Respectfully,

W.V. Deane



W V Deane  
39996 Lovettsville Rd  
Lovettsville VA 20180-2028

## **The Claim that Striped Bass are Overfished Seems Questionable, at Best.**

Desmond M. Kahn, Ph.D.

Delaware Division of Fish and Wildlife, Retired

President, Fishery Investigations

By the 2000s, the striped bass stocks along the Atlantic coast had built up to very high abundance since their severe decline in the 1970s and 1980s. By this point in time, 2020, the impact of acid rain and agricultural runoff in reducing larval survival of not only striped bass, but all five anadromous species in the upper Bay has been forgotten. During those two decades, at least until 1989, the data from the Maryland beach seine survey shows recruitment declined to low levels for all five of those species. That decline across all five species was not caused by overfishing of striped bass. Instead it was caused by poor water quality produced by acid rain from industrial air pollution and agricultural runoff from inorganic fertilizer and pesticides, including high levels of aluminum. These trends are well-documented in the scientific literature. True, striped bass were fished too hard, but the fishery was functioning until larval survival declined. If a stock isn't producing young-of-year fish, we don't have to fish at all to see steep declines. This decline in the Chesapeake Bay stocks was combined with the much earlier virtual extinction of the Delaware River stock by water pollution that removed oxygen from the spawning grounds of that river.

In the Bay, the federal Clean Air Act seems to have reduced acid rain to the extent that larval survival revived by the late 1980s and 1990s, along with reduction in agricultural runoff due to

the adoption of no-till agriculture in the Bay's watershed. The Delaware oxygen level was largely restored in the 1980s by the Clean Water Act and the clean-up that law financed.

The myth that the decline of striped bass in the 1970s and 1980s was due to overfishing, however, has persisted.

The 2019 stock assessment concluded that striped bass have been recently overfished and that overfishing was ongoing. Presumably, "overfished" might indicate that the spawning stock has been driven so low that recruitment has been reduced or threatened with reduction due to low spawning stock. A very reliable stockwide index of relative abundance, however, the MRIP average Total Catch Per Trip, shows that by 2017, the total abundance of the stock was actually at one of the highest levels since 1982 (Figure 1), which does not seem consistent with an overfished status. This index reflects fish from age 2 and older, so it is not restricted to the female spawning stock biomass, which is estimated by the catch-at-age model in the stock assessment. Although this index was used in the stock assessment, it was modified with a questionable analysis that distorted and reduced the clear trend of high abundance in recent years.

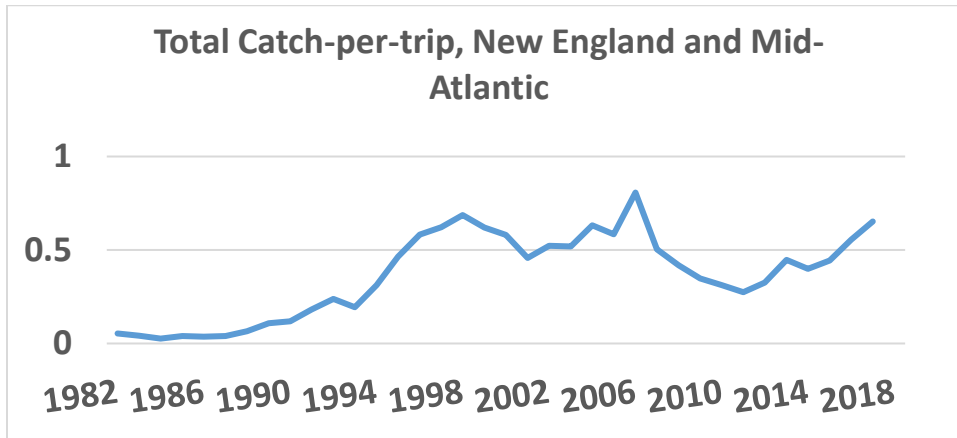


Figure 1. Relative abundance index of striped bass in the New England and Mid-Atlantic regions combined. Annual mean total number of striped bass caught, including released fish, per recreational fishing trip. Source: National Marine Fisheries Service

**The questionable basis for the classifications of “Overfishing” and “Overfished”**

Total abundance of Striped Bass was high by 2017 and is still high because recruitment has been high; several large year-classes have been produced recently, starting with 2011, then 2014 and 2015. These are all in the top ten year-classes produced since the stock was restored beginning in 1989 (Figure 2, which portrays year-classes at one year of age. For example, the 2011 year class is portrayed as one-year-olds, or yearlings, in 2012).



Spawning Stock Biomass (SSB) has been selected by the management process as the critical measurement for deciding whether or not the stock is considered overfished. Since the spawning biomass was estimated to be below its threshold (Figure 2), the stock was pronounced overfished in the recent assessment. However, the selection of this threshold, which occurred in 2003, was arbitrary, with no clear scientific basis. The threshold is also quite high, which has led to the current claim that what seems to be a healthy stock is “overfished”. For example, to avoid the “overfished” label, the SSB level has to be more than four times as high as it was when it produced the 1989 year-class, the year-class that caused the limited re-opening of the fishery (see Figure 2).

Why was this threshold level selected? It is very slightly more than the estimated SSB attained in 1995; in that year, the Management Board declared that the stocks were restored. In fact, however, the 1995 “restoration” really referred to the Chesapeake Bay stocks, which comprise roughly maybe 65% of the total coastwide aggregation. An erroneous statement in the recent stock assessment (p. 465) claimed that ,“In 1995, Chesapeake Bay, Delaware Bay and Hudson River striped bass stocks were declared recovered by the Commission...” In fact, the Hudson River stock had never collapsed. The Delaware River stock was not officially declared restored by the Commission until 1998, based on a report written by myself, Roy Miller, and others. A recent peer-reviewed paper, based on acoustic tagging of striped bass in Massachusetts waters in summer, estimated the Delaware River stock comprised 15% to 20% of the entire coastal aggregation. That means that the restoration of the Delaware stock added 17% to 25% to the

total coastal aggregation. In any case, the Overfishing Threshold level seems to be clearly based on the estimated 1995 SSB level, since that level had been deemed restored.

The claim that striped bass were restored in 1995, however, also seems arbitrary. For example, in 1993, when the spawning biomass level was estimated to be only about 75% as high as the 1995 level, the second-highest year-class of the post-collapse period was produced (Figure 2). That year seems to be just as good a candidate for “restoration” as 1995.

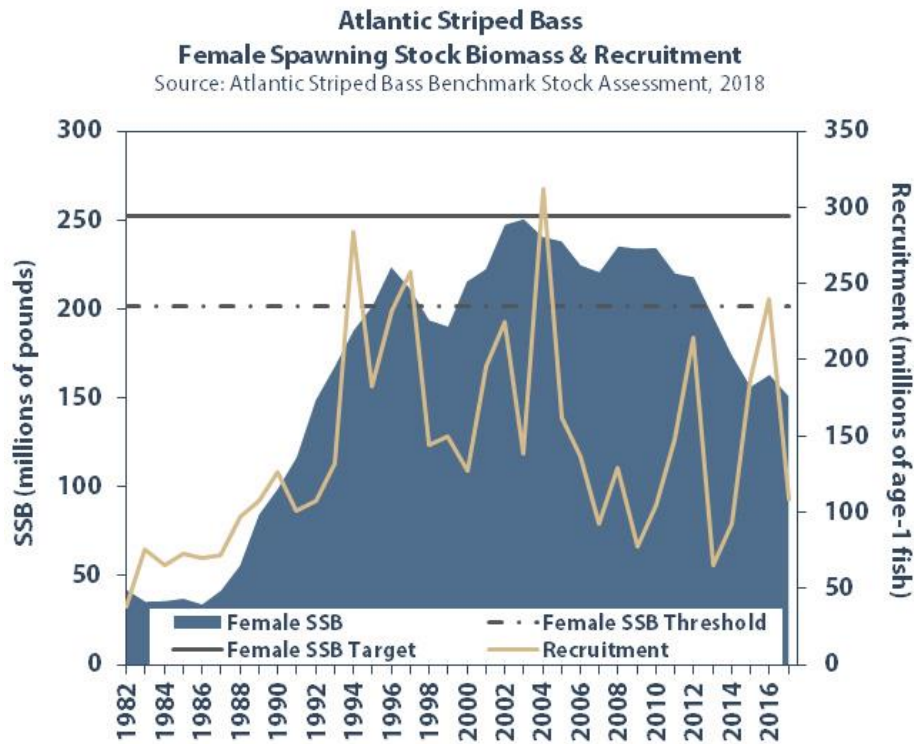


Figure 2. Time series of estimated Female Spawning Stock Biomass, with Overfishing Threshold and Target, and time series of estimated recruitment to age 1, from the 2019 stock assessment.

Source: Atlantic States Marine Fisheries Commission.

Management also set an SSB Target, determined to be 25% above the overfishing threshold. The level of the SSB target, then, was determined by the level of the overfishing threshold, and since the threshold seems arbitrary, the target also seems arbitrary. The stock, however, has never attained that target (Figure 2), despite numerous booming year classes, the addition of the large stock increase from the Delaware River, and conservative management. This management regime originally consisted of a two fish recreational limit, a 28" minimum size for recreational anglers on the coast and restrictive commercial quotas, which do not increase when the stock increases, unlike quotas in many other fisheries. Failure to attain this arbitrary target seems to indicate that it is not only arbitrary, but has been set too high.

An alternative reasonable basis for setting an overfishing threshold is to base it on the spawning biomass that has been demonstrated to produce good recruitment, such as the biomass in 1993 and 2015. The 2015 year-class was portrayed in the assessment as the fourth largest produced since 1982, yet the estimated SSB that produced it was 20% less than the overfishing threshold level. Since we have recruitment estimates from the past 36 years, we have a reasonable basis to select the level of spawning biomass needed to produce decent recruitment.

As part of the development of Amendment 7 of the Fishery Management Plan, we should reconsider the Overfishing Threshold and the Target in light of the accumulated data on the relationship of spawning stock and recruitment.

## **Attainment of the Highest Levels of Possible Abundance are not the Usual Goals of Population Management, or Can We Have Too Much of a Good Thing?**

The theoretical basis of population management, including fisheries management, was developed by the science of ecology. Ecologists learned decades ago that populations that attain high abundance usually increase competition within the population for resources, such as forage fish. If extreme, this competition has the potential to result in increasing mortality, widespread diseases, poor condition and reproductive failure. That is why most fishery management plans aim to keep the stock at abundance levels estimated to be only a fraction of possible maximum abundance, often known as the “carrying capacity”. For example, summer flounder has a target  $F$  of  $F_{35\%}$ , meaning it is the fishing mortality rate calculated to keep the stock at only 35% of the maximum estimated potential stock size. The recent flounder stock assessment found that the realized “decrease in the biomass reference point is due primarily to the effect of decreased mean weight at age for older ages (mainly ages 6 and 7+), because of increasing numbers of older fish available in fishery and survey samples”. This increased abundance of older fish caused increased competition, leading to lower average weight of those ages. This guiding principle of population management which I describe as “don’t aim for maximum possible abundance”, does not seem to be included in striped bass management to the best of my knowledge.

The potential downside of maintaining high levels of abundance is negative feedback from high density through competition. In other words, too many striped bass can upset the ecosystem balance. Negative effects of competition have been suggested by the frequent poor condition, lack of internal fat (at least in some years) and an epidemic of a wasting disease named *Mycobacteriosis*, especially among resident bass in the Chesapeake in many summers. Thin fish with bloody lesions have been too common in some years. Research suggests that the resident bass in the Bay have undergone periods of starvation, which makes them highly vulnerable to *Mycobacteriosis*. Both tag-recapture data contained in the 2019 stock assessment and a new independent paper have estimated the annual mortality rate of striped bass resident in the Chesapeake Bay is in the range of 62% - 70%. This mortality is much higher than the recent stock assessment's catch-at-age model estimates. This high mortality has not been attributed to fishing, and was estimated to begin in the late 1990s by those of us who worked on the tag-recapture data in the early 2000s. To the extent that such high mortality is due to very high abundance, it can be seen as a waste of fish. An alternative approach would involve allowing people to land more fish in the Bay, which could reduce excessive competition.

We also may have experienced negative feedback of high abundance on reproduction. From 2004 through 2010, estimates of SSB are at very high levels (Figure 2). Yet during this entire seven-year period, no large year-class was produced. Although we don't know why high recruitment was not produced by high SSB, and environmental effects such as river-flow levels and temperature swings can influence larval survival of striped bass, the high SSB levels could only have increased competition among spawners and among larvae for resources. So, as has

frequently been observed in ecological research, the high abundance may have produced negative effects on reproduction from 2004 through 2010 (Figure 2). The lack of a large year-class during this period was the cause of the decline of the estimate of SSB below the threshold, because there is a long lag period before a year-class joins the female spawning stock biomass, due to delayed maturation of females. Note that this relatively small decline was not caused by excessive levels of fishing, but by the lack of production of a large year-class during this period of very high levels of spawning biomass. That is one of the ironies of the current situation.

### **Ecosystem impacts of high striped bass abundance**

The abundance and large average size of striped bass since the recovery is unprecedented in historical times, probably due largely due to high minimum size and low creel limits. The ecosystem effect of the high abundance and large size is a sometimes striking decline in fisheries for species that striped bass prey upon or compete with. American shad and river herring have declined well below their former levels, since striped bass attained their unprecedented abundance peaks beginning in the 1990s. Extended studies on the Connecticut River have documented the impact of striped bass on the formerly impressive spawning migrations of blueback herring and American shad, including diet studies showing bass are eating herring and adult shad in the River. In the 2011 assessment of the Delaware River spawning stock of American shad, I found a striking negative correlation between striped bass abundance and that of American shad, consistent with the hypothesis that striped bass

abundance controls that of shad in the Delaware (Figure 4). In the 1980s, when bass abundance had crashed, shad in the Delaware were booming. As striped bass rebuilt in the 1990s, to unprecedented abundance and individual size, shad declined. By the 2000s, striped bass were at their recent peak and shad abundance was at quite low levels.

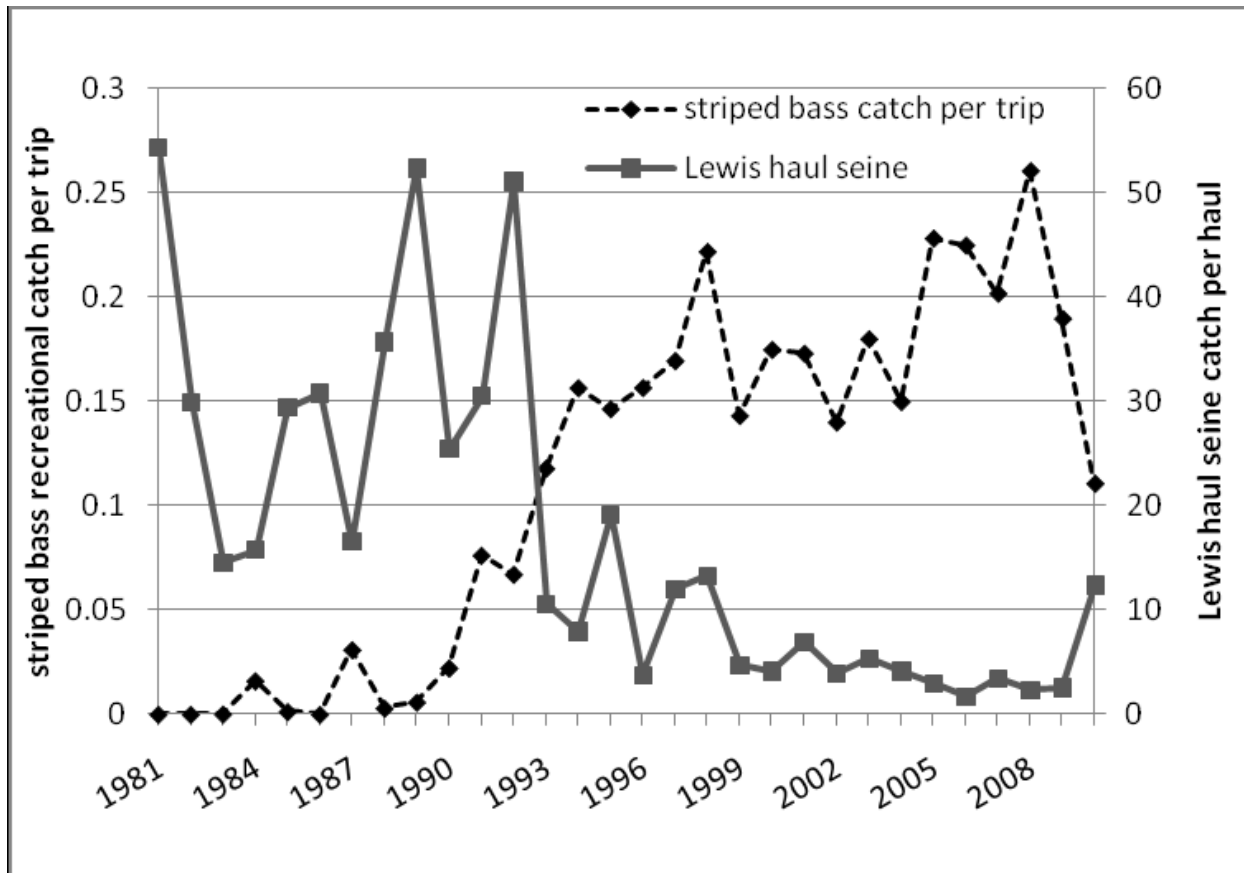


Figure 4. Adult shad abundance in the non-tidal Delaware River as estimated by the Lewis haul seine catch-per-haul from 1981 through 2010, Lambertville, New Jersey, plotted with an index of striped bass relative abundance in waters off the state of Delaware (MRFSS recreational total catch per trip). The correlation was highly significant (Pearson's  $r = -0.76$ ,  $P < 0.01$ ). Source:

The Delaware River Sustainable Fishing Plan for American Shad. 2011. The Delaware River Basin Fish & Wildlife Management Cooperative.

The 2006 and 2009 stock assessments of weakfish on the Mid-Atlantic coast developed the hypothesis that striped bass's rebound caused weakfish's steep decline; recent research at North Carolina State also found that striped bass were important predators of weakfish. In the 1980s, the bi-state gill net fisheries for American shad and weakfish in Delaware Bay landed up to or above a million pounds of the two species combined. Those days are long gone since striped bass rebounded. Currently, the weakfish fishery has disappeared and shad landings are very low. These former high volume fisheries were supposed to be replaced by striped bass, but the quota is less than 200,000 pounds for Delaware and New Jersey doesn't allow commercial striped bass fishing. Plainly, the striped bass management process has not worked to the benefit of commercial fisheries, at least in Delaware Bay; I have also heard from recreational fishers who would much rather have the weakfish back than the current striped bass boom.

It seems to be past time for this potential trade-off between very high bass abundance and the decline of other fisheries to be at least acknowledged by the Atlantic States Marine Fisheries Commission and, hopefully, considered in full. Why has there been no discussion of this impact of striped bass management? When the Connecticut River information was submitted as part of the shad and herring stock assessment process under the former Commission director, it was removed and basically censored.



It seems to be advisable for striped bass management to take advantage of the opportunity created by the upcoming plan amendment to reevaluate the process of setting the biological reference points by focusing on a goal of less-than-maximum abundance to reduce competition among bass and, hopefully, to reduce predation impact on other fisheries. Ideally, we would like to avoid stating the stock is overfished, with the resultant cutbacks to the fisheries, when the stock seems to be reproducing successfully and functioning well.