

# Atlantic States Marine Fisheries Commission

## Atlantic Striped Bass Management Board

*August 3, 2021*  
*9:00 a.m. – 12:30 p.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 ( <i>D. Borden</i> )                                                                                            | 9:00 a.m.  |
| 2. Board Consent                                                                                                                         | 9:00 a.m.  |
| • Approval of Agenda                                                                                                                     |            |
| • Approval of Proceedings from March and May 2021                                                                                        |            |
| 3. Public Comment                                                                                                                        | 9:05 a.m.  |
| 4. Consider Fishery Management Plan Review and State Compliance for the 2020 Fishing Year ( <i>E. Franke</i> ) <b>Action</b>             | 9:15 a.m.  |
| 5. Review Juvenile Abundance Index for the Albemarle Sound/Roanoke River                                                                 | 10:00 a.m. |
| • Technical Committee Report ( <i>C. Hoffman</i> )                                                                                       |            |
| 6. Progress Report for Draft Amendment 7                                                                                                 | 10:20 a.m. |
| • Plan Development Team (PDT) Report ( <i>E. Franke</i> )                                                                                |            |
| • Provide Guidance to the PDT for Draft Amendment 7                                                                                      |            |
| 7. Review Options for Addressing Commercial Quota Allocation in a Future Management Document ( <i>E. Franke</i> ) <b>Possible Action</b> | 12:00 p.m. |
| 8. Other Business/Adjourn                                                                                                                | 12:30 p.m. |

# MEETING OVERVIEW

## Atlantic Striped Bass Management Board

August 3, 2021

9:00 a.m. – 12:30 p.m.

Webinar

Chair: David Borden (RI) Assumed Chairmanship: 02/20	Technical Committee Chair: Kevin Sullivan (NH)	Law Enforcement Committee Rep: Kurt Blanchard (RI)
Vice Chair: Martin Gary (PRFC)	Advisory Panel Chair: Louis Bassano (NJ)	Previous Board Meeting: May 5, 2021
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 March 2021 and May 2021

**3. 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. Fishery Management Plan Review (9:15 – 10:00 a.m.) Action

#### Background

- State Compliance Reports were due on June 15, 2021.
- The Plan Review Team reviewed each state report and compiled the annual FMP Review.

#### Presentations

- Overview of the FMP Review Report by E. Franke (**Supplemental Materials**)

#### Board Actions for Consideration

- Accept 2020 FMP Review and State Compliance Report.

## 5. Review Juvenile Abundance Index for Albemarle Sound/Roanoke River (10:00 – 10:20 a.m.)

### Background

- The juvenile abundance index (JAI) for the Albemarle Sound/Roanoke River (A-R) in North Carolina showed recruitment failure for three consecutive years (2018, 2019, 2020), which tripped the recruitment-based management trigger established through Amendment 6.
- The Technical Committee (TC) met on July 15, 2021 to review potential factors contributing to A-R recruitment declines and consider recommending action to the Management Board if appropriate (**Supplemental Materials**).
- Considering North Carolina's recent management action to reduce striped bass total allowable landings and analysis of the relationship between river flow and striped bass recruitment, the TC recommends no action by the Board at this time.

### Presentations

- TC Report by C. Hoffman

## 6. Progress Report for Draft Amendment 7 (10:20 a.m. – 12:00 p.m.)

### Background

- The status and understanding of the striped bass stock and fishery has changed considerably since implementation of Amendment 6 in 2003, which has raised concerns that the existing management program may no longer reflect current fishery needs and priorities.
- Accordingly, the Board initiated development of Draft Amendment 7 to consider addressing a number of important issues that have been facing striped bass management for a long time.
- In May 2021, the Board approved the following four issues for development in Draft Amendment 7: recreational release mortality, conservation equivalency, management triggers, and measures to protect the 2015 year class.
- The Plan Development Team (PDT) and the TC met multiple times between May and July 2021 and are requesting specific guidance from the Board on the type of options that should be further developed for some of the issues (**Briefing Materials**).
- Board guidance at this time is important to ensure the draft options and analyses meet the Board's intent and objectives for this amendment.

### Presentations

- PDT Report by E. Franke

### Board Actions for Consideration

- Provide Guidance to the PDT for Draft Amendment 7.

## 7. Review Options for Addressing Commercial Quota Allocation (12:00 – 12:25 p.m.) Potential Action

### Background

- In May 2021, the motion to include the commercial quota allocation issue in Draft Amendment 7 failed for lack of a majority. Many Board members recognized that Delaware has raised this issue for some time and Delaware has been asking for a more equitable allocation. In addition there were some individuals that expressed an interest in reviewing more recent data to consider in the allocations.

- Although many Board members recognized these concerns, some Board members noted the Draft Amendment process is not the right time to address this because allocation discussions could make the process significantly longer and more complex. Some Board members suggested addressing quota allocation in a separate management document after Amendment 7 is complete.
- The Board Chair requested staff from the Commission and the State of Delaware prepare options and timelines for how this issue could be addressed moving forward (**Supplemental Materials**).

**Presentations**

- Overview of options by E. Franke

**Board Actions for Consideration**

- Consider options for addressing commercial quota allocation in a future management document.

**9. Other Business/Adjourn (12:30 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

- PDT – develop all documentation for the development of Draft Amendment 7
- SAS/TC – various tasks in response to the 2018 benchmark assessment and relating to development of Draft Amendment 7
- TC – June 15<sup>th</sup>: Annual compliance reports due

**TC Members:** Kevin Sullivan (NH, Chair), Carol Hoffman (NY, Vice Chair), Nicole Lengyel Costa (RI), Olivia Phillips (VA), Alexei Sharov (MD), Charlton Godwin (NC), Ellen Cosby (PRFC), Gail Wippelhauser (ME), Gary Nelson (MA), Brendan Harrison (NJ), Jeremy McCargo (NC), Kurt Gottschall (CT), Margaret Conroy (DE), Luke Lyon (DC), Tyler Grabowski (PA), Peter Schuhmann (UNCW), Tony Wood (NMFS), Steve Minkinen (USFWS), John Ellis (USFWS), Katie Drew (ASMFC), Emilie Franke (ASMFC)

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

**PDT Members:** Nichola Meserve (MA), Nicole Lengyel Costa (RI), Brendan Harrison (NJ), Olivia Phillips (VA), Simon Brown (MD), Max Appelman (NMFS), Greg Wojcik (CT), Emilie Franke (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), Tony Wood (NMFS), Josh Newhard (USFWS), Wilson Laney (USFWS), Katie Drew (ASMFC), Emilie Franke (ASMFC)

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

**Webinar  
March 16, 2021**

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.

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**INDEX OF MOTIONS**

1. **Approval of agenda** by consent (Page 1).
2. **Approval of proceedings of May 6, 2020** by consent (Page 1).
3. **Main Motion:**  
**Move to approve the following guidance for state implementation of circle hook measures for the recreational fishery: circle hooks are required when fishing for striped bass with bait, which is defined as any marine or aquatic organism live or dead, whole or parts thereof. This shall not apply to any artificial lure with bait attached** (Page 10). Motion by Mike Armstrong; second by Justin Davis.  
  
**Motion to Amend**  
**Move to replace “as any marine or aquatic organism live or dead, whole or parts thereof” with “the living or dead, whole body or part of a body of an animal, or a processed product from an animal or vegetative source”** (Page 15). Motion by Mike Luisi; second by Dennis Abbott. Motion failed (Page 19).  
  
**Main Motion**  
**Move to approve the following guidance for state implementation of circle hook measures for the recreational fishery: circle hooks are required when fishing for striped bass with bait, which is defined as any marine or aquatic organism live or dead, whole or parts thereof. This shall not apply to any artificial lure with bait attached.** Motion carried (Page 19).
4. **Move to allow anglers to keep striped bass that are incidentally caught** (Page 20). Motion by Dennis Abbott; second by Tom Fote. Motion failed (Page 24).
5. **Move to approve the following guidance for state implementation of circle hook measures: striped bass caught on any unapproved method of take must be returned to the water immediately without unnecessary injury** (Page 25). Motion by Eric Reid; second by Mike Armstrong. Motion carried (Page 29)
6. **Adjourn** by consent (Page 32).



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**ATTENDANCE**

**Board Members**

Pat Keliher, ME (AA)	Adam Nowalsky, NJ, proxy for Asm. Houghtaling (LA)
Sen. David Miramant, ME (LA)	Kris Kuhn, PA, proxy for T. Schaeffer (AA)
Cheri Patterson, NH (AA)	Loren Lustig, PA (GA)
Ritchie White, NH (GA)	G. Warren Elliott, PA (LA)
Dennis Abbott, NH, proxy for Sen. Watters (LA)	John Clark, DE, proxy for D. Saveikis (AA)
Mike Armstrong, MA, proxy for Dan McKiernan (AA)	Roy Miller, DE (GA)
Raymond Kane, MA (GA)	Mike Luisi, MD, proxy for B. Anderson (AA)
Sarah Ferrara, MA, proxy for Rep. Peake (LA)	David Sikorski, MD, proxy for Del. Stein (LA)
Jason McNamee (AA)	Pat Geer, VA, proxy for S. Bowman (AA)
David Borden, RI (GA)	Bryan Plumlee, VA (GA)
Eric Reid, RI, proxy for Rep. Sosnowski (LA)	Shanna Madsen, VA, proxy for Sen. Mason (LA)
Justin Davis, CT (AA)	Chris Batsavage, NC, proxy for J. Batherson (AA)
Bill Hyatt, CT (GA)	Jerry Mannen, NC (GA)
Jim Gilmore, NY (AA)	Bill Gorham, NC proxy for Rep. Steinberg (LA)
John McMurray, NY, proxy for Sen. Kaminsky (LA)	Marty Gary, PRFC
Joe Cimino, NJ (AA)	Max Appelman, NMFS
Tom Fote, NJ (GA)	Mike Millard, USFWS

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

**Ex-Officio Members**

Kevin Sullivan, Technical Committee Chair	Mike Celestino, Stock Assmnt. Subcommittee Chair
Kurt Blanchard, Law Enforcement Representative	

**Staff**

Bob Beal	Katie Drew
Toni Kerns	Emilie Franke
Tina Berger	Chris Jacobs
Pat Campfield	Deke Tompkins

**Guests**

Karen Abrams, NOAA	Jason Boucher, DE DFW
Taylor Ailtmar, CBF	Matthew Broderick
Gerald Audet	Delayne Brown, NH F&G
Lawrence Audino	Jeff Brust, NJ DEP
Matt Ayer, MA DMF	Peter Cilento
John Azzinaro	John Clayton
David Behringer, NC DENR	Allison Colden, CBF
Rick Bellavance, N. Kingston, RI	Heather Corbett, NJ DEP
John Bello, CCA VA	Nicole Lengyel Costa, RI DEM
Jessica Best, NYS DEC	Caitlin Craig, NYS DEC
Lawrence Blake	Jack Creighton
Kalil Boghdan, Hamilton, MA	Greg Cudnik
	Brian Curry

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**Guests (continued)**

Jessica Daher, NJ DEP  
Andrew D'Angelo  
Bob Danielson, S. Setauket, NY  
Maureen Davidson, NYS DEC  
Jeff Deem, Lorton, VA  
John DePersenaire, RFA  
Roman Dudus  
Wes Eakin, NYS DEC  
Peter Fallon, MaineStripers  
Lynn Fegley, MD DNR  
Jim Flora  
John Gans, TRCP  
Matt Gates, CT DEEP  
Barry Gibson  
Lewis Gillingham, VMRC  
Angela Giuliano, MD DNR  
Fred Golofaro  
Kurt Gottschall, CT DEEP  
Saverio Governale, NYS DEC  
Steve Haasz  
Nathaniel Hancock, NC DENR  
Brendon Harrison, NYS DEC  
Rich Hittenger  
Carol Hoffman, NYS DEC  
Jeffrey Horne, MD DNR  
Ron Huber  
Alan Huberman  
Robert Hunter  
Bob Humphrey  
Jim Hutchinson  
Dan King  
Alan Koop  
Peter Lopez  
Chip Lynch, NOAA  
Shanna Madsen, VMRC  
John Maniscalco, NYS DEC  
Robert McDowell  
Dan McKenna  
Dan McKiernan, MA (AA)  
Conor McManus, RI DEM  
Stephen Medeiros

Jeff Merrill  
Nichola Meserve, MA DMF  
John Migliori  
Steve McKinnen, FL FWS  
Chris Moore, CBF  
Jerry Morgan, Madison, CT  
Susanna Musick, VIMS  
Anthony Nascimento  
Emily Olson, NYS DEC  
Patrick Paquette, MA SBA  
Justin Pellegrino, NYS DEC  
Olivia Phillips, VMRC  
Michael Pierdinock, Plymouth, MA  
Mike Plaia, Newtown, CT  
Nick Popoff, FL FWS  
Anthony Pucci  
Michael Purvin, Purvin Law  
Jill Ramsey, VMRC  
Stephanie Rekemeyer, NYS DEC  
Luis Sandoval  
Kyle Schaefer  
Jared Silva, MD DMR  
Amanda Simmonds  
Andrew Sinchuk, NYS DEC  
Thomas Sminkey, NOAA  
Somers Smott, VMRC  
Ross Squire  
Scott Steinbeck, NOAA  
Michael Toole  
Beth Versak, MD DNR  
Mike Waine, ASA  
Megan Ware, ME DMR  
Brian Williams  
Chris Wilson, NC DENR  
Barry Winter  
Charles Witek, W. Babylon, NY  
Steven Witthuhn, Greenlawn, NY  
Chris Wright, NOAA  
Joseph Yoffa  
Kenneth Ziminski  
Erik Zlokovitz, MD DNR

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The Atlantic Striped Bass Management Board of the Atlantic States Marine Fisheries Commission convened via webinar; Tuesday, March 16, 2021, and was called to order at 1:00 p.m. by Chair David V. Borden.

#### **CALL TO ORDER**

CHAIR DAVID V. BORDEN: Welcome to the Striped Bass Management Board meeting. Today's date is March 16, 2021. I'm David Borden; I'm the Chair, so welcome all. The purpose of the meeting is to deal with the circle hook issue, and receive a report from a subcommittee.

#### **APPROVAL OF AGENDA**

CHAIR BORDEN: I would just take the items in the order that they appeared on the agenda. Are there any comments, additions, deletions on the agenda? Any hands up, Toni?

MS. TONI KERNS: I don't see any hands up.

CHAIR BORDEN: If there are no hands up, I'm going to declare the agenda approved as submitted.

#### **PUBLIC COMMENT**

CHAIR BORDEN: Public comments, we normally take public comments at every board meeting, and we'll try to take comments during the Board meeting, depending upon the volume of comments we might get, and number of individuals.

But at this stage, I'm just looking for comments on issues that are not on the agenda. Are there any individuals, some members of the public that want to make comments on issues not on the agenda? I don't see any hands up, so we'll take the agenda in the order that it appears, and I'll try to weave in public comments as we move along.

#### **CONSIDER AD HOC COMMITTEE RECOMMENDATIONS REGARDING CIRCLE HOOK ISSUE**

CHAIR BORDEN: The purpose of today's meeting is basically to deal with the Circle Hook Ad Hoc Committee recommendations.

Just for background, what we intend to do is to have a report by Emilie, and then I'm going to ask Toni or Emilie to just quickly brief us on how some of the recommendations in the report might be used, in terms of process. Then I'm going to move to Dr. Davis, who Chairs the Subcommittee, and ask him whether or not he wants to ask any questions or offer any thoughts on the issue.

Then what I intend to do is go back to each issue, and deal with the Committee recommendations one at a time. The staff has prepared a draft motion, so we'll follow the normal process, and take questions first, comments, and then put up a draft motion, and see if we can get a quick resolution on these issues. Any process questions before we start? I see no hands up, so let's start out with Emilie's report. Emilie, thank you.

MS. EMILIE FRANKE: Thank you, Mr. Chair. Again, my name is Emilie Franke, and I am the new FMP Coordinator for Striped Bass, and I'll be providing an overview of the Ad Hoc Committee's recommendations today. These recommendations were provided in a memo from the Committee that was included in the meeting materials for today. To start off, just as a quick reminder. Addendum VI includes the following language on the circle hook requirement. The use of circle hooks as defined herein, is required when recreationally fishing for striped bass with bait. The Addendum also states that the use of circle hooks by anglers targeting striped bass with bait, live or chunk, has been identified as a method to reduce the discard mortality of striped bass in recreational fisheries.

As a quick reminder, in October, 2020, the Board approved state implementation plans for the circle hook requirement, and at that time the Board did not permit any exemptions. After October, the Board and

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several states received some questions and comments from the public about differing interpretations of the circle hook requirement.

As part of the February, 2021 meeting, the Board created this Circle Hook Ad Hoc Committee to address some of these questions. There were 10 members on the Committee, all of whom were nominated by the Board from different states along the coast. The Committee was a mix of managers, industry, scientists, as well as enforcement officials.

The Ad Hoc Committee met twice via webinar, to develop recommendations to the Board on the following three tasks. Task 1 was to develop a definition of bait that would require the use of circle hooks. Task 2 was to identify methods of fishing that would require the use of circle hooks, and Task 3 was to discuss how to handle incidental catch of striped bass when targeting other species with non-circle hooks.

I'll provide a brief overview of the Committee's discussion on each task, and their recommendations. Starting with Task 1, the definition of bait. The Committee came to a relatively quick consensus that the use of any aquatic or marine organism, live or dead, whole or part, used as bait should require the use of circle hooks.

The Committee did discuss using the term natural in the definition, as in natural bait, but after the discussion the Committee determined that using the term natural was not necessary, and that the simple definition of a marine or aquatic organism was sufficient here. The Committee also did consider whether the definition of bait should be extended to all organisms, including terrestrial organisms.

After that discussion the Committee noted that there is a relatively low incidence of using non-marine or non-aquatic organisms as bait, and the Committee agreed that including terrestrial organisms would create complications around the use of materials such as bucktail and pork

rinds. Ultimately, the Committee recommends defining bait here as any marine or aquatic organism, live or dead, whole or part.

Moving on to Task 2, which is methods of fishing. The Committee agreed that the circle hook requirements were not originally intended to apply to actively fished artificial lures with bait attached, and that there should be an exemption for this. The Committee considered including language specifying what those active fishing methods are, specifically language stating any artificial lure that is trolled, cast and retrieved, or vertically jigged. However, Law Enforcement noted that including these terms describing the active fishing methods could create potential complexity for enforcement officers, who would have to define each of those actions. The Committee agreed that that language specifying the active fishing methods was not necessary in the exemption, and that the exemption could simply focus on the use of artificial lures, and that would still capture the intent of exempting those active fishing methods.

In summary for Tasks 1 and 2, the Committee came to consensus, and recommends the following language. Circle hooks are required when fishing for striped bass with bait, which is defined as any marine or aquatic organism, live or dead, whole or parts thereof, and this shall not apply to any artificial lure with bait attached.

Again, the Committee agrees that this language reflects the original intent of the circle hook requirement. The use of rigged eels was raised, and there was some extensive discussion by the Committee. Under the Committee's recommended language, a rigged eel would require a circle hook, because it is a marine organism, which is the definition of bait, and although it essentially functions as a lure, it is not artificial.

One Committee member did propose adding an exemption for rigged eels, but after some discussion, the Committee agreed that their recommended language should not include specific exemptions beyond the artificial lure exemption. The Committee noted that recreational fisheries vary widely among

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the states, and so the recommended language should be clear and simple guidance, intended to cover the majority of scenarios when circle hooks should, and should not be required.

In the future states could pursue exemptions for fishing methods that are not covered by the recommended language. States would need to request the exemption, and propose additional specific language via the state implementation plans, which would be reviewed by the Striped Bass Plan Review Team, and considered for approval by the Board.

The Committee also noted that states requesting any exemptions in the future should consider working with industry, and collecting data to determine if the potential exemption aligns with the intent of the circle hook requirement. That wraps up the discussion around Tasks 1 and 2, so now moving on to Task Number 3, which is incidental catch. The Board had raised questions about how to address the incidental catch of striped bass when targeting other species with non-circle hooks with bait attached.

After extensive discussion, the Committee could not reach consensus on this task, and so has provided two options for the Board to consider today. Option A would be to allow anglers to keep striped bass that are incidentally caught in the scenario, and Option B would require anglers to release striped bass that are incidentally caught in this scenario.

Option A would be allowing anglers to keep striped bass that are caught incidentally, and Committee members who supported this option noted that requiring anglers to release striped bass in this situation, does not align with the goal of reducing discards in the fishery, since this would essentially be requiring a discard. Committee members in support of this option also noted that requiring the release of a fish that has a small probability of surviving, would not be reasonable to anglers. A Committee member also noted that it's difficult

to require release without data on the rates of incidental catch of striped bass in other fisheries. Finally, it was also noted that requiring the release would go beyond the mandate language in Addendum VI, and that language predicates the circle hook requirement on the targeting of striped bass specifically.

Option B would require anglers to release striped bass that are caught incidentally, except for artificial lures. Committee members who supported this option noted that requiring release is the only means to provide enforceability of the circle hook requirement, and that enforcement cannot prove angler intent or target species.

Without this requirement to release, the circle hook mandate would not be enforceable. Committee members in support of this option also noted that although there is a chance of release mortality, keeping the fish would guarantee mortality. Then finally, requiring release of incidentally caught striped bass may encourage anglers to use more circle hooks when targeting other species.

Again, just to summarize this task. The Committee could not reach consensus, and is presenting these two options for the Board's consideration around the issue of incidental catch. Option A, allowing anglers to keep the striped bass that are incidentally caught, would not require any additional regulatory language.

Option B, which would require anglers to release striped bass that are incidentally caught, would require some additional language. If the Board decides to pursue Option B, the Committee proposes the following language, it's listed here in blue on the bottom of the slide. Striped bass caught on any unapproved method of take, must be returned to the water immediately, without unnecessary injury. That brings me to the end of the presentation, so I'm happy to take questions.

CHAIR BORDEN: All right, thank you very much, Emilie, let's just hold off on the questions just for a minute. Toni, regardless of which way the Committee goes on the recommendations, could you just describe to everyone how this would be put into place? What

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process is the Commission going to follow to put this into place? Then everyone has a good understanding of how that will work. After that I'm going to ask them to at least give them an opportunity to make any comments. Then we're going to go right back to Task 1 and take questions. Toni.

MS. KERNS: Sure, David. If the Board decides to provide any clarifications or guidance on the Addendum VI language, it would be making motions for guidance to the states on the implementation of circle hook measures. We're not making changes to the Addendum itself, but we're providing additional guidance to the states, as they are implementing vertical hook measures. It would not require states to submit new implementation plans, since the Board would be providing you all additional definitions or guidance, et cetera, depending on the actions that the Board takes today.

CHAIR BORDEN: Thank you very much. Dr. Davis, would you like to add anything to what Emilie just said?

MR. WILLIAM HYATT: Toni, this is Bill Hyatt. I just got a text message from Justin saying that he lost all audio, so he may be out of commission for a short period.

CHAIR BORDEN: Okay, thank you, Bill. What I would suggest is we'll go back to Justin later, and see if he has any input. Okay, so at this point we're going to go back to Emilie. Emilie, could you go back to your PowerPoint on Task 1, and put that up, and I'll ask for any questions from members of the Committee. Are there any members of the Committee that would like to speak on this issue, and if so, please raise your hand?

MR. KELIHER: David, this is Pat Keliher. My hand is up, but it was in relation to a shift to what Toni had just said.

CHAIR BORDEN: Go ahead, Pat.

MR. PATRICK C. KELIHER: I just want to make sure I understand, Toni, what you said, just to clarify. Anything we're doing here today, for the most part, is just clarifying what was meant within the Addendum, is that what you're saying?

MS. KERNS: That is correct, Pat.

MR. KELIHER: I think the only difference would be under incidental catch, depending on the direction we go there, because one of them, frankly, could become a compliance issue if we went in the wrong direction. I just want to flag that for you, Mr. Chairman, that one of those issues under, I believe Option A under incidental catch. If we went in that direction would create potential conflicts with some existing rules, and make things unenforceable, in probably more than one states.

CHAIR BORDEN: All right, thank you. Questions, Toni? Any hands up?

MS. KERNS: Yes, we have hands up from Roy Miller and John McMurray, and then let me know if you are going to accept questions from the public as well.

CHAIR BORDEN: Okay, Roy first, and then John McMurray.

MR. ROY W. MILLER: Thank you, David. I have a question for Emilie. Did the Committee discuss artificial bait such as Gulp, Fishbites, PowerBaits, those kinds of baits that may include fish oils, shrimp oils, other ingredients from live organisms, but are a manufactured bait? Did the Committee discuss them at all, and if so, are they okay to use, because that question has been posed to me? Thank you.

MS. FRANKE: Thanks for the question, Roy. Yes, the processed baits did come up in discussion, and Toni, correct me if I'm wrong here. But I believe those would be allowed under this definition, as this definition is focused on sort of those unmodified whole or parts of marine or aquatic organisms.

MS. KERNS: Yes, Emilie, I would concur with that.

MR. MILLER: May I follow up, David?

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CHAIR BORDEN: Yes, certainly.

MR. MILLER: Let me make sure I understand that. Those types of baits are okay to use, according to the recommendations. Is that what you're saying?

MS. FRANKE: Yes, that is correct.

MR. MILLER: All right, thank you.

CHAIR BORDEN: John McMurray.

MR. JOHN G. McMURRAY: Emilie, I'm wondering if there was any Committee discussion about the term lure. What constitutes lure? Perhaps an attempt to define lure, because at first glance I can't help but think we'll be seeing people paint eyes and tie a little hair on a snag hook. I'm wondering if that was talked about at all.

MS. FRANKE: Thanks for the question, John. There was some discussion about defining the term artificial lure, but the Committee members determined that that term artificial lure is a pretty well understood term in itself, so they ultimately decided there was not a need to define that.

MR. McMURRAY: Thank you, I guess there is more discussion to be had on that point.

CHAIR BORDEN: Go ahead, John.

MR. McMURRAY: No that's okay, I'll save my comments for later.

CHAIR BORDEN: Toni, I'm not seeing any hands up, I'm not sure why. You're going to have to tell me if individuals put their hand up.

MS. KERNS: Right now, I don't have any, okay, Mike Luisi has his hand up.

MR. MICHAEL LUISI: Yes, thanks, Toni, can you guys hear me okay.

CHAIR BORDEN: Yes.

MR. LUISI: Thanks, Mr. Chair. I'm just wondering, so we have a defining, and it's okay. I mean our definition of bait in Maryland is a little more restrictive than this. I'm just wondering why the recommended language was focused on just aquatic organisms, live or dead. I just wonder where that conversation went.

Our definition here is any live or dead part of any animals, no matter what it is. Emilie, was there a conversation about aquatic organisms versus, you know other sources of bait? I'm just a little uncomfortable with the idea that there are other sources of bait, whether they are artificial, not artificial, but they are as Roy mentioned, synthetic versus just the aquatic organisms. How did that conversation go with the group?

MS. FRANKE: Yes, thanks for the question, Mike. This focus on marine and aquatic organisms sort of came up as folks were discussing bait that would occur naturally for striped bass in the marine environment. At first it was just marine, and then one of the Committee members suggested adding aquatic to encompass, you know any potential bait that originated from fresh water as well. But ultimately, the question of including all organisms, including terrestrial organisms, the Committee felt that the focus for circle hooks really just needed to be on that marine and aquatic component.

MR. LUISI: Okay, so a worm doesn't count, right? I mean dig up a worm in your back yard, you put it on a hook.

MS. FRANKE: Correct.

MR. LUISI: Okay, I'm not sure I can support the recommended language at this point, with that said. We'll see how things go. But thanks for that.

MS. KERNS: David, Justin Davis is back here. If it's okay, can we try to get his audio sorted?

CHAIR BORDEN: Justin, would you like to offer any comments in regard to Committee deliberations?

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DR. JUSTIN DAVIS: Sure. Thanks. Sorry about that earlier. I guess really quickly, I would just start by thanking the members of the Committee. We had a really excellent committee of folks from diverse backgrounds, diverse geographically up and down the coast. But I think what everybody has in common was in-depth knowledge of the striped bass fishery.

That was really helpful to have those perspectives from up and down the coast, and from different portions of the fishery. Something I'll just touch on really quick. I think Emilie's presentation did a great job of capturing the results of the Committee's deliberations. A couple things I want to touch on really quick.

The thing that we came to consensus on very quickly, was the idea that the circle hook mandate was not originally intended, nor was it really necessary for artificial lures, or essentially active presentations that incorporate bait. You know we had a bunch of people with really good experience in the striped bass fishery who all generally agreed that circle hooks aren't necessary, or an important part of reducing discard mortality from the use of those kinds of fishing methods.

If we were to adopt this recommended language that would exempt artificial lures with bait attached, essentially that would take care of a lot of the issues that have been raised, concerns from the angling public about the circle hook mandate, and the no exemptions vote that was taken earlier last year. The other thing I'll just bring up really quick, and I can already see this emerging in the discussion. The Committee originally started out with much more complicated definitions of bait, and much more complicated language around the artificial lure exemption. The place we sort of came to is that simpler was better for a couple reasons. One was that you know for instance, there is no definition of artificial lure that you could engineer, that some creative person couldn't take a look at and find some way to fish

something with a J hook, and call it an artificial lure under that definition, when it's really truly not by most people's standards.

We spent a lot of time trying to develop really complicated language around things, and quickly decided that any time you introduce a new term or create additional language, you're just creating additional opportunity for a loophole, and in reality, people are creative. People who don't want to follow the rules will find a way to not follow the rules, unfortunately so.

That really segued into the final point, which was, I think there was consensus among the Committee that the focus should really be on outreach and education around the discard mortality in the striped bass fishery. This circle hook mandate is definitely part of that, but attempting to engineer a perfect set of language around this mandate, is really sort of a fool's errand. It can't be done.

We should try to develop language that will cover most circumstances, and then focus on sending the message to the public that they should be using circle hooks, and doing a host of other things to reduce discard mortality in this fishery. I just wanted to offer some of those perspectives on the Committee's deliberation. Thanks.

CHAIR BORDEN: Thank you very much, Justin, and while I've got the microphone, just let me thank you and all the members of the Committee. I think you did a really fine job. It sounds like it was an exceptionally productive Committee, it worked well together. Toni, I am having some kind of technical issue, so I can't see the hands. You're going to have to tell me who's hands are up.

MS. KERNS: Yes. Next, we have Cheri Patterson, and Pat Keliher, and then one of the Committee members, Bob Danielson also has his (fuzzed out) speak first.

CHAIR BORDEN: Okay, Cheri, and then Pat.

MS. PATTERSON: Yes, thank you, Mr. Chair. My question is, there was a law enforcement officer in the



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Committee. Did he feel that this recommended language would pass muster in a courtroom?

MS. KERNS: Mr. Chairman, Kurt is on the line, so I think he can answer, Kurt Blanchard.

CHAIR BORDEN: Kurt Blanchard.

DEPUTY CHIEF BLANCHARD: Thank you, Chairman Borden, Kurt Blanchard. Cheri, we did weigh in on this definition, and we do support the wording.

CHAIR BORDEN: Thanks, Kurt.

MS. PATTERSON: Thank you.

CHAIR BORDEN: Pat Keliher.

MR. KELIHER: I don't know who this question is directed to, but Mike Luisi, I think may have been getting ready to touch on this. Were there any conversations around earthworms, night crawlers associated with this? I do know we do have, when you get into the upper parts of our larger rivers, people who will target striped bass using nightcrawlers. If they had a nightcrawler instead of a marine or bloodworm, sandworm on, they could say that they were not in violation.

MS. KERNS: Justin Davis has his hand up. I don't know if he is wanting to respond to Pat.

CHAIR BORDEN: Dr. Davis.

DR. DAVIS: Yes, there was discussion around that topic. We were working with a definition at one point that did include sort of all organisms, including terrestrial organisms. Part of the complication there was that then that would necessitate some language to exclude things like bucktail and pork rinds, which were a commonly expressed concern from anglers, that they wanted to know whether or not those materials would be considered bait that required circle hook they are typically used in an artificial lure presentation.

I think that is why the terrestrial organisms did not end up in the original definition. There was also at least a thought amongst the Committee that the use of terrestrial organisms for bait, while it might happen in some places, it's probably not a very common practice. We were sort of coming around to this place of wanting to develop simple language that would cover most situations.

Without trying to get wrapped up in covering every possible situation that might arise, where people might use different things to fish for striped bass. All that being said, I think if there was strong consensus on the Board that this definition needed to be extended to include terrestrial organisms, it would be simple enough to do that, by just modifying the language here slightly. That would be my thoughts on that.

CHAIR BORDEN: Thank you, Justin. Pat, have you got a follow up or not?

MR. KELIHER: I would just say, I'm not sure if we wanted to make a modification, if we would need to go as broad as terrestrial, because that will bring in potentially a lot of different organisms. But narrowing it down more might help solve the problem, and we can discuss that when we get to that point.

CHAIR BORDEN: Toni, hands.

MS. KERNS: We don't have any additional Commissioners with hands up. But as I said before, Bob Danielson, a member of the Ad Hoc Committee has his hand up, and then we also have a member of the public.

CHAIR BORDEN: Okay, so Bob, did you say? Bob, if you would like to speak as a member of the Committee.

MR. BOB DANIELSON: Yes, thank you, Mr. Commissioner. I would like to address Mike Luisi's question about the terrestrial, and Pat as well. If you ban the use of all terrestrial animals, you're just taking all the fly fishermen out of the striped bass fishery, for the most part. They could use circle hooks to retrieve every fly in their arsenal, but that was one of the

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things that I had, as a member of the Ad Hoc Committee in my head, when this discussion arose. I was very comfortable with the recommended language, especially when Law Enforcement backed it.

I think that was where many of us on the Committee were, when developing the language, and I just wanted to add that into the discussion, so the Commissioners and the Board members in particular, understood what our thought process was, not including things like chicken feathers and rabbit strips for the fly fishermen, as part of the ban on J hooks for striped bass fishing. I hope that helps explain the thought process that I had. Thank you.

CHAIR BORDEN: All right, Toni, you said we had one hand up in the public?

MS. KERNS: John McMurray has since raised his hand, and now there are two members of the public. Just as a reminder to the public, this is for questions on the Committee recommendation.

CHAIR BORDEN: Right, so I'm going to take John McMurray first, then I'll take the two. I would ask Toni, since I can't see who has their hands up, to call off the two individuals. They can ask their questions, and then what I would like to do is go back to see the draft motion. All right, so John.

MR. McMURRAY: Yes, thank you, Mr. Chairman. This isn't a question, but it did occur to me that maybe there is an easy fix to Mike's concern and including language like terrestrial and vertebrates. Just throwing that out there. Sorry, that was not a question.

CHAIR BORDEN: Thanks, John. Toni, could you call off the two individuals that have their hands up from the public?

MS. KERNS: Will do. Mike Waine first, and then Anthony Nascimento, I hope I didn't totally butcher that.

CHAIR BORDEN: All right, Mike Waine.

MR. MIKE WAINE: Mike Waine from the American Sportfishing Association. I just wanted to echo Justin's comments about how well this process worked. AP members working with a subgroup of the Board members and the public, to try to come up with the specifics that are presented today.

I just have a question about kind of the intent of the decisions that get made by the Board here, and what the states ultimately implement, based off of those decisions. Commissioner Keliher asked the compliance question, and I thought that got at some of it, but I just wanted to kind of confirm that the intent of doing this exercise was to bring some consistency in how bait in the circle hook definition is going to be implemented in all of the states. I'm trying to figure out if there is not kind of a binding component to the decisions that are made by the Board here. How do we still achieve the intent of this action, which is to try to bring consistency across the geographic range of this fishery, and have the states follow through on that intent?

CHAIR BORDEN: Thanks, Mike, does somebody on the Board or in the Committee want to offer a response?

MS. KERNS: Bob Beal.

CHAIR BORDEN: Bob.

EXECUTIVE DIRECTOR ROBERT E. BEAL: Yes, to answer that question and reflect back on Pat Keliher's comments from earlier. I think, you know this is a clarification of the circle hook and bait language that was included in Addendum VI. I would argue that the definitions that are approved today of bait and fishing methods, you know when circle hooks are required, are compliance criteria.

It is clarifying the intent of the Board. We're not modifying the Addendum; we're just clarifying what the states are obligated to implement under the provisions of the Addendum. I would argue those are compliance criteria and binding. You know the one issue that Pat suggested we may want to discuss later, is the notion of incidental take.

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I think we can tackle that when we get there, because the Addendum doesn't include incidental take language as it's written right now. That one may be a little bit different conversation, but I think on these first two tasks, I think the outcome of this meeting would be binding on the states.

CHAIR BORDEN: Toni, the other gentleman in the audience.

MS. KERNS: It is Anthony Nascimento.

MR. ANTHONY NASCIMENTO: Tony Nascimento. Good afternoon. My question is on the method of snag and drop with the weighted treble hook. I understand that once you catch a bunker on the treble hook you have to bring it in, and transfer it to a circle hook. That is pretty much understandable. What happens to the incidental catch of striper hitting it before you bring it in, and the striper perhaps swallows it, and it winds up becoming a mortality. What is the discretion that you may have had on that?

CHAIR BORDEN: Emilie, or somebody on the Committee.

MS. FRANKE: Thanks for the question. To my knowledge the Committee did not address that scenario specifically, so I'm not sure I have an answer for you on that one right now.

MR. NASCIMENTO: Okay, thank you. It's something to think about.

CHAIR BORDEN: We're going to have to go back to the Board, and Emilie, the staff prepared a draft motion. Could you put the motion up, the first motion, please?

MS. KERNS: Mr. Chairman, since you can't see hands, I'm just going to interrupt. I think we have an additional question, or maybe a point of clarification from Ritchie White and Jason McNamee.

CHAIR BORDEN: Ritchie, we haven't heard from you today, so would you like to go first?

MR. G. RITCHIE WHITE: Yes, my question was a follow up on Mike Waine and Bob Beal's answer. Doesn't a state have the ability to be more conservative on this? If a state decided that they wanted to leave in place the original circle hook requirement, that would be more conservative than this change. A state would have the ability to do that. That would be a question.

CHAIR BORDEN: Bob Beal.

EXECUTIVE DIRECTOR BEAL: The answer is yes. States can be more conservative. If a state wants to only allow circle hooks for anything anywhere, that is up to the state. That is applicable, or completely in bounds in the Commission process. States can always be more conservative.

CHAIR BORDEN: Dr. McNamee.

DR. JASON McNAMEE: I just had a question on what this applies to. I think this definition is meant to apply just to the recreational fishery, and so first I'm wondering if that is correct. Then if so, I wonder if we need to add something into that motion that was up a moment ago. That's my question, thank you.

MS. KERNS: Do you want me to respond, David?

CHAIR BORDEN: Please.

MS. KERNS: Addendum VI specifically states that the circle hooks are applied to the recreational fishery, Jason, not the commercial fishery.

DR. McNAMEE: If I could follow up, Mr. Chair. Just to make sure I understand.

CHAIR BORDEN: Go ahead.

DR. McNAMEE: Okay, thanks, Toni. Because of that we don't need to be more explicit with this definition, this definition would kind of sit under that as a subsection, therefore it's only applicable to the recreational fishery. Is that the implication?

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MS. KERNS: Yes, but if it helps with clarifying language, of course we can add it to any motion that is made.

DR. McNAMEE: Okay, thank you.

CHAIR BORDEN: All right, so you have a suggestion from the staff for a draft motion. Does someone care to make this motion?

MS. KERNS: Mr. Chairman, Dennis Abbott has his hand up with a question.

CHAIR BORDEN: Dennis.

MR. DENNIS ABBOTT: Dr. McNamee said something and it got me thinking. In Massachusetts, commercial fishermen fish with rod and reel. Are we saying that they wouldn't be required to comply with these regulations, because they are not recreational, but they are commercial?

CHAIR BORDEN: Does someone want to respond?

MS. KERNS: Sure, Mr. Chairman. That is how the Board worded Addendum VI, Dennis, so under the provisions of Addendum VI, the circle hook requirements were for the recreational fishery.

CHAIR BORDEN: On the draft motion, does someone care to make the draft motion?

MS. KERNS: You have Mr. Armstrong.

CHAIR BORDEN: Mike Armstrong. Mike, would you like to read it into the record, please?

**MR. MICHAEL ARMSTRONG: I move to approve the following guidance for state implementation of circle hook measures: circle hooks are required when fishing for striped bass with bait, which is defined as any marine or aquatic organisms live or dead, whole or parts thereof. This shall not apply to any artificial lure with bait attached.**

CHAIR BORDEN: Motion by Mr. Armstrong, is there a second? Toni.

MS. KERNS: Justin Davis.

CHAIR BORDEN: Seconded by Dr. Davis, discussion on the motion. Any hands?

MS. KERNS: Yes, we have Pat Keliher, Jim Gilmore, John McMurray and Mike Luisi.

CHAIR BORDEN: Pat Keliher.

MR. KELIHER: We have several very large river systems in the state, where when you get above the salt water wedge up into the fresh water, you have a lot of people who will target striped bass using a mix of both marine worms, which would include blood worms and sand worms, as well as earthworms. I would hate to have a situation where people are targeting striped bass in the Kennebec River in Mary Meeting Bay, using J hooks, with an earthworm on it. It would defeat the purpose of what we're trying to do, especially considering in that particular area, we do have a very small native population of fish that are spawning. I would want to see; I would love to see a friendly amendment here that would include the use of earthworms when we define bait. Bait which is defined as marine or aquatic organisms live or dead, but somewhere in there include earthworms.

CHAIR BORDEN: All right, thanks, Pat. That is one suggestion. Toni, the second name that you called out, you were a little broken up.

MS. KERNS: It was Jim Gilmore, but he put his hand down.

MR. JAMES J. GILMORE: Yes Toni, I'm good. Pat actually covered it, so thanks.

CHAIR BORDEN: All right, so hop back to Pat Keliher's question in a minute. I've got John McMurray and then Mike Luisi.

MR. McMURRAY: My only problem with this is, and I brought this up before. By not defining artificial lure, we're kind of offering that loophole to people who

want to get around this, and arguably folks could paint an eye and put some hair on a snag treble hook, and call it a lure. That is really my primary concern is the snag and drop fishery here. I actually have a friendly amendment that would fix that, if the maker of the motion would accept one, and it's very simple. This shall not apply to any single hook artificial lure with bait attached.

CHAIR BORDEN: Mike Armstrong, John just suggested a friendly amendment. Are you receptive to that or not?

MR. ARMSTRONG: Well, yes. John, could you say it again? I missed part of it.

MR. McMURRAY: Yes, Mike, I would just insert single hook before artificial lure, and that negates the loophole for folks to legally snag and drop.

CHAIR BORDEN: Mike Armstrong, any reaction to that?

MR. ARMSTRONG: I'm trying to think of what it does, I'm sorry.

CHAIR BORDEN: We'll keep going, I've got one. Mike Luisi, and then I'm going to go back to Pat Keliher's suggestion, and then we'll go back to John McMurray's suggested perfection. I've got Mike Luisi.

MR. LUISI: I don't have any trouble with the artificial lure side of it, because there have been enough discussions over this time period, as we've discussed this. I have no trouble with that. What I'm struggling with is kind of the door that's opened when we refer to just the marine or aquatic organisms. Our regulations, and I don't know if you would want a motion to amend.

The regulations that we have here in Maryland state that bait means an attractant to fish, which includes the living or dead, whole body or part body of an animal, or a processed product

from an animal or vegetative source. It includes all the different types of bait that you would, in my mind it's fully inclusive of all the different synthetic, not even synthetics, but just the different sources of what you would put on a hook. I'm just going to say it. I don't think this motion is strong enough. I think there are going to be more people, they are going to try to find holes in it, and try to figure out how to continue to use J hooks.

If we get to the point where we're getting ready to vote on this, Mr. Chairman, I probably would, I'm going to draft it up right now, but I'll probably make a motion to amend. Maybe if you would come back to me, just I need to give it a little bit more thought, and kind of draft it up a little bit. But I'm just not comfortable with the way this is worded.

CHAIR BORDEN: Okay so thank you, Mike. Pat. Let's go back to your suggestion. What is your exact perfection, and then I'm going to ask Mike if he accepts that and Dr. Davis? If they do, we'll perfect the motion, if not then if you want to make a motion to amend, you can make a motion to amend.

MR. KELIHER: No, as I'm thinking about this, Mr. Chairman. The state of Maine just made the determination to require circle hooks when you're using earthworms. I would argue that we're being more conservative, and we would not be out of compliance. We're actually, we would more conservative. If you agree with that.

CHAIR BORDEN: I totally agree with that.

MR. KELIHER: Disregard my earlier comment.

CHAIR BORDEN: All right, so John McMurray, you're up next with your perfection. Mike Armstrong, do you want him to characterize it again? Mike.

MR. ARMSTRONG: Okay, well my question is, so this shall not apply to any single hook artificial lure with bait attached. That is the perfection, right? Doesn't that then mean any multi-hook artificial lure can be fished? I'm struggling to understand exactly what this accomplishes.

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MR. McMURRAY: If I may, Mr. Chairman.

MR. ARMSTRONG: Please.

CHAIR BORDEN: John.

MR. McMURRAY: Okay, I'm sorry. I kind of assumed folks knew what snag and drop was, it's a weighted treble hook that they find a bunker school and rip it back, and snag a menhaden and let it swim, and then the striped bass, that is really what I'm trying to avoid here. Put a bucktail on the thing and paint some eyes on it, now it qualifies for a lure. I'm trying to stop that from happening, simply by putting single hook on an artificial lure. Maybe we could clarify to say J hook. I'm just trying to avoid the use of weighted treble hooks as artificial lure.

MR. ARMSTRONG: Mr. Chairman, I think what John is saying. I do not want to see this motion allow snagging and dropping. I'm not sure what John has proposed does that.

CHAIR BORDEN: Mike, so you are clear, it is your prerogative whether or not you accept it. If you don't accept it that's fine. Then Mr. McMurray can make a motion to amend, and we'll vote that motion to amend up or down.

MR. ARMSTRONG: Yes, I don't accept it.

CHAIR BORDEN: Okay, so John McMurray, have you got a motion to amend?

MR. McMURRAY: Yes, I suppose I'll move to amend. But I'm not sure what I'm not being clear about. Snag and drop are done with a weighted treble hook. If you simply add single hook to this language, it prevents from happening. Maybe I'm not doing a good job of explaining myself, somebody else can weigh in and try to clarify what my intent is, before I make a motion.

MS. KERNS: Mr. Chairman, may I ask John a question, to try to help here?

CHAIR BORDEN: Certainly, Toni, we need help.

MS. KERNS: John, are you trying to say then that for the last sentence. Are you trying to say this shall not apply to any artificial lure with bait attached and any single hook artificial lure with bait attached? Like, are you wanting both?

MR. McMURRAY: No, no, no. This shall not apply to any single hook artificial lure with bait attached.

MS. KERNS: I think that what I'm hearing Mike Armstrong say that is if you add that qualifier in there, then artificial lures with multiple hooks could be fished, and they don't want to see that. By saying single hook artificial lure, you are really narrowing that focus of the artificial lure.

MR. McMURRAY: Okay, well, maybe somebody could help me out with language here, now that we understand what I'm getting at.

MS. KERNS: I'm going to go to our chairman of the, well I'm not going to, but David Borden, Justin Davis has his hand up as the Chairman of the Committee. I don't know if you want to go to him, and then I have a line of folks that have had their hands for you.

CHAIR BORDEN: Dr. Davis.

DR. DAVIS: I'll take a shot at this. The first sentence of what is up on the board here says that circle hooks have to be used when fishing with bait, as defined. Then the second sentence is creating an exemption for that requirement. As it currently reads, it would exempt any artificial lure with bait attached, and I think John's intent is to only exempt single hook artificial lures with bait attached, such that multi-hook lures with bait attached would not be exempt, and would be subject to the language up above. Basically, saying that if you're fishing some sort of multi-hook lure with bait attached, those hooks would have to be circle hooks. Does that represent your intent, John?

MR. McMURRAY: I think it does, Justin. I'm trying to process it. My first reaction is it does.

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CHAIR BORDEN: Justin, following up on your point, would you just change the location of the word single hook, and put it after lure to do that?

DR. DAVIS: I don't know that the placement of the word single hook matters to the meaning. I think single hook artificial lure represents an artificial lure with only one hook. I'll add a general comment that there was an array of artificial lure presentations that are actively fished that were of concern, or sort of brought up by Committee members and members of the public, as things that should be exempt.

I would ask members of the Committee to weigh in if they think I'm wrong here. But most of those are single hook artificial lures. I think the one notable exception would be eel skin plugs, which is a method in which the skin of an eel is put on a swimming plug that typically has multiple hooks attached and fished. I think by changing this to single hook artificial lure, we would be now saying that eel skin plugs are no longer in bounds for use with non-circle hooks.

CHAIR BORDEN: let me just ask, do we have a specific motion to amend? If not, then I would encourage people to debate the motion on the board. Toni, what do you have for hands up?

MS. KERNS: I have Tom Fote, Pat Keliher, and Justin, I don't know if you still have your hand up on purpose or not, and then we have two Committee members with their hand up, and one member of the public.

CHAIR BORDEN: Okay, so we'll take the two Board members first. Tom Fote and then Pat Keliher.

MR. THOMAS P. FOTE: Yes, I understand what John is trying to get at, but the intention of the wording he is using is not really clear. A bunker snag is a very particular piece of equipment, it's basically a weighted treble, it's got lead put on it, and it actually could have more, put three treble hooks above it, and throw it out and try to snag multiple bunkers at one time.

That is the way a lot of us fished it when we basically fished it from a boat and snagged it before everybody started casting it. But it is a problem. I don't wind up concerned about people painting eyes on it, because Law Enforcement has the discretion would basically look at, and a bunker snag with eyes on it doesn't make it nothing but a bunker snag. We all know the bunker snag if you're out in the fishery, and we know that is not supposed to be drop and snag.

I think the drop and snag definition is in the understanding of the language, unless we want to clarify that and make sure what drop and snag means. Once you snag a bunker, you need to bring it in and put it on the circle hook. That would be a clearer clarification. The problem here is, I don't want to make it so complicated that people try to read into this thing and get all confused, especially with striped bass fishermen. I mean striped bass fishermen, when I used to fish and I used to travel. I used to fish in North Carolina to Maine fishing for striped bass. It makes it very difficult in the states that have different regulations. I had a charter boat captain that went to Maine, because he had a pork rind on the end of his hook. He wasn't able to take it, and he said, I never heard of that before. What I don't want, because most of what Law Enforcement goes on in the recreational sector is peer pressure for doing it a certain way.

If the public, they are so disillusioned with a lot of the regulations we have right now, whether it's fluke or other species, that we don't want to get to use that where they basically lose confidence in our regulations and do whatever the hell they want. That is why I think we need to be clear on what we are basically saying, and clear to the public, and they can accept what we're putting out there, and address their problems. We addressed it with the buck tail.

I think the definition handles almost 99 percent of the problem we were dealing with. I mean I fly fish for them. We were talking about, I had rabbit fur, moose mane, and everything else I used to make flies out of. I don't want to be not able to use those materials when I'm tying flies. The other problem here, we needed to figure out a rigged eel.

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For those of you not familiar, I've rigged hundreds of rigged eels in my life, with real eels and then we would use rubber eels. On a rubber eel and a rigged eel, you could put a circle hook and a tail hook, but basically putting on a tin squid only has a single hook. There is the problem when you're using a rigged eel. The front hook, and just using a front hook and you're not putting a tail hook on it, you've got a J hook on it. You don't pour tin squid with a circle hook on it.

CHAIR BORDEN: All right, Tom, thank you. Pat Keliher.

MR. KELIHER: I support this language as it is just right now. I think this issue that we're kind of straying to is really about incidental catch. If somebody was going to try to paint eyes on a treble snag hook that is weighted, and they snag a fish and then catch a fish and bring it in and retain it, they would be in violation of a rule like this. I'm happy with the language the way it exists.

CHAIR BORDEN: All right, Toni, could you call out the two names of the Committee members that wanted to speak on this? I think we owe them the right to comment.

MS. KERNS: Will do, and I just want to let you know that two additional Commissioners have raised their hands as well, so the two Committee members are Delayne Brown and Andy Dangelo.

CHAIR BORDEN: The first one, please.

MS. KERNS: Delayne, Lieutenant Delayne Brown.

LT. DELAYNE BROWN: Thank you, Toni, thank you, Mr. Chairman. I don't want to muddy the waters. We have a statutory definition in New Hampshire that states what a single-hook artificial lure is, and it's a lure with one single hook with not more than three hook points, so that would include, a treble hook is considered

a single hook in New Hampshire. Because choosing with everything else has been closed. Thank you.

CHAIR BORDEN: Thank you. Andy, do you want to comment?

MR. ANDY DANGELO: Basically, you know if you're snagging and dropping to try to catch a striped bass, you're targeting striped bass, and you know the motion that we have here says that when you're fishing for striped bass, you've got to use a circle hook. If you're snagging and dropping, you are targeting striped bass, and that is illegal according to the motion. I agree with what the motion says right now. Thank you.

CHAIR BORDEN: Thanks, Andy. Back to the Committee, Toni, you said you had two hands up, and then I've got to go back to Mike Luisi.

MS. KERNS: Yes, okay we have Max Appelman and Jason McNamee, then you'll go to Mike.

CHAIR BORDEN: Mike.

MR. LUISI: Am I up now, or do you want to go to somebody else first?

CHAIR BORDEN: If you're going to raise a different subject, let me come back to you.

MR. LUISI: Yes, I was going to make a motion to amend after you hear from a few other people. Whenever you're ready just come back to me, I'll take my time and read it slowly, but that's my plan.

CHAIR BORDEN: Okay, so Toni, who is the first person on the list?

MS. KERNS: We have Max Appelman and then Jason McNamee.

CHAIR BORDEN: Okay, Max.

MR. MAX APPELMAN: I'll start this and just say that NOAA Fisheries can support this motion. But something I wanted to add was just what resonated with me listening to that Ad Hoc Committee



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discussions, and the collaborative nature of that group when coming to consensus on recommended language.

I think that means a lot. You know they run in circles in sort of the same way that I hear this Board going right now. They came to the conclusion that simple is best, and I would hate to see us fall into that same pit. I think the consensus recommendation speaks for itself, and we can support this motion. Thank you.

MS. KERNS: David, you had Jason next.

CHAIR BORDEN: Jason McNamee.

DR. McNAMEE: I may be, so what I intend to offer is what I think is a perfection of the motion that is on the board, if that is appropriate to do right now. It's a simple, I think non-significant one.

CHAIR BORDEN: Go ahead.

DR. McNAMEE: This gets back to the comment I raised earlier about this being specific to the recreational fishery. I think it couldn't hurt to clarify that in this motion, and so what I would suggest we could do is simply add before the colon, you know after the word measures, the phrase "for the recreational fishery" and that would make it nice and clear that that is what we're talking about.

CHAIR BORDEN: Thanks, Jason. Mike Armstrong, will you accept that as a perfection?

MR. ARMSTRONG: Yes.

CHAIR BORDEN: Dr. Davis.

DR. DAVIS: Yes.

CHAIR BORDEN: You have a perfected motion, thanks, Jason. Anyone else other than Mike Luisi on the list, Toni?

MS. KERNS: Just a member of the public.

CHAIR BORDEN: I'm going to take Mike Luisi first. Mike.

MR. LUISI: I realize that there is a lot of support. Here is how I look at circle hooks. We're moving in the right direction, but I feel like this motion allows for too much, it's too liberal, and it's not constrictive enough. It's much more liberal than our state rules, and it's going to be challenged.

I think that if we're going to go in the direction of you know applying circle hooks, which you know we've already done. But determining what bait is, then we should be as inclusive in all forms of what that term is. I read it into the record earlier. I feel that our state has a definition of bait, which I strongly support.

I think that the marine and aquatic organism part is a little too liberal, in my opinion. I would offer a motion to amend. What I would like to do is after the word, which is defined as, so after as I would offer that bait be defined as the living or dead, whole body or part of a body of an animal or a processed product from an animal or vegetative source.

That is what we have in our regulations. That includes all the different products that are on the market, all the different things you can buy. If I get a second on this, I can offer a little more thought, but let's just see. Let's see how that goes. That would replace the section in the original motion after the word as, and we'll see how it goes. But I do support the artificial lure part of this. I don't want that to be replaced. I think artificial lures, if you're actively working an artificial lure, I have no problem with that. But it's basically the definition of bait. We'll see what happens. Thank you.

MS. KERNS: Mr. Chairman, before we get a second, can we make sure that we know exactly what we're replacing or adding here?

**MR. LUISI: Yes, so Toni, what I would like to replace, motion to amend, so after "which is defined as" that is where. Instead of any marine or aquatic organism live or dead, whole or parts of thereof. I would replace that one part of that motion with the statement that I made, so defined as the living or**

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**dead, whole body** product, you know, I would just like to replace that wording to strengthen this circle hook requirement, which I feel is too weak at this point.

MS. KERNS: Yes, thanks, Mike, I have what you're saying, so Maya if you could say Motion to amend to replace, and then copy that language.

MR. LUISI: We could substitute. We could just put a whole new motion up with the different language. I thought just an amendment was appropriate, because it was only that one piece of the language that I thought I just wanted to strengthen.

MS. KERNS: That's okay, I just want to make it very clear to everybody what text is being replaced, that's all, Mike. Now we can get a second.

MR. LUISI: Thank you, Mr. Chairman for allowing me the opportunity to make that motion. We'll see if we get a second.

CHAIR BORDEN: All right, do we have a second? Toni.

MS. KERNS: Dennis Abbott, is your hand raised as a second?

MR. ABBOTT: I'll second the motion.

CHAIR BORDEN: Seconded by Mr. Abbott. Discussion on the motion to amend.

MR. ABBOTT: As the seconder can I comment?

CHAIR BORDEN: Certainly.

MR. ABBOTT: Thank you. At this point, I'm not so concerned with whatever the language is, because I think they were really getting too far down into the weeds. I don't believe that regardless of what we finally decide on, that we are going to affect mortality one little bit. I think we should leave as much of this up to the

states as possible, so I'm probably willing to go along with anything to reach a conclusion on this, because again I'll repeat, I do not believe that this will affect mortality nor end overfishing. Thanks.

CHAIR BORDEN: Thanks, Dennis. Any other comments on this? Toni.

MS. KERNS: Yes, we have Roy Miller, Chris Batsavage, John McMurray, Pat Geer, and Jim Gilmore. Then we have members of the public as well.

CHAIR BORDEN: All right, so we're going to deal with Roy Miller first. Roy.

MR. MILLER: I am not going to vote for the amendment to the motion, because of what we discussed earlier. By including vegetative source and processed product from an animal, I think we're precluding baits like PowerBaits and Gulp and Fishbites and all of them, by adding this perfection. My view of this is if a state wants to be more restrictive, they can. I favor the original motion, which gives the states the latitude to be more restrictive if they so choose.

CHAIR BORDEN: Thanks Roy, Chris Batsavage.

MR. CHRIS BATSAVAGE: Yes, Roy pointed out, I guess a question I had. But I think I understand that this would include things such as Gulp and Powerbait, which are lures that are made out of some sort of natural material, we're not really sure what. That is problematic, I think for a lot of our regulations. The regulations in North Carolina are more restrictive, they include basically any plant or animal material. We don't get into synthetic baits.

I know the way the language in the amended motion would include things such as fur and feathers, and ours doesn't exempt that, but we could definitely make that fix, while being more restrictive at the same time. I have to stick with the original motion, just knowing that the Committee really kind of threaded the needle, so to speak, on trying to find language that gets to where we need to be, without creating any more unforeseen, unintended consequences. Thanks.

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CHAIR BORDEN: Thanks, Chris, John McMurray.

MR. McMURRAY: I just wanted to point out that Mike's amendment would support the use of pork rinds, which is something that the Committee was expressly trying to avoid.

CHAIR BORDEN: Okay, thank you. Toni, you're going to have to give me the last name. I couldn't write fast enough.

MS. KERNS: I apologize if I mess up the order, but I believe it was Jim Gilmore, and then Tom Fote.

CHAIR BORDEN: Okay, Jim Gilmore.

MR. GILMORE: I just will let go the last couple of comments. It really comes down to the first motion, the language is simpler, and I think more understandable. I know Mike's trying to get at being a little bit more prescriptive, but in doing that we start going back down that rabbit hole, where we've got so many words in there.

I think that actually may provide for more loopholes in it, so I would prefer the earlier language. However, I would like to hear, I don't want to put Justin on the spot as the head of the Committee, but both them and law enforcement, it's like is this making this better or worse, I guess would be, and the fact that the Committee, who I think did a great job in putting this language up, kept it simple. I still think we should be going with that.

CHAIR BORDEN: We've got Tom Fote.

MR. FOTE: I just agree with Jim Gilmore and Roy Miller, that's it.

CHAIR BORDEN: Thanks, Tom. We've heard a number of comments from Board members who basically have indicated they intend to support the underlying motion and not the motion to amend. Is there anybody that has not raised their hand that wants to speak in favor of this motion to amend? If not, I'm going

to call the question. Is there a hand up from a member of the Board that wants to speak in favor of this?

MS. KERNS: Mr. Chairman, you have Max Appelman. But before Max goes, can I just ask Maya. We actually don't need, which is defined, in that first sentence of the motion. That should actually stay. Thanks, Maya. David, your microphone, it sounds like you're in the wind, and so when you keep your microphone live, it causes sort of a feedback for the webinar. Just as an FYI.

CHAIR BORDEN: Who was it you wanted to call on next?

MS. KERNS: It was Max Appelman, and then you do have members of the public that have their hands raised.

MR. APPELMAN: I'm going to jump in. I don't know how I'm going to vote on the amended motion, but I feel like NOAA Fisheries can support both of these motions. I want to poll from some of my fellow Commissioners. Is this going to create more work? It sounded like covering the entire gambit might create more work down the road, as we exempt this, that and the other of these unintended types of bait that really aren't the target of this provision. I think I can support both of these. But I don't want to create more work for us in the end. I fall back on simple is probably best here.

CHAIR BORDEN: Okay, thanks, Max. Let me just point out that we're an hour and a half into a two-hour meeting. We haven't gotten to the most controversial part of the recommendation, and we need to move along here. Are there any other Board members who want to speak on this issue?

MS. KERNS: No hands raised.

CHAIR BORDEN: Okay, I'm going to take two public comments, and then I'm going to call the question. Toni.

MS. KERNS: You have Patrick Paquette first, and then Mike Waive.

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CHAIR BORDEN: Pat.

MS. KERNS: I think I have Patrick muted, hold on. He put his hand down, so I can't find him as fast. Mike Waine, why don't you go first?

MR. WAINE: Mike Waine, American Sportfishing Association. We do not support the motion to amend. The Working Group, members of the Advisory Panel, Public, all put their heads together and tried to come up with a consensus recommendation here. I'm not sure why some of the Board members don't believe in that process.

I think the original motion is what their consensus recommendation was with some minor perfections that can be palatable. I guess I would just say that there has been some discussion about implementation of more conservative measures than what is agreed upon in this action. As Dennis Abbott said, these decisions will likely not have a conservation benefit to the resource.

I think that sometimes the states choose to be more conservative than the Plan requires. If there is a real conservation benefit to that action, I would argue that the intent here is instead to have consistency in the measures across the states. I hope with whatever decision occurs from today's Board action, the states can live with that decision, implement the intent of the Board decisions today, and leave actions that are more conservative than the plan requires for issues that would actually achieve that conservation benefit. Thank you.

CHAIR BORDEN: Thanks, Mike. Pat Paquette.

MR. PATRICK PAQUETTE: Thank you, Mr. Chairman. Patrick Paquette, Mass Striped Bass Association. I am a member of the AP. I just wanted to offer a couple of comments as the Board considers this motion. First of all, this is an impossible task, and I very much agree with what the Chair of the Working Group stated,

that there is no way to write a bullet proof regulation here.

I can come up with loopholes to anything you can write. I've been doing this too long. That being said, fishing with worms is common across every river and estuary in New England, especially in the spring, when small striped bass are the target and most popular thing being done in salt water. It needs to be clear that any type of a worm should be on a circle hook. Also, in my state in Massachusetts, there is no difference, boats that are recreational, commercial and for-hire are all in that snag and drop fishery, are all doing the same thing. I am absolutely baffled as to why we would separate out one of the three, or two of the three, and not have it have all anglers targeting striped bass need to follow this regulation. Thank you.

CHAIR BORDEN: Thanks, Pat. Okay, at this point I'm going to declare a two-minute caucus, so you can caucus among your delegations. In the meantime, Toni, if you could just stay on the line and you and I can figure out what my technical issue is. Two minutes.

MS. KERNS: David, when you come back from the two minutes, Delayne Brown has his hand up. He's the New Hampshire LEC rep, so I don't know if you want to go to him.

CHAIR BORDEN: Sure, I'll take him last, and then I'm going to call the question. We're back in session at this point. We have one of our enforcement officers would like to comment. Is it Delayne from New Hampshire?

LT. BROWN: Thank you, Mr. Chairman. My hand was raised for a little while. This goes back to the motion to amend to replace, by Mr. Luisi. I would just caution the use of processed product in the amended definition. I know New Hampshire has had at least one case, where we were unable to prove the ingredients of products.

In this case with PowerBait, because this particular product is patented and proprietary. When it comes to that, as a law enforcement officer, if it can't meet the burden of proof that a processed product has

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animal parts in it, you can't make the case. That's all I had to add, thank you so much.

CHAIR BORDEN: Thank you. We're back in session, any more discussion on this? We've had a lot of discussion, and we're way behind schedule. Does somebody want to make a point that has not been made at this point? I do not see any hands up. Toni, have you got any hands up?

MS. KERNS: No, I do not.

CHAIR BORDEN: Okay, so all those in favor of the motion to amend by Mr. Luisi and Mr. Abbott, please signify by raising your hand. Toni, could you read the jurisdiction that vote yes, please into the record.

MS. KERNS: I have Pennsylvania.

CHAIR BORDEN: That's the only yes vote then.

MS. KERNS: Let me make sure I have that correct, hold on. Yes, that is the only state that I have.

CHAIR BORDEN: Okay, so we have one yes vote. Take down those hands, please. All those states in opposition to the motion to amend, please raise your hand. Then Toni, would you please read the states into the record.

MS. KERNS: I have Massachusetts, Connecticut, Maine, Delaware, New York, Virginia, Rhode Island, New Jersey, New Hampshire, North Carolina, PRFC.

CHAIR BORDEN: Is that 11?

MS. KERNS: I think so, Emilie, do you have 11?

MS. FRANKE: Yes, that's 11.

CHAIR BORDEN: We have 1 state in favor, 11 noes, any abstentions? Any hands up?

MS. KERNS: I have NOAA Fisheries and Fish and Wildlife Service. Pat Keliher, your hand is up. Is that intended? I thought you voted against.

MR. KELIHER: No, no, it was unintended. I get easily confused, Toni, you know that. Sorry.

MS. KERNS: Okay, thank you.

**CHAIR BORDEN: He's a typical Chairman, trying to vote twice. We have 1 yes, 11 noes, 2 abstentions, any null votes?**

MR. LUISI: Yes, Mr. Chairman, Maryland is a null vote.

**CHAIR BORDEN: Maryland is a null vote. Okay, so motion fails.** We're back to the main motion. We've had a lively discussion. Does someone want to raise a point that has not been raised? Mike Luisi, your hand is still up.

MR. LUISI: Yes, I just wanted to make a really quick point. We're going to support the motion. I feel like this is good progress, and there was a lot of work that went into this motion. The state of Maryland will support the motion, based on the fact that we're making progress and implementing circle hook requirements. Thank you.

CHAIR BORDEN: Given that observation, it would appear appropriate to ask, is there any objection to the main motion as written. Any hands up? Tom Fote, your hand is up, are you objecting?

MR. FOTE: I just have a question to ask. Listening to Pat Paquette, I basically wondered, are the states that have commercial hook and line fisheries are they going to stop drop and snag?

CHAIR BORDEN: Tom, I think we already went through that. In other words, my understanding, and Toni can correct me if I mischaracterize it. This whole Amendment was focused on recreational issues. Toni, correct me if I misstated that.

MS. KERNS: You're correct. Well, we just have provisions for the recreational fishery, not the whole amendment.

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**CHAIR BORDEN:** Is there any objection to the motion? There are no hands up, motion is adopted by consensus. Now we're going to move on to the second task, Emilie.

MS. FRANKE: Maya, if you could pull up the second to last slide, it summarizes Task 3, which is the Incidental Catch. Perfect. Here again at the top it just defines the scenarios and incidental catch of striped bass when targeting other species with non-circle hooks with bait attached. Again, there is the Option A, allowing anglers to keep striped bass in that situation. Option B, requiring anglers to release striped bass in that situation, and then at the bottom there is the proposed language, if the Board decides to pursue Option B. Thanks.

CHAIR BORDEN: Thank you, Emilie. You've got two options, and you've got some language that has been suggested if you want to adopt Option B. Does someone care to make a motion on this issue? Dennis Abbott.

**MR. ABBOTT:** I make a motion that we allow anglers to keep striped bass that are incidentally caught.

CHAIR BORDEN: Do I have a second? Seconded by Mike Armstrong. Are you seconding it?

MR. ARMSTRONG: Sorry, no. That was unintentional.

CHAIR BORDEN: Tom Fote, are you seconding the motion?

MR. FOTE: Yes, and I'll explain why.

CHAIR BORDEN: You have a valid motion on the table with a second, as made by Mr. Abbott, seconded by Mr. Fote. Discussion on the motion. Mike Armstrong, you have your hand up.

MR. ARMSTRONG: Okay, this one is for real. During our discussions of the Work Group, it was very clear, and enforcement was emphatic

that if we allowed this as written in the motion, it takes a very difficult to enforce rule, the circle hook rule, and makes it darn near impossible. You know maybe regionally that it's different.

We have a striped bass fishery that overlaps very heavily with bluefish. In effect, you would never have to use circle hooks, because you're always fishing for bluefish, and you happen to catch some striped bass. Because of those reasons, we can't support this motion.

CHAIR BORDEN: Next on the list I have Justin Davis, and then Tom Fote.

DR. DAVIS: I do support the motion, although I certainly respect the arguments on the other side, particularly the sentiment from law enforcement that by preventing anglers from keeping legal size striped bass that are caught incidentally, it might add some enforceability to the circle hook mandate.

I guess I just feel that not allowing incidental catch, will probably only provide a small amount of enhanced enforceability at the expense of potentially provoking backlash from the angling public, in that we are now essentially telling them that if they are not targeting striped bass at all, there are plenty of fisheries where anglers use bait, and they are not targeting striped bass, you know bottom fishing for scup and sea bass and fluke, and things like that, where occasionally an angler may catch a legal size stripe bass.

To tell those anglers they have to release those fish, because they weren't using a circle hook, to me just seems like a step beyond the original intent of this mandate, which was predicated on anglers who are targeting striped bass. I would also find it difficult to make an argument, based on data that it will provide enhanced conservation for the striped bass stock, by making folks release those fish. I'm sure the information might exist, but we don't have it on hand, on sort of rates of incidental capture of striped bass in other fisheries. I guess I come down on the side of supporting this motion. I can understand and respect the arguments on the other side, but I think this is the best path forward.

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CHAIR BORDEN: Thanks, Justin. I've got Tom Fote and Pat Keliher on deck.

MR. FOTE: The reason I seconded the motion with Dennis was because, I'll just give you an example. I've got the Governor's Surf Fishing Tournament coming up May 23rd. Summer flounder season will be open at that time from the surf also. I help people fishing in squid to catch summer flounder, particularly if they want to eat it.

If they accidentally catch a striped bass, of the probably 600 kids that I have fishing, because it's a family tournament. I will have to make them release the fish, and I don't want to really do that. I think we incidentally catch all fish. I can't remember one fish we had circle hook rules that if you catch, when you are tuna fishing and you're using a lure, I just don't understand it. I've really got to support this, just because a lot of kids catch the first striped bass as an incidental catch.

CHAIR BORDEN: Thanks, Tom, Pat Keliher and then Pat Geer, you're up next.

MR. KELIHER: I want to echo Mike Armstrong's sentiments, and would encourage people to vote no on this motion. We just spent a lot of time working on some language to clarify the use of circle hooks, and now all of a sudden, we are going to put language on the table that says, all you have to do is say I'm fishing for something else, and go target striped bass.

I know we've had circle hook regulations on the books, well this will be our eighth year, I believe. If we had to follow this, it would make it a non-enforceable situation. Everybody would know just to say no, no, I'm fishing in the upper part of the river, fishing for small mouth, or I'm in the lower part of the river, and I'm fishing for striped bass. I would very much caution any support on this language, and I will be voting no for the reasons stated. Thank you.

CHAIR BORDEN: Thanks, Pat, Pat Geer.

MR. PAT GEER: I'm sympathetic to both sides in this situation. I can see arguments on both sides, but I think Mr. Keliher made a very good point about the enforceability. What is the purpose of having circle hooks if we're going to allow retention without them? What I would really like to hear, is I would like to hear from Law Enforcement about their opinions on this, because they are the ones that are going to be on the water, having to enforce this. What are their thoughts on it, Mr. Blanchard, and other folks that may have been on the Work Group?

CHAIR BORDEN: Deputy Chief Blanchard, do you want to comment?

DEPUTY CHIEF BLANCHARD: Yes, Mr. Borden. I was quite vocal on the Committee meeting on this particular issue. This takes a, as Mr. Armstrong stated, this takes a very, very difficult regulation that we have to identify an individual actually fishing on the water, bringing the fish over the rail, and determine whether he's legal or illegal in his fair take. When we put this in here as incidental take, all that work and all that effort that is going into creating that regulation with this bait definition, the hours that have gone in the Committee work, the hours going to the Board work, all makes this completely unenforceable.

There is no way that we would have the ability to enforce incidental take at that point. We've worked with everybody to come up with that definition that is simple and understandable. We have included openly, and agreed to the lure allowance, and we're really getting into a situation of just a really isolated fishery on fluke or sea bass, where you might be using J hooks with bait, and you might take a fish.

To allow for that one-time effort that we may have an incidental catch, to throw everything else out the window. I just don't think that this is prudent, I really don't. I would abdicate against this motion, not that that is my position in Law Enforcement, but I do not see where this makes any sense in the overall picture.

The other discussion about first time takes and things like that. I really think that this is, I spoke to this on the Committee. I really think that that is our opportunity to talk to young folks, and others that

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may be new to the fisheries, to talk about what conservation means, and take the opportunity to highlight why you're returning that fish, caught incidentally, back to the resource, and what that means for the future of the stock.

I just think we're kind of, it's exciting to take that one fish, maybe bring it home, take a picture, whatever. But it really is the point it gets released back. I feel strongly, and I think law enforcement across the Board would feel strongly about this. We have to go with Plan B, Option B. Thank you.

CHAIR BORDEN: Thanks, Kurt. We also have Delayne Brown, Officer Brown on the call, so Mr. Brown, would you like to comment on that, to follow up on Kurt?

LIEUTENANT BROWN: Thank you, Mr. Chairman. I think Deputy Chief Blanchard hit the nail on the head. Well said.

CHAIR BORDEN: Okay, so back on the list then. I've got Roy Miller.

MR. MILLER: It's probably not necessary, but I would agree with the sentiments expressed by Kurt Blanchard. I think if you take lower Delaware Bay, where you have a mixed fishery for bluefish, weakfish, summer flounder, lots of other species, and the occasional striped bass is caught. You just could not prove that they weren't fishing for something else.

Up on the Delaware River, where we currently have a circle hook requirement, it's less problematic. You really only have three choices up there. You've got striped bass, white perch, and catfish. Less of a problem in the river on the spawning grounds. We haven't had a problem with our circle hook requirement there, but I think Option A would be problematic in Delaware Bay. Therefore, I favor Option B, thank you.

CHAIR BORDEN: All right, I've got Bill Hyatt, and then David Sikorski.

MR. HYATT: I also want to speak in opposition to this motion. Prohibitions on retaining incidental catch or otherwise illegal catch are commonplace, and they are generally done for two important reasons. The first is to avoid perverse incentives. You know we don't allow anglers to keep gut hooked fish that are outside the allowed size limit, because it incentivizes cheating. Maybe more important in this case, we have these prohibitions on retaining incidental and otherwise illegal catch, to underscore the importance of the regulations, and to communicate that importance. Circle hook regulations are already difficult to enforce, because they involve intent. This has been mentioned many times.

There is already a running joke among Connecticut anglers that now they are all fishing for bluefish. If we were to further confuse this message by allowing incidental take to be kept, we're going to seriously undercut this effort even further. We would be telling people in effect, not to take the circle hook rules seriously.

I'll say that again, if we do this, we would be telling people not to take circle hook rules seriously. We'll be making it easy for anglers to rationalize gamesmanship, and I don't think we want to do any of that. Again, I'm against this. Thank you.

CHAIR BORDEN: Thank you, Bill, David, you're up next.

MR. DAVID SIKORSKI: I wanted to speak in support of Dr. Davis' comments previously, and all others who spoke in support of this motion. I was part of the Work Group, and I highly respect all the comments that are in support of B. But thinking about it from a Chesapeake Bay perspective, we're kind of a one-trick pony at this point, with folks fishing with bait.

We've put rules in place to make sure that circle hooks are used, and unfortunately recent enforcement actions were basically thrown out by judges. It was a harsh reminder that circle hooks at large are difficult to enforce. While I want what's best for this resource coastwide, I really do think we're shooting for the moon to land amongst the stars, and we have to really consider how this can affect the universe of



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recreational anglers out there. It really is a difficult decision to make here, but I do support the motion. Thank you.

CHAIR BORDEN: I've got Mike Luisi. He may have had to step away from his microphone. I'm going to take one comment from the public, then I'm going to go back to Dennis Abbott, ask him whether or not he wants to make any further comments, and then I'm going to call the question. Patrick Paquette.

MR. PAQUETTE: Thank you, Mr. Chairman. Every single internet forum and every single Facebook page that has been discussing this, has somebody who has commented, while I'll just go blue fishing. This is the mother of all loopholes. This motion has to fail, if you want this to have any peer pressure behind it, this has to fail.

In addition, on February 22, the ASMFC released the hearing document that bluefish are in a rebuilding amendment. Maybe we should be encouraging circle hooks for bluefish too. But this absolutely kills the circle hook regulation, if you allow me to go blue fishing. Because bluefish forage on the exact same thing, and oh by the way, people are concerned legitimately on this Board with snag and drop. There is not a seminar speaker or a mainstream fisheries article writer who hasn't written or read or seen in a show, somebody talk about how bluefish are raging a school of bunker, and below it is the big striped bass. These two species are together. You can't target one without the other. This motion needs to fail. Thank you.

CHAIR BORDEN: Thank you, Patrick. I'm going to take one more comment from the audience, and then I'm going to come back to the Board. I'm going to take Andy Dangelo, who is also a member of the Subcommittee. Andy.

MR. DANGELO: The problem I've got, and I talked to Kurt about this at the Committee. I know it says incidentally caught, but if you go,

you know as a charterboat captain here, we'll go striped bass fishing a lot of times first, and then go to fluke fishing or sea bass, something like that. Is enforcement going to be a problem for striped bass that we have on the boat that were caught while targeting striped bass, and then go catch something else? That's my question. That is where I'm a little on either side here. That's what I had to say, thank you.

CHAIR BORDEN: Kurt, do you want to speak to that point? Kurt Blanchard.

DEPUTY CHIEF BLANCHARD: Yes, Andy and I did discuss this, and quite honestly, there will be no, the way I understand the regulation and following laws that support them all, these provisions is that possession of striped bass while fishing for these other species, it would not be prohibited. It's going to be strictly a take situation, so we're really going to have to observe the taking of striped bass for this to be enforceable. You may have possession on the water, it's not going to be sufficient enough to prove a case.

CHAIR BORDEN: Thank you, Kurt, let me go back, I've got Mike Luisi, and I'm going to go back to the maker of the motion. Dennis Abbott is going to get the last comment, and then I'm going to call the question. Mike Luisi.

MR. LUISI: I apologize, I had to switch devices, and I was on mute by the organizer, so I'm now back. I just want to echo what Dave Sikorski said. You know we implemented circle hook rules, I don't know a couple years ago now. One of our big points that we made in Maryland was that if a fish is caught without a circle hook it's okay to keep it, as long as it's legal.

I don't know how. I think we have a hard time here in our state implementing measures that incidentally caught fish without a circle hook would have to be returned to the water. I think we would have a really hard time here. I'm going to stay with Dave on this one, and support this motion. I just wanted everyone to know that. Thank you.

CHAIR BORDEN: Thanks, Mike. Dennis Abbott, you get the last statement, and then I'm going to declare a

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two-minute break, and then we're going to call the question.

MR. ABBOTT: Thank you, Mr. Chair. I made this motion with good intentions, but listening to my more learned colleagues, I can see there is more to it. I do think the issue is unenforceable, for the most part. But I think the educational benefit of going in the other direction might be more beneficial, so I will probably vote against my own motion. But I do thank Mr. Fote for seconding my motion. I think good points have been made on both sides, but we'll go. Let's go.

CHAIR BORDEN: All right, I'm going to have a two-minute caucus. We'll reconvene in two minutes. Toni, do you have any hands up?

MS. KERNS: I took everybody's hand down to clear the slate for voting, since you said you were calling the question. But Dave Sikorski has his hand up.

CHAIR BORDEN: Okay, David, I'll go through that introduction again if you want to speak, and then I'm going to basically call the question. David.

MR. SIKORSKI: I just had one last point I forgot to make when I spoke previously, and you know I view this through the lens of all states can be more conservative in this action, and it will be difficult in Maryland for us to implement the Option B, thank you.

CHAIR BORDEN: All right, thank you, David. I'm calling the question. The motion is to allow anglers to keep striped bass that are incidentally caught. Motion by Mr. Abbott, it is seconded by Mr. Fote. All of those in favor of that motion raise your hand.

MS. KERNS: I have New Jersey and Maryland. I'll go ahead and clear the hands for you guys so it's easy. Okay, David.

CHAIR BORDEN: You are a little broken up, you have New Jersey and Maryland.

MS. KERNS: That is correct.

CHAIR BORDEN: Okay, so we have two in favor. If you take those hands down, we'll vote the noes. All those in opposition to the motion, raise your hand. Then Toni, please call the states so it will be reflected in the record.

MS. KERNS: I have Mass, Delaware, Virginia, Fish and Wildlife Service, NOAA Fisheries, Rhode Island, New Hampshire, Pennsylvania, PRFC, and New York.

CHAIR BORDEN: The total is?

MS. KERNS: Go ahead, Emily, thanks.

MS. FRANKE: I have 10 noes.

CHAIR BORDEN: We have 2 yesses, 10 noes. If you take down the hands, please.

MR. KELIHER: Mr. Chairman, I'm sorry, I was running back from a UPS driver who came to the door during the break, and I apologize, but I just put my hand up. That would have been 11 noes.

CHAIR BORDEN: Okay, 11 noes. Maine votes no. Take down the hands then, any abstentions?

MS. KERNS: I see no abstentions.

CHAIR BORDEN: No abstentions, Toni.

MS. KERNS: That is correct.

CHAIR BORDEN: Any null votes? No null votes.

MS. KERNS: You didn't let me speak, we have 2 null votes, Connecticut and North Carolina.

**CHAIR BORDEN: Okay, thank you. The vote is 2, 10, 0, 2. Motion fails. Do I have another motion? Mr. Reid's hand is up.**

**MS. FRANKE: Mr. Chair, the total for the noes was 11.**

CHAIR BORDEN: Oh, excuse me, thank you for correcting me. 2 to 11. Mr. Reid, you have the floor. Eric, are you on?

MR. ERIC REID: Yes, Sir, I am.

CHAIR BORDEN: Would you like to make a motion?

MR. REID: Yes, I would. Maya, I think you have the motion for Option B. I'm glad to read that for the record.

CHAIR BORDEN: Please.

**MR. REID: Okay, I move to approve the following guidance for state implementation of circle hook measures: striped bass caught on any unapproved method of take must be returned to the water immediately without unnecessary injury.** If I get a second, I don't think there is any rationale other than to support Law Enforcement in their efforts.

CHAIR BORDEN: Mike Armstrong, I see your hand up. Do you want to second this?

MR. ARMSTRONG: I do.

CHAIR BORDEN: Mike, do you want to speak in favor?

MR. ARMSTRONG: No, I think we've probably talked about it enough.

CHAIR BORDEN: Okay, so I'll open the floor. I would just comment that there has been a lot of discussion around this motion already, in terms of the pros and cons of the strategy. A number of states have already gone on record, kind of voting against the concept. I would ask members to refrain from being redundant. Anyone want to make a new comment on this? I don't see any hands up. Given the sensitivities on this, I think it's better if we vote, so the

states that may want to vote against it are clearly part of the record. Is there any objection to me calling the question? Does somebody want to make a point that has not been made so far?

MS. KERNS: Mr. Chair, you have Bill Gorham.

CHAIR BORDEN: Bill.

MR. BILL GORHAM: I was part of the Working Group, and I just believe that passing this it's in the name of enforcement or for enforcement on something that is extremely hard to enforce anyways, is an extremely disconcerting overall justification. I would like some more clarification upon the having possession of striped bass while targeting other species, and what that does with enforcement. I was a little confused on that last comment. Thank you.

CHAIR BORDEN: Are you asking for Deputy Chief Blanchard to expand or restate what he stated before?

MR. GORHAM: Yes, it's where if you have a charter that may be targeting multiple species, or at least rockfish, what impacts that has to enforcement for this rule.

CHAIR BORDEN: Okay, Kurt, would you mind repeating what you said before?

DEPUTY CHIEF BLANCHARD: No problem with that, Mr. Chairman. My understanding of the way this provision is being written and being pursued is that the requirements are while in use, so it's while taken. If you're just in mere possession of striped bass while you're at sea, and you're targeting other species at this point.

You're fishing for other types of species like sea bass, scup, fluke or whatever, and using different means to catch those fish, and you've already caught striped bass and you have it in possession. That would not be a violation. The violation would be documented, if in fact you were using those methods and bringing a striped bass over the rail with prohibited methods. This new motion that is being presented, that is where this would come in and strengthen the circle hook provisions.

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MR. GORHAM: Just a follow up, if possible, Mr. Chair.

CHAIR BORDEN: Okay, go ahead.

MR. GORHAM: In your experience, is that type of enforcement more likely to happen to shore-based anglers or boat anglers?

DEPUTY CHIEF BLANCHARD: That is really difficult to answer, it really is. In this particular situation the enforcement difficult comes in with the wording of targeting versus take and possess. We advocate, you'll see on our Guidelines for Resource Managers document, we talk about promoting the wording of take and/or possess. Those words have very strong meaning, and enforceability is gained with that type of wording. When we get into targeted, you start to talk about somebody's intent or what their acts are, it becomes much more difficult to enforce. I really can't measure shoreside versus at-sea, that question, I just can't.

CHAIR BORDEN: Thanks, Kurt. Anyone else on this subject? Mike Luisi.

MR. LUISI: Yes, I think in talking with Dave, Maryland is going to, we are not going to be able to support this. We have so many, our fishery here in the Chesapeake Bay, and I'll speak to the Chesapeake Bay. We have all along expressed our interest in educating and abdicating for circle hooks for the last few years, with the exception that if somebody does catch a striper that is a legal sized fish, you know fishing for something else, they are able to keep it.

We're going to have a really, really difficult time implementing something like this, and the messaging in our state is going to be very, very difficult. I just want the Board to understand that. We just have such a mixed fishery up here, with you know bottom fishing. It's going to be really hard. Just because we've got the resident fish, they are smaller. I don't need to

educate the Board; the Board understands that. But it's kind of a mixed bag.

In my opinion, I think that we need to take steps forward, which I think we are. We're taking the steps forward, but I think this is too restrictive. To ask somebody who catches a striper that is of legal size with a J hook to throw it back. I've listened to the discussion, and I understand the other side of it, but it's going to be really hard on our end, and I just want to make everybody aware of that. I'll stop there.

CHAIR BORDEN: Anyone else care to make a point that has not been made, a new point? If not, I'm going to call the question. I see no hands up.

MS. KERNS: David, you have two hands up, well, you have three hands up, two members of the Board and one member of the public. You have Pat Keliher and Tom Fote, do you see them?

CHAIR BORDEN: No, I don't see either one of them. Pat Keliher, and then Tom Fote, and then we'll go take one comment from a member of the public, and then we're going to call the question.

MR. KELIHER: I'll try to be brief here. I mean if anybody is going to retain a striped bass that is caught on unapproved methods, then they're in violation, and I think that is what Kurt is saying. I'm not saying I'm necessarily opposing this, but it kind of goes without saying. You can't retain anything with an unapproved method.

When I had these conversations with Marine Patrol, it was clear that we would be writing a violation in any of those type of situations. I would also go back to the very beginning of the meeting. I think Bob made a comment that the incidental catch is not part of the current Addendum. How are we going to address that? Are we going to now have to bring this into the Addendum at a later date, if this does pass? I am going to need some clarification there.

CHAIR BORDEN: Toni or Bob Beal.

EXECUTIVE DIRECTOR BEAL: This is Bob. The answer to Pat's question. It's a little bit tricky. You know

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Addendum VI is finished, and it did not include this notion of incidental take and incidental catch, so adding that to a document that didn't contemplate this issue when it went out for public hearing is a little bit risky. You know there are a couple ways to do it.

You could start a new Addendum, but we're right in the middle of Amendment 7 process, that may not be the best way to do it. You could add this notion to Amendment 7, but it probably wouldn't be in place for a year plus. There is no real easy way to get this approved and required as a compliance criterion right now. It's clear that this is the direction the Board wants to go, or a lot of people on the Board want to go this way. I think that if this motion passes, I think that is probably the next discussion.

CHAIR BORDEN: Pat Keliher, did that answer your question?

MR. KELIHER: Yes, Mr. Chairman. It seems to me that we're going to be opening a door up for modification to the document if we load in the affirmative on this. Again, I would go back to what Kurt said, if I heard him correctly. I'm not sure if this strengthens the position of law enforcement or not. I don't think it would with the Maine Marine Patrol, based on the conversations I've had back home.

Again, if you're fishing with an unapproved method of gear and you retain a fish, you're in violation. I'm not sure we need to reiterate that in any document. It's clear, at least it will be clear for the enforcement standpoint in Maine, I don't want to speak for the other states. If Kurt wants to weigh in on that.

DEPUTY CHIEF BLANCHARD: Mr. Chair, I'm happy to comment if needed.

CHAIR BORDEN: Please.

DEPUTY CHIEF BLANCHARD: I was a little confused on what Pat was saying, but I think I

understand the tail end of what he was getting at. I believe that this wording absolutely strengthens what was already agreed upon in the previous discussions. Whether it's needed or not I think would be a Commission position.

I think by placing compliance measures, or wording the compliance measures that are already in place by default, this wording is there, it's just not stated. If I'm making myself clear on that. I think obviously whenever you put a regulation in place, you have to comply with that regulation. When the states adopt this and put it into their basic regulations back home, fishermen have to be required to comply.

If we're saying that these are the only approved methods. By default, any fish that are caught by unapproved methods should go back, and I think that's what Pat was getting at. I believe that we would have no problem enforcing that. I just do agree that this wording here strengthens that. I'm not sure how it might hurt the process for Amendment 6.

MR. KELIHER: Mr. Chairman, if I may follow up.

MS. KERNS: David, you're on mute if you're speaking.

CHAIR BORDEN: Okay, so I'm back on. Thank you, Pat, sorry about that. I've got Bill Hyatt on the list who wants to speak.

MR. HYATT: If I'm understanding this correctly, what Pat is saying is that the intent of this motion is implicit in the measures that have already been taken, and it's raised as guidance. As such, wouldn't passage of this motion simply be a clarification? I guess it's a question through you to Bob.

CHAIR BORDEN: I actually was going to say something similar, Bill, because of the word guidance in it, and the fact as Bob Beal related earlier in the dialogue. States always have the right to do something more restrictive. Between those two, if this is guidance, I think some of the problem that people are trying to characterize goes away. Is there anyone else that feels a compelling need to speak on this issue? I have no hands up.

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MS. KERNS: I do have some hands that are raised. As I said before, there is one member of the public that has had their hand raised for a little bit, and then we have Max Appelman and Tom Fote.

CHAIR BORDEN: All right, we're going to take those three individuals, then I'm calling the questions. Tom Fote, you're next.

MR. FOTE: Yes, one of the things that concerns me, where we didn't put this in the Amendment, a lot of people supported the circle hook thinking it wasn't going to eliminate incidental catch. I think of tackle store owners that basically cater to the surf fishermen, basically went ahead and started stocking circle hooks.

But they also continued buying the mullet rigs. Unless you're a surf fisherman, you don't know what I'm talking about. A mullet rig is basically what you fish mullet with. It's a split hook, you know it's a two-prong hook that you put the mullet through, and you put this two-hook on. You catch bluefish, you catch kingfish, you catch whatever is in the surf, but it does catch striped bass.

You basically want to keep a fish, and it might be bluefish, striped bass. It does away with the mullet rigs. This is a big expense for tackle stores, because they basically stock up mullets for probably a year, so they have it in the spring, because they catch it in the fall. Now they have the hooks all set, means thousands of them in each tackle store, and they are basically going to stop selling those rigs.

The impact, at least with the circle hook they had time to basically get rid of their old stock, and I don't know what they're going to do with the stock now. They've had a hard time with the virus to begin with, and now they're going to have a further hard time. They wondered whether this would impact them that way, so I just wanted to bring that to your attention.

CHAIR BORDEN: Thanks, Tom, I've got Max, and then I'm going to take one comment from the public.

MR. APPELMAN: I might be getting even more confused by the second. I'm reading the Addendum, and I heard a lot of emphasis from Kurt on words like take versus target, and the Addendum doesn't specifically say the word target, but it says when recreationally fishing for striped bass with bait.

To me that is different than what we're trying to do here with this motion. I'm seeing a difference here. I think this does strengthen it, it is not implied in the way the Addendum is written now, in my opinion. I'm just getting a little confused here, and I just wanted to make sure I have that right, that this is not necessarily implied in the Addendum as it's currently written.

CHAIR BORDEN: Toni, who is the member of the public that you have?

MS. KERNS: You have Mike Waine.

CHAIR BORDEN: Mike Waine, you've got the last word, Mike.

MR. WAINE: Mike Waine with the American Sportfishing Association. I won't echo the comments that Tom Fote just made about the tackle shops scratching their heads. I think a lot of the angling community is going to be scratching their heads about the intent here. I just wanted to bring up a comment that I didn't really hear amongst the Board discussion.

I'm really hopeful that as states commit to education and outreach, assuming this motion passes. I think that's going to be a really critical component of getting the angling community onboard with the intent here. I really do hope that the states, and the Commission, frankly, take that education and outreach very seriously. Thanks.

CHAIR BORDEN: Thank you, so we're going to do a two-minute caucus, and then I'm going to come back and I'm going to call the question. Toni, are you back on?

MS. KERNS: Never left, David.

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CHAIR BORDEN: Thank God!

MS. KERNS: Couldn't leave you guys.

**CHAIR BORDEN: Okay, so I would like to call the question. I'll just read the motion: Move to approve the following guidance for state implementation of circle hook measures, striped bass caught on any unapproved method of take must be returned to the water immediately without unnecessary injury. Motion by Mr. Reid, seconded by Mr. Armstrong.** All those in favor of the motion, please signify by raising your right hand. Toni, if you would, call the roll, please.

MS. KERNS: Will do. I have Massachusetts, Connecticut, New York, Maine, Delaware, Virginia, NOAA Fisheries, Fish and Wildlife Service, Rhode Island, Connecticut, Pennsylvania, and PRFC. I will take the hands down for you all. I'm sorry, a hand came in. I don't know if I said New Hampshire.

MS. FRANKE: Mr. Chair, with New Hampshire, that would be 12 yesses.

CHAIR BORDEN: We have 12 yesses, the hands are taken down. All those opposed, raise your left hand.

MS. KERNS: It's like a trick. I have New Jersey. That's all I have, Mr. Chair.

CHAIR BORDEN: We have one no vote, any abstentions? Toni.

MS. KERNS: I see no abstentions.

CHAIR BORDEN: Any null votes?

MS. KERNS: I have one null vote, North Carolina.

**CHAIR BORDEN: We have 12 in favor, 1 opposed and 1 null vote, correct?**

MS. KERNS: Yes.

**CHAIR BORDEN: Okay, so motion passes.** Is there any other business to come before the Board today? If not.

MS. KERNS: Sorry, David, since you can't see the hands, we have Pat Keliher and then Justin Davis have their hands up.

CHAIR BORDEN: Okay, thank you. Pat Keliher and then Dr. Davis.

MR. KELIHER: I was muted by the Organizer, I think Toni had enough of me, Mr. Chairman. At the last Striped Bass Board meeting we spent a lot of time discussing the study that Maine and Massachusetts were going to do regarding tube and worm. To me this conversation today, as it pertains to circle hooks, bait, and all these definitions, would now speak to the fact that that is now no longer needed. I just want to make sure we clarify that to today's meeting.

MS. KERNS: David, would you like me to respond?

CHAIR BORDEN: Please.

MS. KERNS: Pat, I agree that the tube and worm lure would be covered under the motion that was approved today, so you would not to do that study any longer.

MR. KELIHER: Great, thank you, Toni. That would be my belief as well. Do we need to memorialize this any way, Mr. Chairman, or do you feel like this has just been made clear in the record?

CHAIR BORDEN: Yes, I think I would ask the staff to make sure that point is clear in the record. That's all. I don't think we need a motion on the subject.

MR. KELIHER: Great, thank you, Mr. Chairman.

CHAIR BORDEN: Okay, and then Dr. Davis. Justin.

DR. DAVIS: I just wanted to clarify that there is no need here for anything like an implementation date or something, in that the rules that states already have had to put on the books to meet the original mandate

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are more restrictive, I guess, than what we've agreed to today.

Although I wonder about this last bit with the guidance on incidental catch. Because like from Connecticut's standpoint, the rules we currently have on the books would allow take of incidental catch, and so we will have to revise our rules. I just wonder, is there any need for an implementation date?

CHAIR BORDEN: I would just offer the comment that that would be desirable, but I'm a little bit reluctant to get into that discussion. I think that one way you could handle it without us arbitrarily picking an implementation date, would be that all states communicate to Emily what their intentions are.

In terms of either modifying their regulations, in other words so that we have some understanding of what is going to take place in what timeframe. Does that make sense? Any further comments? Any other business to come before the Board? If not, the last thing I would like to do is once again, thank the Subcommittee.

MS. KERNS: David, I'm sorry. I can't get you fast enough. Ritchie White has his hand up.

CHAIR BORDEN: Ritchie White.

MR. WHITE: I guess I didn't quite understand what Pat just stated. This whole process began with the study. We implemented these regulations quickly, to undo what we had done or partially undo, I should say, what we had done when we first passed the circle hook mandate.

Then this regulation was based on proving that tube lures do not cause increased mortality using J hooks, as opposed to circle hooks. Also, to prove that circle hooks could or could not be used in tube lures. I guess I don't understand why that study is going away all of a sudden,

with the passing of these last two motions. Thank you.

CHAIR BORDEN: Pat, do you want to follow up on that?

MR. KELIHER: Sure, I would just point to the fact that we passed a motion today that specifies that circle hooks are required when fishing for striped bass with bait. It goes on to describe that bait, and it says this shall not apply to any artificial lure with bait attached. A tube and worm are an artificial lure with bait attached. If we've just approved that, why do we need to study it?

MR. WHITE: Follow up.

CHAIR BORDEN: Yes, Ritchie, go ahead.

MR. WHITE: Well, we need to study it to see that there is not increased mortality. This all started with, it's fine to exempt tube lures, which now has morphed into quite a lot more, because there is no increased mortality using J hooks and those methods, compared to circle hooks. Now, just by passing these, that goes away. Now we won't know whether tube lures with J hooks creates more mortality than circle hooks. Just because we passed this, I don't see why the study should go away.

CHAIR BORDEN: Thanks, Ritchie. I would ask the same group of states, and I think New Hampshire was part of it that discussed the need for studies originally, to at least caucus and talk through Ritchie's point. Maybe there is one state that wants to do a project with their constituency without some kind of mandate. I'm just a little bit reluctant to dive into this issue at this point on the agenda.

Anyone want to offer anything different on this? Pat, would you be willing to arrange a dialogue conference call between the states that expressed an interest, you, Massachusetts, I think New Hampshire, Rhode Island and staff can correct me. I think those were the states that wanted to talk about the details, and then address the point that Ritchie has made. Are you willing to do that?



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MR. KELIHER: Sure, I would be happy to, Mr. Chairman.

CHAIR BORDEN: Thank you.

MR. WHITE: Dave, excuse me, another clarification, please?

CHAIR BORDEN: Go ahead.

MR. WHITE: I mean I think this issue is not between the states that were going to do the study, and New Hampshire was not part of that group. I think it's for the Board to determine. The Board voted to give an exemption to mandatory circle hooks that were in place, and the reasoning for that was to implement a two-year study.

The regulations were supposed to be in place for two years, while a study was conducted to look at the mortality of tube lures. Then at the end of the two years it would be analyzed whether the tube lures could continue with J hooks, or that it would have to revert to circle hooks if there was an increased mortality. The Board owns this, from the way I view this, not a couple of states that were going to do a study. I think that the Board passed this with the study as part of what we passed. I think the minutes would reflect that. Anyway, that is just my take. Maybe there is other Commissioners, or most other Commissioners don't agree. I don't know.

CHAIR BORDEN: Any other Commissioners want to discuss this? Bob Danielson.

MR. DANIELSON: As a member of the Advisory Panel and a member of the Committee, the Ad Hoc Committee on Circle Hooks. One of the first things that was pointed out to the Committee was the fact that the circle hook regulation was never intended to target lures that were being actively moved through the water, as opposed to something sitting static on the bottom.

I think based on that, I believe the second slide of Emilie's presentation this afternoon stated that fact outright, and I think that's why the thought was that with the exemptions put forward by the Committee, the study on the tube and worm rig was no longer necessary. I could have misinterpreted, but that was my takeaway from the discussions we had at the Subcommittee. Thank you, Mr. Chairman.

CHAIR BORDEN: Thank you very much, Bob. Is there anyone else? I have no other hands up on this, other than the point that Ritchie has made.

MS. KERNS: You have Dennis and Tom Fote, and then Ray Kane.

CHAIR BORDEN: Dennis Abbot.

MR. ABBOTT: Yes, thank you, Mr. Chair. I would like to hear Mike Armstrong's comments. It was my understanding that the Commonwealth was undertaking a two-year study regardless of whatever, before this even became, before we got to where we are today. Mike Armstrong is just dropping this, because we passed what we did today? I thought he made some sort of a promise or whatever that the Commonwealth would conduct a two-year study. That's my remembrance.

CHAIR BORDEN: Mike, do you want to follow up on this?

MR. ARMSTRONG: Sure. Boy, let me remember. I mean I think it is a moot point now. I think the language we just passed exempts tube and worm. We're not sure if we're going to do it or not now, if the Board allows us to not do it anymore, which I think it's probably the right thing to do.

At the time it was just purely to get an exemption for tube and worm, which anecdotally from all reports doesn't deep hook fish. We wanted to get that for our anglers, so we agreed to do the study. Now that it has been exempted by the Board, I don't see why we need to do it. We may in fact still do it, but I'm not going to promise that, because we may get interesting information from it anyway.

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CHAIR BORDEN: Thanks, Mike. I'm just going to go back to the same point I made before. Pat Keliher has agreed to coordinate among any states that have an interest in this, to talk about is there still a need to do a study on this? It seems to me that a conclusion will come out of that. Let's just take the state of Maine at their word that they will do that. Then they can report at the next meeting. Any objections to doing this? I don't see any hands up, so any other business to come before the Board?

MS. KERNS: Just to confirm, Ritchie White has his hand up.

CHAIR BORDEN: Ritchie.

MR. WHITE: Sorry, just didn't get it down.

**ADJOURNMENT**

CHAIR BORDEN: All right, so any other business? If not, meeting is adjourned.

(Whereupon the meeting adjourned at 3:40  
p.m. on March 16, 2021)

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

**Webinar  
May 5, 2021**

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The Board will review the minutes during its next meeting

**INDEX OF MOTIONS**

1. **Approval of agenda** by consent (Page 1).
2. **Move to approve proceedings from February 3, 2021** by consent (Page 1).
3. **Move to accept the 2020 Albemarle Sound-Roanoke River Striped Bass Stock Assessment and Peer Review Report for management use** (Page 8). Motion by Chris Batsavage; second by Emerson Hasbrouck. Motion carried (Page 9).
4. **Move to remove issue 1 from the PID and maintain existing goals and objectives** (Page 25). Motion by Ritchie White; second by John Clark. Motion carried (Page 29).
5. **Move to remove issue 2, biological reference points, from consideration for Draft Amendment 7** (Page 29). Motion by David Sikorski; second by Megan Ware. Motion carried (Page 36).
6. **Move to maintain issue 7, recreational release mortality in the development of Amendment 7** (Page 36). Motion by Marty Gary; second by Joe Cimino. Motion carried (Page 40).
7. **Main Motion**  
**Move to remove issue 4, the rebuilding schedule, from further consideration in Amendment 7** (Page 40). Motion by Justin Davis; second by John McMurray. Motion amended.
8. **Motion to Amend**  
**Move to amend to include the following text: add options for measures to protect the 2015 year class in the development of Draft Amendment 7** (Page 41). Motion by Megan Ware; second by Dave Sikorski. Motion carried (Page 45).  
  
**Main Motion as Amended**  
**Move to remove issue 4, the rebuilding schedule, from further consideration in Amendment 7 and add options for measures to protect the 2015 year class in the development of Draft Amendment 7.** Motion carried (Page 47).
9. **Move that issue 5, regional management, be removed from consideration in Draft Amendment 7** (Page 47). Motion by John McMurray; second by Mike Armstrong. Motion approved by consensus (Page 50).
10. **Move to include issue 6, conservation equivalency in Amendment 7** (Page 50). Motion by Ritchie White; second by Megan Ware. Motion carried (Page 52).
11. **Move to include issue 9, coastal commercial quota allocation in Draft Amendment 7** (Page 53). Motion by John Clark; second by Justin Davis. Motion failed for lack of a majority (Page 58).
12. **Main Motion**  
**Move that the female SSB and fishing mortality triggers be removed from consideration from Draft Amendment 7 and to task the Technical Committee with developing options for a more effective standard for recruitment based triggers** (Page 59). Motion by John McMurray; second by Roy Miller. Motion substituted.

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**INDEX OF MOTIONS (continued)**

**Motion to Substitute**

**Move to substitute to keep management triggers in Amendment 7 for analysis and consideration by the Board.** (Page 62). Motion by Mike Luisi; second by Mike Armstrong.

**Main Motion as Substituted**

**Move to keep management triggers in Amendment 7 for analysis and consideration by the Board.** Motion passes by consensus (Page 64).

13. **Move to remove issue 8, recreational accountability from further consideration in Amendment 7** (Page 64). Motion by Mike Armstrong; second by Ritchie White. Motion carried (Page 68).
14. **Move to approve Jon Worthington, representing North Carolina, to the Striped Bass Advisory Panel** (Page 69). Motion by Jim Gilmore; second by Bill Gorham. Motion carried (Page 69).
15. **Motion to adjourn** by consent (Page 69).

**ATTENDANCE**

**Board Members**

Megan Ware, ME, proxy for Pat Keliher (AA)	Adam Nowalsky, NJ, proxy for Asm. Houghtaling (LA)
Sen. David Miramant, ME (LA)	Kris Kuhn, PA, proxy for T. Schaeffer (AA)
Cheri Patterson, NH (AA)	Loren Lustig, PA (GA)
Ritchie White, NH (GA)	G. Warren Elliott, PA (LA)
Dennis Abbott, NH, proxy for Sen. Watters (LA)	John Clark, DE (AA)
Mike Armstrong, MA, proxy for Dan McKiernan (AA)	Roy Miller, DE (GA)
Raymond Kane, MA (GA)	Craig Pugh, DE, proxy for Rep. Carson (LA)
Rep. Sarah Peake, MA (LA)	Mike Luisi, MD, proxy for B. Anderson (AA)
Jason McNamee (AA)	Russell Dize, MD (GA)
David Borden, RI (GA)	David Sikorski, MD, proxy for Del. Stein (LA)
Eric Reid, RI, proxy for Rep. Sosnowski (LA)	Pat Geer, VA, proxy for S. Bowman (AA)
Justin Davis, CT (AA)	Chris Batsavage, NC, proxy for J. Batherson (AA)
Bill Hyatt, CT (GA)	Jerry Mannen, NC (GA)
Jim Gilmore, NY (AA)	Bill Gorham, NC proxy for Rep. Steinberg (LA)
Emerson Hasbrouck, NY (GA)	Marty Gary, PRFC
John McMurray, NY, proxy for Sen. Kaminsky (LA)	Bryan King, DC
Joe Cimino, NJ (AA)	Max Appelman, NMFS
Tom Fote, NJ (GA)	Sherry White, USFWS

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

**Ex-Officio Members**

Kevin Sullivan, Technical Committee Chair	Mike Celestino, Stock Assmnt. Subcommittee Chair
Kurt Blanchard, Law Enforcement Representative	

**Staff**

Bob Beal	Maya Drzewicki	Savannah Lewis
Toni Kerns	Emilie Franke	Kirby Rootes-Murdy
Kristen Anstead	Chris Jacobs	Sarah Murray
Tina Berger	Jeff Kipp	Caitlin Starks
Pat Campfield	Dustin Colson Leaning	Deke Tompkins
Lisa Carty	Laura Leach	Geoff White

**Guests**

Karen Abrams, NOAA	Peter Benoit, Ofc. Sen. King	Allison Colden, CBF
Fred Akers, Newtonville, NJ	Alan Bianchi, NC DENR	Peter Conroy
Jeffrey Amorello	Jamie Botinovch	Heather Corbett, NJ DEP
Bill Anderson, MD (AA)	Jason Boucher, DE DFW	Nicole Lengyel Costa, RI DEM
Gerald Audet, VT	Dick Brame	Nathan Cowen
Pat Augustine, Coram, NY	Bill Brantley, NC DENR	John Dameron
Jennifer Aus	Delayne Brown, NH F&G	Bob Danielson
Matt Ayer, MA DMF	Jeff Brust, NJ DEP	Maureen Davidson, NYS DEC
Joseph Ballenger, SC DENR	Patrick Cassidy	Lorena De la Garza, NC DENR
David Behringer, NC DENR	Benson Chiles, Chiles Consulting	Monty Deihl, Ocean Fleet Svcs.
Rick Bellavance, N. Kingston, RI	Germaine Cloutier	Patrick Denno
John Bello, CCA VA	Joshua Cohn	Jason Devanski

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**Guests (continued)**

Greg DiDomenico, Cape May NJ	Wilson Laney, NCCF	Daniel Ryan, DC
Evan Dintaman	Arnold Leo, NY	Cody Sands
Chris Dollar, CBF	Tom Little, Ofc. Asm Houghtaling	Alexei Sharov, MD DNR
Frazer Dougherty	Carl LoBue, TNC	Greg Shute
John Duane	Chip Lynch, NOAA	Jared Silva, MA DMR
Julie Evans	Shanna Madsen, VMRC	Melissa Smith, ME DMR
Peter Fallon	John Maniscalco, NYS DEC	Somers Smott, VMRC
Lynn Fegley, MD DNR	Casey Marker, MD DNR	Ross Squire
James Fletcher, Wanchese Fish Co	Genine McClair, MD DNR	Rene St. Amand, CT DEEP
Toby Frey	Joshua McGilly, ODU	Michael Standl DE DFW
Tony Friedrich, SGA	Dan McKiernan, MA (AA)	Norm Staunton
Thomas Fuda	Conor McManus	David Stormer, DE DFW
Alexa Galvan, VMRC	Kevin McMenamin	Jason Surma, Woods Hole Group
John Gans, TRCP	Nichola Meserve, MA DMF	John Sweka, US FWS
Paul Genovese, MD DNR	Rex Messing	George Sylvestre
Steven Gewirz, Potomac Investment	Steve Meyers, Williamsburg, VA	Chad Tokowicz, MRAA
Lewis Gillingham, VMRC	Mike Millard, US FWS	Michael Toole
Angela Giuliano, MD DNR	Steve McKinnen, US FWS	Jim Uphoff, MD DNR
Charlton Godwin NC DENR	Chris Moore, CBF	Chris Uraneck, ME DMR
Willy Goldsmith, SGA	Clinton Morgeson, VA DWR	Taylor Vavra, StripersForever
Melanie Griffin, MA DMF	Brandon Muffley, MAFMC	Beth Versak, MD DNR
Pam Lyons Gromen, WildOceans	Allison Murphy, NOAA	Ralph Vigmostad
David Gulman	Brian Neilan, NJ DEP	Mike Waine, ASA
Nathaniel Hancock, NC DENR	Jeff Nichols, ME DMF	Craig Weedon, MD DNR
Jon Hare, NOAA	Tyler O'Neill	Ben Whalley
Brendon Harrison, NYS DEC	George O'Donnell, MD DNR	Peter Whelan, Portsmouth, NH
Bill Hoffman, MA DMF	Zane Oliver, VCCS	Margaret Whitmore, VA DWR
Carol Hoffman, NYS DEC	Derek Orner, NOAA	Meredith Whitten, NC DENR
William Hoffman	Patrick Paquette, MA SBA	Kate Wilke, TNC
Harry Hornick, MD DNR	Ian Park, DE DFW	Angel Willey, MD DNR
Jesse Hornstein, NYS DEC	Wesley Phillips	Logan Williams
Asm. Eric Houghtaling, NJ (LA)	Mike Piper	John Williams
Rachel Howland, NC DENR	Kelly Place, Williamsburg, VA	Brian Williams
Glenn Hughes	Mike Plaia	Charles Witek
Brent Hunsinger	Nicholas Popoff, US FWS	Steve Witthuhn, Greenland, NY
Steven Jackson, US FWS	Will Poston	Michael Woods
Desmond Kahn	Evan Privolos	Chris Wright, NOAA
Patrick Keliher, ME (AA)	Jill Ramsey, VMRC	Rob Yagid
Carrie Kennedy, MD DNR	Stephanie Rekemeyer, NYS DEC	Dennis Zambrotta
Shawn Kimbro	Harry Rickabaugh, MD DNR	Dan Zapf, NC DENR
Thomas Kosinski	Jason Rock, NC DENR	Jordan Zimmerman, DE DFW
Adrienne Kotula	Mike Ruccio, NOAA	Erik Zlokovitz, MD DNR
Rob LaFrance, Quinnipiac Univ	Patrick Rudman	Rene Zobel, NH F&G
Ed Lambert	Leonard Rudow	

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The Atlantic Striped Bass Management Board of the Atlantic States Marine Fisheries Commission convened via webinar; Wednesday, May 5, 2021, and was called to order at 1:00 p.m. by Chair David V. Borden.

#### **CALL TO ORDER**

CHAIR DAVID V. BORDEN: My name is David Borden; and I'm the Chairman of the Striped Bass Board, and welcome to the meeting. I am the Governor's Appointee from the state of Rhode Island. Today we have fairly extensive agenda issues that we're going to take up.

#### **APPROVAL OF AGENDA**

CHAIR BORDEN: The first order of business is to approve the agenda.

I have a couple of changes already on the agenda, and I'll just read through these. One is when we get into Item 4, we're going to get a report by North Carolina staff on the management actions that they are anticipating, and number two, Pat Keliher asked to briefly address the Board at the start of the meeting, which I will do.

Toni Kerns, once we get into Amendment 7 issues, has requested a brief period of time to address the Board, in terms of work priorities. Let me ask, oh and Mike Luisi has already requested time under other business. Are there any other changes to the agenda, or any other suggestions? Toni, any hands up?

MS. TONI KERNS: I have no hands, Mr. Chair.

CHAIR BORDEN: All right, so the modified agenda stands approved as discussed.

#### **APPROVAL OF PROCEEDINGS**

CHAIR BORDEN: We next get into the proceedings from February. Are there any comments, additions, corrections or objections? If not, what I will do is approve them as submitted. Any hands up, Toni?

MS. KERNS: No hands.

CHAIR BORDEN: Okay, the proceedings stand approved without objection.

#### **PUBLIC COMMENT**

CHAIR BORDEN: Public comments. We normally take comments on items which are not on the agenda, and so items that are going to be discussed on the agenda are essentially off limits. Are there any members of the public that want to address the Board, and raise issues that are not on the agenda? Hands up, Toni?

MS. KERNS: I see no hands, Mr. Chair.

CHAIR BORDEN: All right, thank you. It is my intent, in terms of public comments, to take some public comments when we get to motions. But they will be limited by time constraints. The Board has three and a half hours to get through this issue, and that includes probably an hour and 15- or 20-minutes' worth of reports, and time for questioning. We've really got a confined timeline to try to get through this. I would ask members of the public to not raise your hand during the proceedings. In other words, when we get a motion on the table it will simplify the administration of the process, if just the Board members raise their hand. Before I call the question, I'll go to the audience, we'll take down all the Board hands, and basically go to the audience, so that some members of the audience.

If there are only a few people that want to speak to an issue, I'll probably recognize them, and if there are lots of people that want to speak on a particular issue, I'll probably just pick a few people from those that want to speak.

CHAIR BORDEN: Without further introduction, I think we're going to take Item 4, Albemarle Sound-Roanoke River Striped Bass Assessment.

On this particular issue we need action by the Board. We have a draft motion, which we will put up at the end of the discussion. The first item of discussion at this meeting, excuse me. I have gone by the Chair of the Commission asked for about two minutes to address the Board, so Pat Keliher, before we take up

the Albemarle Sound issue, would you like to address the Board?

#### **COMMISSION CHAIR ADDRESSES THE BOARD**

MR. PATRICK C. KELIHER: Yes, Mr. Chairman, thank you very much, I appreciate that. Thank you for allowing me just a moment to address the Board as the Commission's Chair. As you all know, striped bass is known as the Commission's flagship species. You also likely know that Congress acted back in 1984, and passed the Atlantic Striped Bass Act.

This was the beginning of the moratorium years, a time we all sacrificed, and a time that the recovery of this flagship species began. Since then, we as a management body have strived to address and maintain the recovery in a way that benefited this fish, and the fisheries that support it. Throughout this time, we've continued to exercise our state's rights, and put forward our opinions on management that is best for both the species and our state's interest.

I would say we've likely had mixed results over the years. That brings us to today, I feel there is a lot at stake, not only for striped bass, but ASMFC as well. Some are stating that the Commission has a credibility problem, that we've taken our greatest fisheries management success story and reversed it.

Whether you agree or disagree with these comments, you must agree that we are at a crossroad with management, and today we are deciding which way we'll turn. Things are changing. Many species the Commission manages are seeing shifts in their abundance, and distribution. Striped bass is not immune to this change, as our stock assessment shows that the stock is overfished, and overfishing is occurring.

While I personally don't think we're at a point we were in 1984, the downward trend of the stock is evident in the assessment. For many of the Commission species, we're no longer in a

position to "hold out hope" that things will revert to what they've been previously, if we just hold static. Change is happening too fast, and actions need to be taken.

Today I would ask this Board to think about what is best for the species, but also what is best for the future of the Commission. I suspect that this will be a painful discussion, and sacrifices needed to find a path forward. The small amount of pain now pays us dividends down the road. Thank you very much, Mr. Chairman, for allowing me to address the Board, and good luck with this meeting. Thank you.

#### **CONSIDER THE 2020 ALBEMARLE SOUND-ROANOKE RIVER STRIPED BASS STOCK ASSESSMENT**

CHAIR BORDEN: Yes, thanks, Pat. I apologize for almost skipping by you. We'll go back on the agenda and deal with the Albemarle Sound-Roanoke Striped Bass Assessment. This is an action item on the agenda. We have to approve this.

#### **PRESENTATION OF STOCK ASSESSMENT AND PEER REVIEW PANEL**

CHAIR BORDEN: The first presentation will be on the stock assessment and the peer review, and the presentation is going to be made by Laura Lee and Charlton Godwin, so Laura, do you want to begin?

MS. LAURA LEE: Yes, thank you, Mr. Chair and management board members. Good afternoon, my name is Laura Lee. I'm the senior stock assessment scientist with the North Carolina Division of Marine Fisheries. Also with me is Charlton Godwin, and he is the North Carolina estuarine striped bass FMP co-lead for the North Carolina Division of Marine Fisheries.

The unit stock for the stock assessment includes all striped bass within the Albemarle-Sound and Roanoke River management areas, so we abbreviate it the AR stock. Striped bass in North Carolina are jointly managed between two state agencies, the North Carolina Division of Marine Fisheries manages commercial and recreational harvest, and the Albemarle Sound management area that is the ASMA, and the North Carolina Wildlife Resources Commission

manages recreational harvest in the Roanoke River Management Area, known as the RRMA.

Striped bass stocks in the Central Southern Management Area are not included in the Interstate FMP for Atlantic striped bass, due to their non-migratory nature. The stock assessment of the AR striped bass stock was conducted following the division standard operating procedure for stock assessments.

The stock assessment used data from 1991 through 2017, and it included both fisheries dependent and fisheries independent data, and are listed here. The fisheries dependent data gives us information on removals and the biological characterization of those removals, and the fisheries independent data are surveys that give us information on population trends on different components of the stock, as well as the biological samples that go along with those surveys.

On this graph we see the landings for the ASMA commercial sector, and the recreational landings for both the ASMA and the RRMA. The Y axis on the left there is in units of pounds. The two solid lines, which I hope are showing in blue and green, shows the total allowable landings or TAL, and that has been in place since 1991.

One thing to notice is that since the mid-2000s, neither sector met their TAL in most years, even after the 2014 revision that reduced the TAL landings, starting in 2015 from 550,000 pounds to 275,000 pounds, harvest did not reach the TAL. Okay, we're going to jump right into model estimates, and here we show the model estimates of recruitment as Age 0 fish, female spawning stock biomass, or SSB, and the SSB reference points.

Note that recruitment, which is shown in the blue bars, measured in thousands of fish on the second Y axis, which is on the right, peaked in the mid-1990s through 2000 has since declined, and has been especially low in the most recent

years of the assessment. SSB is shown in the green area graph there in the back, and is measured in pounds, and is represented on the first Y axis, which is to the left. Female SSB peaked in the late 1990s through mid-2000s, and you can see it's declined since. The solid black line represents the SSB threshold. In North Carolina, the threshold determines whether or not the stock is overfished.

That is, if the SSB in the most recent year of the assessment, which was 2017, if SSB is below the line then, then the stock is considered overfished in the final year. Here you can see that the SSB in 2017 is below the threshold, indicating an overfished stock in 2017. The dashed black line indicates the SSB target.

Here we show the model estimates of total population abundance and fishing mortality, represented by F. Population abundance of striped bass in the AR is shown in the light blue area graph to the back. It's measured in thousands of fish, and represented on the second Y axis, which is to the right.

It was highest in the mid-1990s through the early 2000s, and generally declined through 2017. Again, that's the final year of the stock assessment. If you recall the landings slides, you will remember that landings started declining in the mid-2000s, and that is the same timeframe when we see the total population start to decline in stock.

Estimates of F are shown by the green line with dots, and measured on the first Y axis to the left. The model shows that F was relatively low and steady through the '90s and the early 2000s, and since then F estimates have been more variable, and tend towards higher values. The solid black line represents F threshold, and this determines whether or not overfishing is occurring, that is if F in the most recent years of the assessment, 2017, is above this line then overfishing is occurring in that final year.

Here you can see that F in 2017 is above the threshold, indicating that overfishing is occurring. Now the dashed black line is our F target. Our FMP states that if the estimate of F is above this line, then management action is triggered. Here we have a summary of the biological reference points for female

spawning stock biomass on the top, and the biological reference points for fishing mortality is the second table there, compared to the terminal year or 2017 estimates from the stock assessment.

As I already mentioned, the stock is overfished and overfishing is occurring. All of North Carolina DMF stock assessments are subject to an independent peer review, and these workshops are open to the public. The peer review panel endorsed the results for management use for at least the next five years, and concluded that the stock status determination was consistent with professional opinion and observations.

They did make some recommendations, including that abiotic factors such as river flue and key biotic drivers, such as catfish predation and competition be considered in the next assessment. They also recommended a collection of sex-specific growth data to better inform growth estimates, and length rate specific mortality estimates, and also to resolve some of the concerns about growth estimates that were showing little difference in growth between the males and the females. As I said, the assessment ended in 2017, but to show how the trend in declining recruitment has continued, we updated our nominal and GLM standardized indices here through 2019. Poor recruitment is the primary reason we believe for the population decline. We did see many years of above average recruitment from the mid-1990s through 2000, and that resulted in a sharp increase in abundance.

Starting in 2001 though, several below average recruitment years led to some spawning failures, so those low recruitment years 2003, 4, 9 and 13, and then most recently very low recruitment in 2017, '18, '19, and '20. While the peer reviewers did approve the model for management use, and were confident in the declining trend in recruitment, based on assessment results and results from our juvenile abundance survey, there was a lot of

uncertainty in the potential causes in defining recruitment.

One really key uncertainty was related to the impacts of changes in river flow on Age 0 abundance. Reviewers also felt that predation by blue catfish could potentially impact recruitment of striped bass directly, or could influence food resources for striped bass through competition for prey.

The Review Panel suggested future assessments consider formally incorporating the flow recruitment relationship into the stock assessment, as bringing flow conditions are believed to influence recruitment and ultimately stock abundance. Thank you for your attention to my part.

#### **NORTH CAROLINA'S MANAGEMENT RESPONSE TO ASSESSMENT**

CHAIR BORDEN: Now I'll turn it over to Charlton, to walk you through North Carolina's management response to the assessment results.

MR. CHARLTON GODWIN: Thank you, Laura Lee, and good afternoon Mr. Chairman. Again, my name is Charlton Godwin, I'm with the Division of Marine Fisheries, and I'm also the Division's representative on the ASMFC Striped Bass Technical Committee. We've only got a couple of slides left to get through here, just to talk about our management response.

This is just a graphical representation of the process we are currently in. Starting at the top of this, the first step in the development of Amendment 2 to our state FMP was to conduct a stock assessment. Results of the assessment indicated the stock is overfished and overfishing is occurring, as Laura Lee mentioned, and within our management plan, our state management plan as well as Amendment 6, management action must be taken to reduce F back to the target.

The two boxes to the left are that reduction that we took under Amendment 1. That started in January of 2021, where we reduced the TAL based on the necessary reductions to get the F back to the target. But in conjunction with that, the North Carolina Division of Marine Fisheries and the Wildlife

Resources Commission staff are continuing to develop Amendment 2, with expected approval by our Marine Fisheries Commission in mid-2022.

To implement the native harvest reductions, the Division developed a November 2020 revision to Amendment 1. Basically, that's just a revision to our FMP that lowers the total allowable landings. We have a quota for all these fisheries. That lower total allowable landings will remain in place through the development of Amendment 2, and update to the stock assessment will occur in 2023, with data through 2022, to recalculate stock status, and potentially a new harvest quota. The calculation for this reduction was based on the necessary harvest reductions to get F back to the F target. Landings in 2017 from all sectors were 119,244 pounds, and they were needed to be reduced by 57 percent. Again, that was implemented through our November, 2020 revision to meet adaptive management in our amendment, and ASMFCs Amendment 6. Just to give you the quotas for our sectors, we have a commercial and recreational sector in the Albemarle Sound Management Area.

The commercial sector is 25,608 pounds, and the Albemarle and Roanoke River Management Sectors, for the recreational sectors, will be 12,804 pounds each. This is a drastic reduction from even the harvest levels that we had in the early '90s, when the stock was recovering again from being overfished as well. Just to remind the Board, our commercial sector has daily quota monitoring.

Our fish dealers must call in each day with the number of tags used, and the weight of the harvest fish, so we have the ability to close the season very quickly, to keep our harvest below these TALs. As a reminder, North Carolina also has striped bass surveys, creel surveys, specifically for the recreational harvest in Albemarle Sound and the Roanoke River, because MRIP does not cover those areas.

Again, we have the ability to generate estimates with about a week or two lag time, so we are hopefully going to be able to keep those harvest levels below those new TALs. The Wildlife Resources Commission runs that creel survey in the Roanoke River Management Area, and we run the one in the Albemarle Sound Management Area. With that, I'll be happy to take any questions from anybody from the Board, thank you.

CHAIR BORDEN: Thank you Charlton, any questions for either Laura or Charlton? Toni.

MS. KERNS: Mike Luisi is the only hand.

CHAIR BORDEN: Mike.

MR. MICHAEL LUISI: Yes, just a question for Charlton. Just so I understand, no, thanks for the presentation. It was a lot of good information. When the state of North Carolina goes through the regulatory process for making adjustments to the stock assessment results. Do you do that independent of ASMFC, or does that have to go through ASMFC? Do you have to propose that through the Commission? I know it's been a while since you made changes, but I'm just trying to get an understanding of what your process is, as it is different from ours.

MR. GODWIN: Well, it's similar to the ASMFC process. We through the previous addendum, the state of North Carolina now uses the biological reference points from our stock assessments, instead of the proxies from the Chesapeake Bay as we did. If we have changes to the management, just relative to reductions in TALs, I think that's a fairly easy process.

Our stock assessments do have to get, the overall stock assessment has to get approved by the Board for management use. But as far as, you know once that is approved, our adaptive management states that if our stock assessment says we're over the fishing mortality, then we reduce harvest, and I don't believe that would have to get approval by the Board.

MR. LUISI: Yes, it's a little different from how we do it with the rest of the stock. I mean I get it, you guys have your own assessment, and I'm trying to

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understand you know your process for making changes, when you have results like you have. I thank you for that. I appreciate it, Charlton, thank you.

MR. GODWIN: Yes, Sir, thank you for the question.

MS. KERNS: Mr. Chair, you have Roy Miller.

MR. ROY W. MILLER: Charlton and Laura, thank you for the presentation. Historically, there was a time when the Albemarle-Roanoke Sound System was considered to contribute maybe 5 percent of the coastal stock. I don't know if that's still the case. But what I'm wondering is, now that the stock has been declared overfished and overfishing is occurring, do you think that that relationship still holds, or is there some ceiling below which there probably is minimal to no contribution to the coastal stock from the Albemarle System, when the stock is more depressed? I'm just curious about your opinion in that regard. Thank you.

MR. GODWIN: Yes, Sir, Mr. Miller, that is a great question. Our stock, based on tagging data. As our stock recovered and the age structure expanded, our fish don't immigrate out of the Albemarle Sound as an early age as they do in the Chesapeake Bay. As our stock recovered, and we saw stock abundance increase, and the age structure expanded out.

We still have a pretty broad age structure now. But the number of abundances in the age structure is smaller. We see more and more tag returns from up the coast, from New York, New Jersey, Massachusetts, and as our stock abundance does decline, that gets smaller as well. We still, you know we had a 31-year-old fish returned from one of our recreational anglers in the Roanoke River last year, tagged in 1999, I believe, or early 2000s from the '99-year class.

We do still have some older fish in there, and we do still see some tag returns from the

northern states. But again, as our population abundance has declined, and the number of those older fish decline, we have less contribution to the coastwide stock. I'm not sure that we really have the data to put a percentage.

Is it 5 percent, is it 10 percent? I'm not sure we have the data to do that. But it ebbs and flows, just as with the Chesapeake Bay and the Hudson stocks when they have big year classes, you know they'll contribute more as well. I hope that answers your question.

CHAIR BORDEN: Toni, any other hands?

MS. KERNS: Mike Luisi.

CHAIR BORDEN: Mike.

MR. LUISI: Thanks for the second opportunity to ask a question. I'm wondering where North Carolina stands on its involvement in the amendment that we're discussing. Is the Amendment, and this may be a silly question. It might be a really easy answer, but is the Amendment that we're discussing, does it include North Carolina, or is it not inclusive of North Carolina and their separate Albemarle Sound and Roanoke Fisheries?

CHAIR BORDEN: Toni and Bob, to that point.

MS. KERNS: Mike, in terms of the measures that North Carolina has put in place in response to their stock assessment, those don't go into the Amendment, because as indicated earlier, we default management of the Albemarle Sound-Roanoke River to the state of North Carolina. The Board, as it is in Addendum IV, just approve the stock assessment for management use.

MR. LUISI: Okay. I just want to make sure I'm clear, so through Addendum IV, if we start a new amendment, are we going to have to put something in that amendment to give North Carolina the ability to manage on their own? I mean how does that work?

MS. KERNS: It's already in the management plan for them to manage their stock on their own. Unless they change that, then it would continue forward.

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MR. LUISI: Perfect, all right thanks, Toni.

MR. GODWIN: Toni, this is Charlton. I will just add for the Board members. Harvest in our ocean waters, you know outside of the Albemarle Sound Management Area in the Atlantic Ocean from 0-3 miles. That does follow whatever regulations come down from the ASMFC amendments. Those are the regulations we have in place in the ocean, so we follow whatever ASMFC has in their amendments for our fishery in the ocean.

MS. KERNS: Correct.

CHAIR BORDEN: Toni, any other hands?

MS. KERNS: No, Mr. Chairman.

#### **TECHNICAL COMMITTEE REPORT**

CHAIR BORDEN: Okay, so we'll move on. The next issue to take up is a presentation of the stock assessment and peer review by the Technical Committee, Kevin Sullivan. Kevin, welcome.

MR. KEVIN SULLIVAN: Like he said, I'm Kevin Sullivan from New Hampshire Fish and Game. I'm the current Chair of the TC, and I would like to tell you what the TC had to say in the discussions about the Albemarle-Roanoke stock assessment that Laura Lee and Charlton just showed us.

As we just talked about, the TC was tasked with reviewing the 2020 stock assessment on the AR stock from NCDMF. Under Addendum IV, the stock is managed by the state of North Carolina using reference points from the latest stock assessment accepted by the TC, and then approved for management by the Board. The TC met on March 9. Laura Lee and Charlton Godwin, and other NCDMF staff members presented a similar presentation to what we just saw, I think ours was a little more thorough, that would include model results, stock status, and the management process. Then as always,

discussion followed. Laura did tell the TC that the assessment had been previously reviewed and approved by an independent external peer review process, and ultimately the TC recommends that the Board approve the stock assessment for management use. But they did provide recommendations to NCDMF to consider for future assessments. The TC recommended they continue discussions on their natural mortality estimates, specifically they noted in the assessment that they had some concerns about the value used, 0.4.

That might be a little high. TC recommended they continue exploring factors contributing to peaks in high fishing mortality and variability in the stock. They noted in their presentation four-year classes, I believe it was ages 3-5, and recruitment variability impacts that they believe are related to environmental conditions such as flow and predation.

They should consider impacts of movement of fish into and out of the management area, explore alternative target thresholds for female SSB that are less conservative, if the recruitment is largely driven by environmental factors. They should continue exploring factors that impact the recruitment, notably there is an observed pattern of two to three years of poor recruitment, followed by one to two years of higher recruitment.

I also believe that the peaks were becoming lower over time. They should consider developing interim projections for the time between assessments, consider using tagging data to validate the growth curves, continue reviewing historical data for insight on what could be considered normal for that stock. Any questions on that?

CHAIR BORDEN: Questions for Kevin? Toni?

MS. KERNS: I have no hands, Mr. Chair. Oh, Ritchie White.

CHAIR BORDEN: Ritchie White.

MR. G. RITCHIE WHITE: Thanks, Kevin. Notice the discussion about flows possibly being brought in to future assessments. Has the Technical Committee

given any thought to this for Chesapeake Bay and the other producer areas as something to be looked at, as it relates to the poor recruitment we've been having?

MR. SULLIVAN: Thanks, Ritchie, that's a great question. I don't think specifically that has been talked about by the TC. But I do know that in the discussion on this stock assessment, that they believe that that is a factor in their recruitment, and I know that in our coastwide assessment and the Chesapeake Bay assessment is part of that. You know recruitment is an issue in trying to track reasons for that. I don't think we specifically talked about flow, but it is definitely a point of interest for the TC, but we don't have anything specific on it.

CHAIR BORDEN: Any other questions, Toni?

MS. KERNS: No additional hands, Mr. Chair.

CHAIR BORDEN: Let me just thank Laura and Charlton and Kevin for their work on this. Kevin, pass along my thanks to the Technical Committee for the review. I very much appreciate the fact that the North Carolina staff is doing this.

#### **UPDATE ON NORTH CAROLINA MANAGEMENT PROGRAM**

CHAIR BORDEN: We're going to move on to management actions. We added this to the agenda. Basically, Chris Batsavage is going to update us on the management program. Chris.

MR. CHRIS BATSAVAGE: I think Charlton's slides covered a lot of that. What it showed was, what we're doing in place right now is we've put in measures to end overfishing starting in 2021, with the very low quotas for the commercial and recreational fisheries in the Albemarle Sound and Roanoke River, and that has resulted in much shorter seasons, and lower bag limits to ensure that we end overfishing and start rebuilding the stock as soon as possible.

As Charlton mentioned, we're further developing Amendment 2 to the North Carolina estuarine striped bass management plan, to put in more management measures, in addition to the ones we have right now to end overfishing and help rebuild the stock. If there is any additional information that the Board would like, willing to field questions, and Charlton is still on the line, so he can definitely help answer those, so thanks.

CHAIR BORDEN: Thanks, Chris. Any questions for Chris or his staff? Toni?

MS. KERNS: I see no hands.

CHAIR BORDEN: Thank you very much, Chris.

#### **CONSIDER ACCEPTANCE OF BENCHMARK STOCK ASSESSMENT AND PEER REVIEW REPORT FOR MANAGEMENT USE**

CHAIR BORDEN: This is an action item. We have a draft motion. Staff has prepared a draft motion, which Toni, if you could put that up, please, or Emilie.

MS. KERNS: Yes, Maya will do that for us, and I think Chris Batsavage has his hand up to make a motion.

CHAIR BORDEN: Chris, are you making this as a motion?

**MR. BATSAVAGE: Yes, Mr. Chair, I move to accept the 2020 Albemarle Sound-Roanoke River Striped Bass Assessment and Peer Review Report for management use.**

MS. KERNS: You have a second by Emerson Hasbrouck.

CHAIR BORDEN: Seconded by Emerson Hasbrouck, any discussion on the motion?

MS. KERNS: You have Mike Luisi.

CHAIR BORDEN: Mike.

MR. LUISI: No Mr. Chairman, I'm sorry, I put my hand up to second the motion, so my hand is down now, no questions.



CHAIR BORDEN: Any other hands up?

MS. KERNS: No additional hands.

CHAIR BORDEN: No hands, so are there any members of the public want to comment on this motion? If you do, raise your hand.

MS. KERNS: Just giving them a second. I see no hands by any members of the public.

CHAIR BORDEN: Okay, so we're back to the Board. Any objection to approving the motion as submitted? Any hands up?

MS. KERNS: I see no hands.

**CHAIR BORDEN: Motion stands approved by unanimous consent.**

**PUBLIC COMMENT SUMMARY TO  
DRAFT AMENDMENT 7  
PUBLIC INFORMATION DOCUMENT**

CHAIR BORDEN: Next item of business is Amendment 7. What I would like to do is just kind of outline the process that I intend to follow on. This is an action item for the Board. As everyone is well aware, this has been preceded by an extensive outreach effort by the Commission.

There have been 11 hearings, almost 500 written comments submitted, including a number of comments from associations, which represent literally thousands of fishermen. We've had an opportunity for significant public comments. We're going to start the discussion with a series of reports by the staff on various issues, in order to provide the Board members with a comprehensive update on all aspects of the action.

Following each of the reports you are about to hear, I'll take questions and comments. If time allows, I'll take some public input.

**WORK PRIORITIES**

CHAIR BORDEN: Before we start this, Toni Kerns had asked for a minute to address the Board, in regard the issue of prioritizing issues and work availability, in terms of how much staff time and PDT time is available to address these issues. Toni, do you want to address the Board?

MS. KERNS: Thank you, Mr. Chairman, I would be happy to address the Board. I just want to remind the Board on the timeline that is outlined in this management document that Emilie will be going over. It is quite an aggressive timeline for what was originally put forward that this document would be approved in February of 2022. It would be up to the Board to determine whether or not that would be the implementation timeframe for that year, or implementation in 2023.

If all nine issues, or any additional issues from the tenth other category stay in this management document, it will be impossible for staff and the PDT to maintain this timeframe. Even if only four or five issues remain in this document, it could be potentially difficult to hold to this timeframe. As Emilie goes through these issues, it would be very helpful for the Board members to think about the prioritization of the issues, and when the issues need to be addressed.

I think it's important if you can consider putting something in the parking lot that still says it's an important issue to the management board, but you want it to be in the next document, because we've scoped for all of these issues. Several of them could easily be moved into an addendum immediately following the management documents completion. This will be Emilie's priority. She does have a couple other species that she works on, and obviously we hope that this will be the priority for the members of the PDT. Though we also recognize that they have additional jobs back in your states, and so we just want to make sure you take that into consideration, as you think about which issues you are going to carry forward in the development of Draft Amendment 7, and which issues you will take out and perhaps put in the parking lot for a future management document. Thank you, Mr. Chair.

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CHAIR BORDEN: Thank you, Toni. Any members of the Board want to ask Toni a question, if you do raise your hand, please?

MS. KERNS: I have two members of the Board, Mike Luisi, and then John Clark.

CHAIR BORDEN: Mike, and then followed by John.

MR. LUISI: Toni, did you say that the timeline for a possible 2023 implementation on any actions that come from the assessment, and any changes that we make through this document, your staff can only handle maybe, did you say four or five of the ten, or nine or ten elements or alternatives in the proposed amendment?

MS. KERNS: I didn't specifically say, I said you know four or five. It depends, Mike, on which issues you maintain. For example, if commercial allocation is maintained in this document, and how wide of considerations the management board wants staff to look at. As you know, allocation is a very difficult issue to address. That could take more time than another issue that might be simpler. It really does depend on the scope of the issue, and the direction that the Board provides.

MR. LUISI: Okay, yes thanks. Real quick follow up, Mr. Chairman, if that's okay. I think there are a number of issues that are connected, which are going to be hard to tease out from each other. But we'll see how the conversation goes. I understand as much as anyone the need to try to find some way to move forward with the resources we have to get things done.

Maybe not all these issues are going to be taken up in this amendment, but I think there is a lot of connectivity between the different issues, and I think it's going to be hard to peel some of these issues away, because they are all connected. I'll leave it there, and thank you Mr. Chairman. We'll see how the conversation goes

in a little bit, but thanks for the opportunity to comment.

CHAIR BORDEN: John Clark.

MR. JOHN CLARK: Hey Toni, it's just more of a process question. If a management issue is not in the Amendment, typically we can change things under the adaptive management measures within the amendment. I'm just curious how this will work if we have a new Amendment 7 that has let's say half the issues.

Half the issues that we had considered in the PID are not in the Amendment. Would those still be, would it be possible to put those into adaptive management, so that they can be changed in the future, or are these addendums all just going to be like standalone management actions that don't connect to the amendment?

MS. KERNS: John, just as you said, yes. If the adaptive management section states a management tool that can be changed through adaptive management, then we can do that through an addendum. Often times there is the catch all, if it's already in the management document. But you can also add additional tools that you might want to be using in the future, and those would be done through an addendum as well.

MR. CLARK: Just in summary that we can put it in adaptive management, even if the issue was not discussed in the amendment, so that it can be addressed in an addendum at a later date.

MS. KERNS: You can. Mr. Chair, you have Dennis Abbott.

CHAIR BORDEN: Dennis Abbott.

MR. DENNIS ABBOTT: Thank you, Mr. Chair. Would it not be my understanding that we're not obligated to put anything into the proposed Amendment at this point in time. That is left to us to decide today, and whenever we conclude our review of the PID and move forward.

CHAIR BORDEN: Dennis, if I understand your question, I know of no obligation to take one of these items and put it in. I think that is a decision up to the Board. But Toni if you, or Emilie, if you disagree with that, please speak up.

MS. KERNS: You are correct, Mr. Chair.

MR. ABBOTT: That is also my understanding, Mr. Chair.

### **PUBLIC COMMENT SUMMARY**

CHAIR BORDEN: Thanks, Dennis. Okay, so what we're going to do is we're going to start off with the first series of reports. We're going to deal with public comments, and Emilie is going to go through all the comments, and then we're going to take questions on it, so Emilie.

MS. EMILIE FRANKE: If it's okay with you, Mr. Chair, this presentation includes both the public comment summary and the Advisory Panel report for all the issues, and then I'm happy to take questions at the end of the presentation. All right, so today again, this is Emilie Franke, FMP Coordinator for striped bass, and today I will start out with a brief background and the timeline that Toni mentioned for Amendment 7.

Then I'll go through the public comment summary, as well as the Advisory Panel Report for each issue, in the order that they were presented in the Public Information Document. To start off with some background. In 2019 the Board accepted the 2018 benchmark stock assessment, which indicated striped bass is overfished and experiencing overfishing.

In response to these results, the Board initiated Addendum VI in 2019, to end overfishing and bring fishing mortality to the target level in 2020. The Addendum VI measures are designed to achieve an 18 percent reduction in total removals coastwide, and they were implemented in 2020. Also, part of Addendum VI, the circle hook requirement when fishing for bait for the recreational fishery, was

implemented in 2021. In August, 2020, the Board initiated the development of Amendment 7 to the striped bass fishery management plan, to address a number of issues facing striped bass management.

The last plan amendment to the FMP was Amendment 6, which was adopted in 2003, and since then the status and understanding of the striped bass stock and fishery has changed. This has raised some concern that the current management program may no longer reflect current fishery needs and priorities, and so the Board initiated the development of Amendment 7.

Here is the proposed timeline for Amendment 7. The PID was the first step in the Commission's formal amendment process, and the PID was approved for public comment in February, 2021. That public comment period for the PID closed on April 9. The current step in this amendment development process is the Board meeting today.

As the Board reviews the public comment, as well as the Advisory Panel report, and considers providing guidance to the Plan Development Team on developing Draft Amendment 7. The next steps would be preparation of the draft amendment, and a Board review of that draft, and approval for public comment.

Then after our public comment period, the Board could consider final measures for the amendment as early as February of next year. Finally, just as a reminder of the stock assessment schedule for striped bass, the next striped bass stock assessment update is scheduled for 2022, to take place over the summer and fall timeframe of that year.

The Amendment 7 PID addressed nine issues listed here that the Board identified for consideration in Amendment 7, as well as Issue Number 10, which captures all other issues. The PID itself provided an overview of each issue, and outlined a series of questions for the public to consider, related to each issue.

As I mentioned, public comments were accepted on the PID through April 9, 2021. Eleven public hearings were conducted via webinar for 11 jurisdictions, and 491 individuals attended the hearings. That number

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does not include State staff, Commission staff, or Commissioners and Proxies. Some of these individuals did attend multiple hearings.

Not all hearing participants provided comments, so the hearing summaries only reflect the comments that were provided during those hearings. As far as written comments, a total of 3,063 comments were received on the PID, and a total of 50 organizations submitted comments, and then a total of 2,397 comments were received through 14 different form letters.

Some of these form letters were multiple variations of different organization's comments. Then 616 comments came from individual stakeholders, including recreational fishermen, commercial fishermen, and concerned citizens. Just a note here, some of the comment e-mails stated the same written comments as specific organizations, and so they were considered a form letter. Some of these form letter comments did include personal information, such as where the commenter lives, or where they fish. But the comments provided on striped bass management were from an organization. If the commenter provided additional comments on other management issues, or provided further explanation on the issues, beyond the organization's comments, then it was considered an individual comment.

#### **ADVISORY PANEL REPORT**

MS. EMILIE FRANKE: The Striped Bass Advisory Panel met via webinar on April 13, to discuss advisory panel recommendations on which issues from the PID to include in Draft Amendment 7.

There were 11 AP members in attendance at this meeting, as we see here on the screen. Commission staff presented an overview of each issue, and a general summary of the comments that were heard at the public hearings, and the AP discussed their recommendations for each issue, which were detailed in a written report that was included in the meeting materials for today.

In the following slides, I'll provide a summary of both the public comments, as well as the Advisory Panel recommendations for each issue in the PID. Each slide will note either PC for public comment, or AP for Advisory Panel, to make it clear what each slide is covering. As we all know, the PID covered a broad range of issues, so the public comments we received also covered a wide range of topics.

The public comment summary tables in the slides and in the written public comment summary, include the most common comments or common themes that we received, as well as additional relevant comments for each issue. Due to the breadth of comments received, the overview does not represent the entirety of all topics that were addressed by the public comments.

To start off with Issue 1, which is goals and objectives. A majority of public comments support maintaining the goals and objectives established in Amendment 6. Many comments noted that the goals and objectives are sound, but the issue is the Board not adhering to those. Many comments specifically stated this issue should be removed from consideration for Draft Amendment 7.

There were a few comments in support of changing the goal, or some of the objectives through Amendment 7. Then there were some other common comment themes related to management overall. There were a notable number of comments that support managing for abundance, rather than managing for harvest or yield, and regarding the management themes identified by the Board in the PID, which were management stability, flexibility, and regulatory consistency.

There was some general support for regulatory consistency, and more comments addressed regulatory consistency under Issues 5 and 6, which I'll discuss later. Then many comments noted that the management themes, particularly flexibility and stability, should not override the stated goals and objectives of the fishery management plan.

Some additional general comments about the general focus of Amendment 7. Some of the public comments noted concern that a rebuilding plan has not been put

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in place yet to address the overfished stock, and that the Board should focus on rebuilding the stock. Some comments noted concern about changing management before knowing how Addendum XI measures have performed. Then there were many comments noting the importance of the long-term value of the fishery, and wanting the resource to be available for future generations. Moving on to the AP report for Issue 1, goals and objectives. Different from the public comment majority, the AP recommends including Issue 1 in Draft Amendment 7. The AP noted that there should be an opportunity to evaluate and reconsider the objectives if necessary, through this amendment process.

They noted that a stricter objective to address declining stock trends could be considered, since the stock has been declining under these existing objectives, and also that the existing objective, addressing flexibility, may need to be addressed, given the public's concerns, particularly about conservation equivalency.

One AP member also noted that if the objectives are changed, the language should still be general enough so it does not restrict changes to management in the future. Moving on to Issue 2, biological reference points. This issue received the most public comments overall, compared to the other issues, and an overwhelming majority of the public comment support maintaining the current biological reference points, and note that 1995 is an appropriate reference year.

Many comments noted that not achieving the target thus far is not a reason to lower the target, and change the biological reference points, and many comments also noted there is no scientific justification for changing the reference points at this time. Many comments specifically stated that this issue should be removed from consideration in Amendment 7.

Then there were only a few comments that support changing the biological reference

points at this time. The Advisory Panel also recommends Issue 2 be removed from Amendment 7 consideration. The AP noted that the comments from the public were very clear in support of maintaining the current reference points, based on 1995 as the reference year.

The AP also noted the importance of communicating to the public, that although the spawning stock biomass target may be difficult to attain, it should still be the target to rebuild the stock. For Issue 3 management triggers, a majority of public comment support maintaining the current spawning stock biomass and fishing mortality base triggers, that are based on the biological reference points.

For the recruitment trigger, the majority of public comments were split on whether to maintain the current recruitment trigger, or to modify the recruitment trigger through Amendment 7. Just as a reminder, the current recruitment trigger is triggered after three consecutive years of recruitment failure.

Some of the public comment suggest changing that trigger to better reflect inherent variability in recruitment. For example, changing the trigger to an average of a number of years, instead of considering consecutive year values. Some comments also noted the Board's required response to the recruitment trigger should be more specific than what is currently required.

Continuing with public comment on Issue 4, as Issues 3 and 4 are presented together in the PID. A majority of public comment support maintaining the current ten-year rebuilding timeline, and note that the Board should adhere to this ten-year rebuilding timeline. There were a few comments that would support a faster rebuilding timeline. For example, five to seven years was a common suggestion. Overall, the comments expressed concern that there is no rebuilding plan in place to address the currently overfished stock, and the public comments noted they would like to see the Board take quicker action, in response to the management triggers. On Issues 3 and 4, the Advisory Panel also recommends removing the spawning stock biomass and the fishing mortality

base triggers, as well as the ten-year rebuilding plan from Amendment 7 consideration.

The AP noted public support for maintaining these SSB and fishing mortality-based triggers, as well as support for maintaining the ten-year rebuilding timeline. Again, the AP recognized that the public was calling for stricter adherence to those triggers and that timeline. For the recruitment trigger, the AP does recommend including the recruitment trigger in Amendment 7. The AP noted concern that the current recruitment trigger has not been tripped in recent years, even though there have been periods of low recruitment.

The AP noted that recruitment is an important factor contributing to stock abundance, and this importance needs to be more apparent through the management triggers. The AP also noted that the young of the year index may not be the best or the only proxy for a recruitment trigger, and the Board should consider how to account for environmental conditions in conjunction with the young of the year indices.

The AP recommends the Board improve their communication about their response to management triggers, and the process of taking action when a trigger is tripped, to address public concern that the Board has not responded quickly enough to the management triggers. Moving on to Issue 5, regional management.

A majority of the public comments received do not support pursuing regional management measures at this time, either because the two-stock assessment model is not yet ready for management use, or because the comments were opposed to regional management in general. Those comments opposed to regional management in general, noted that striped bass as a migratory fish, should be managed as one-unit coastwide.

Those comments would support regulatory consistency along the coast. Some comments

also expressed concern about shifting to regional management, at a time when the stock is in poor condition, and many comments specifically stated this issue should be removed from consideration in Amendment 7.

There were some comments in support of pursuing regional management at this time, to account for regional differences for spawning and nursery areas specifically. Most of these comments supporting regional management referenced the Chesapeake Bay. Then there were a few that also noted other spawning areas like the Hudson River and the Delaware Bay.

The Advisory Panel also recommends Issue 5 be removed from consideration for Draft Amendment 7. The AP noted that there is existing flexibility in current management to implement different measures in different states, and the AP also noted that the two-stock assessment model is not yet ready for management use. For Issue 6, conservation equivalency, there were a few public comments supporting the current use of conservation equivalency. However, the majority of public comments received support changing when conservation equivalency is used. The majority of comments support using conservation equivalency only when the stock is not overfished, and not experiencing overfishing. Then a notable number of comments support eliminating conservation equivalency altogether.

There was general concern about the lack of accountability. The inability to quantify and measure the effectiveness of conservation equivalency programs, and some concern about the lack of management consistency among the states. Overall, a majority of commenters noted the importance of having accountability measures in place to hold states accountable if they do not achieve their reduction outlined in their conservation equivalency plan.

The Advisory Panel also recommends that Issue 6 be included in Draft Amendment 7. The AP specifically noted concerns about the reliability of MRIP data, and the use of MRIP data in conservation equivalency proposals, and that this issue with MRIP data needs to

be discussed, particularly when the MRIP PSE is above 50 percent.

The AP also noted that stronger accountability measures for conservation equivalency need to be put in place, and there should be some discussion around the required data and data standards that would be needed to implement these accountability measures for conservation equivalency. The AP also noted that the comments at the public hearings expressed clear concern about the current use of conservation equivalency.

Finally, the AP did note that conservation equivalency can be an effective tool, but the Board needs to address the public concerns about it being a loophole. For Issue 7, recreational release mortality, there were a few comments noting that recreational release mortality should be treated the same as other sources of mortality.

But the majority of public comments received on this issue support addressing recreational release mortality through increased angler outreach and education, additional gear restrictions beyond circle hooks, and/or seasonal closures during conditions associated with higher mortality rates.

For education and outreach, a common suggestion was requiring anglers to watch a video or take a test on best fish handling practices, in order to get their license. For additional gear restrictions, suggestions for gear restrictions beyond requiring circle hooks include not allowing the use of treble hooks or gaffing, or also requiring barbless hooks.

Then there were only a few comments in support of measures to reduce effort, for example shortening the season or closing the fishery on certain days. Many comments also support additional research on release mortality rates for different fishing methods and gear types. Comments also support updating the

recreational release mortality estimate that is used in the stock assessment model.

Many commenters specifically noted the ongoing release mortality study that is being conducted by the Massachusetts Division of Marine Fisheries. The Advisory Panel recommends including Issue 7 in Draft Amendment 7, and the AP supports considering a wide variety of options to address recreational release mortality, including options for effort control and additional gear restrictions. The AP noted that unique conditions in certain regions, for example, warmer water temperatures, should be taken into account when considering which measures would be most effective in certain areas.

The AP also recognized that there is broad public support for addressing this issue, as heard at the public hearings. The AP noted the overall importance of continued angler outreach and education to address this issue. Finally, one AP member did note that as a predominantly recreational fishery, recreational release mortality needs to be accepted as part of the striped bass fishery.

Moving on to Issue 8, which is recreational accountability. Relative to some of the other issues, there were fewer comments overall that addressed Issue 8. The majority of public comments received on this issue note that this issue should not be included in Amendment 7, because it is a complex issue that applies to multiple species, and it might distract from other issues in Amendment 7.

Specific to recreational harvest limits, or RHLs, some comments do not support pursuing an RHL or other quota system at this time, because the current reporting systems and recreational catch data are not sufficient. Other comments were opposed to a quota system or RHL in general for the recreational striped bass fishery, and some of these comments noted that there is already accountability in place through existing regulations.

Many comments over all stated this issue should be removed from consideration for Draft Amendment 7. There were some comments in support of pursuing an RHL or quota system in Amendment 7, and these

comments noted that the recreational sector needs to be held to the same standard as the commercial sector.

Other comments support starting to address recreational accountability in general at this time, for example, by pursuing new reporting technologies and improving reporting. Some comments suggested creating a striped bass stamp to generate funds to improve MRIP data collection, and there were also a few comments in support of using a tag system to limit recreational harvest.

Overall, there was general concern about the uncertainty and reliability of current MRIP data. The Advisory Panel could not come to consensus on whether to remove or include Issue 8 in Draft Amendment 7, so for the AP members who support removing this issue from consideration for the Amendment, note that there is already existing accountability through existing measures, like effort controls, size limits and gear restrictions. Quotas that are used for the commercial fishery are not as applicable to the predominantly recreational striped bass fishery.

These AP members noted that it may be appropriate to consider sector-wide recreational accountability in the future, but not in Amendment 7. They also noted that this issue could be discussed by the ISFMP Policy Board as a commission-wide policy across multiple species, but it should not be included in Amendment 7. Then the AP also expressed some concern about how this issue was presented in the PID, and that there has been some confusion on what recreational accountability is referring to. Those AP members who support including Issue 8 in Draft Amendment 7, noted that there needs to be some discussion on what accountability could look like, since the majority of striped bass removals are from the recreational sector, and that there needs to be an opportunity to explore the options for recreational accountability for the striped bass fishery.

Then finally, these AP members noted that recreational accountability at a sector level is in place for other species, and so should be considered for striped bass. Moving on to Issue 9, which is coastal commercial quota allocation. Similar to Issue 8, there were fewer comments received overall that addressed this issue.

There were a few comments that support maintaining status quo allocation at this time, and did not support addressing this issue in Amendment 7. However, the majority of public comments received on this issue support updating the commercial quota allocation to be based on a more recent timeframe, to better align with current fishery conditions. The majority of the Advisory Panel recommend that Issue 9 be removed from consideration for Draft Amendment 7, with one objection.

Those AP members who support removing Issue 9 from consideration noted that there are not better data available to use for commercial allocation, because the current allocation system, based on the 1972 through '79 time period, has been in place for so long, since 1995. AP members noted concern that changing the allocation at this point may penalize states who have implemented conservative measures for their commercial fishery.

Some states may not be achieving their quota due to stringent regulations, and not because they couldn't catch their quota. AP members noted that they have not heard the commercial sector asking for the quota allocation to be updated, and the AP members noted that this allocation issue could be addressed in the future, but should not be addressed in Amendment 7.

As I mentioned, one AP member would support including Issue 9 in Draft Amendment 7, specifically they would like to see a mechanism for states to transfer unused quota to other states, particularly those states who received a commercial allocation, but did not have a commercial fishery. Just a note, this AP member provided these comments to staff via phone after the meeting, as they had to step away from the meeting before this issue was discussed by the full AP.



There was some AP discussion about states that currently receive a commercial quota allocation, but do not have a commercial fishery. One AP member noted concern that some states use their commercial quota to support a recreational bonus program. However, other AP members commented that states do have the authority to decide how they use their commercial quotas.

Again, one AP member noted that they would support a mechanism to transfer unused quota to other states, and another AP member noted they would be opposed to such a transfer mechanism. To wrap up today, I'll cover Issue 10. In Issue 10, other issues, summarizes other common themes from the public comment that were not directly related to Issues 1 through 9. Again, due to the wide range of comments received, this overview does not represent the entirety of topics that were addressed by the public comments. There were a range of comments on various harvest control measures, ranging from reducing commercial harvest to a few comments supporting a catch and release only fishery. Many comments related to harvest control supported a moratorium on all commercial and recreational harvest for some period of time. Suggested time periods ranged from three years to ten years, or until the stock is rebuilt. Some comments support designating striped bass as a game fish, and eliminating commercial harvest while allowing for a recreational harvest.

Other comments on harvest control included general support for a one-fish bag limit for the entire coast, and some comments proposed daily bag limits per boat for charter boats, instead of per person. Other issues that were common in the public comments. Many comments support increased funding for enforcement, as well as stronger penalties for poaching. To generate increased funds for enforcement, some comments suggested increase licensing fees, or the concept of a striper stamp to raise funds that could be allocated to enforcement.

Then there were some comments expressing concern that the 2015-year class is approaching the slot limit, and if the slot limit needs to be reevaluated, then potentially changed to protect this year class. Then related to commercial gear, there were some comments supporting a ban on commercial gillnets, and other comments on commercial gear included support for developing a metric to track commercial discard mortality.

There were many public comments that identified a variety of measures to protect spawning fish and large females. These comments included proposed spawning area closures, closing or putting additional restrictions on the spring season, eliminating the trophy fishery, some sort of maximum size limit to protect the large fish, addressing concerns about commercial harvest of large fish, and enhancing and protecting spawning habitat.

Then regarding spawning stock research, there were many comments supporting additional studies of individual spawning stocks to determine their relative contribution to the coastwide population. There were also many comments on the impacts of climate change and environmental factors, and commenters noted that management needs to be able to respond to these changing factors that impact striped bass mortality.

There were also many comments noting the importance of menhaden and other forage species to the health of striped bass. Some of these comments support reducing menhaden harvest, and others noted the importance of maintaining the striped bass biological reference points, since they are now connected to the ecological reference points or ERPs that have been adopted for menhaden.

Then for human dimensions research, comments support social science research to better understand the value of the recreational fishery and changes in angler behavior. The Advisory Panel also identified other issues to consider in Draft Amendment 7. Similar to the public comments the AP also identified protecting the 2015-year class, and considering a change to the current slot limit to protect this year class.

They also noted there should be some discussion on the use of slot limits in general. The AP also identified the importance of protecting spawning in pre-spawned fish, and the AP noted that area closures should be considered to protect these fish, and states may need to coordinate to consider potential closed areas and other measures that may be region specific. The AP also supports increased and stronger enforcement, and then additionally the impacts of predation on striped bass and the shifting distribution of the stock was brought up as well. Again, here is the list of the ten issues from the PID.

Now, here in red are issues that the public comment majority and/or the Advisory Panel would support, including or addressing in Amendment 7. Just to get a visual idea of what the public comments and the Advisory Panel is recommending. Then to wrap up, here again is the timeline for Amendment 7. Today the Board is considering providing guidance to the PDT on what to include in the development of Draft Amendment 7. With that, Mr. Chair, I am happy to take any questions on my presentation.

CHAIR BORDEN: Thank you, Emilie, very comprehensive. Questions for Emilie? Toni.

MS. KERNS: I just wanted to take just a brief moment to thank Emilie for all of her hard work. As many of you know, Emilie just joined us on staff this year, and she's done an amazing job of getting caught up and understanding the Striped Bass Management Board, and hosting all of these hearings that we did with striped bass. I just wanted to say thank you to that for her. For questions, I have John McMurray only right now.

CHAIR BORDEN: John McMurray.

MR. JOHN G. McMURRAY: I've got a quick question on what constitutes a form letter, because I think there is a little bit of confusion there with the public. Emilie, you seem to

indicate that if an individual endorsed the opinions of an organization, then that becomes a form letter, but I'm pretty sure that is not the case. Can you clarify that for me?

MS. FRANKE: Thanks for the question, John. If an individual provided the same comments that an organization provided word for word, then we did consider that a form letter. However, if the individual provided additional comments on other issues or additional explanation on the issues in those comments, then it was considered an individual comment. I'll see if Toni has anything to add here as well.

MS. KERNS: No, that covers it, Emily. John, it's a really tough decision sometimes for how staff to get through some of the comments, in particular if someone just says hi, my name is Joe Smith, and I enjoy fishing, and then they cut and paste the information from one of the organizations. We would consider something like that a form letter.

CHAIR BORDEN: Other questions, Toni?

MS. KERNS: I have Marty Gary followed by Justin Davis. Mr. Chair, John McMurray's connection was lost, so I'll try to get him back.

MR. BORDEN: Marty.

MR. MARTIN GARY: Kudos again, just two comments, one quick kudos again to both Emilie and Toni for the great job that they did with all the hearings. That was a very arduous process. I listened in on every single hearing, except the Maryland hearing, which was held on my birthday, and my wife told me I couldn't listen in.

But you all did a great job, and kudos to everybody in the public, those folks that are listening in right now, for taking the time and participating in the process. All that having been said, the Board members certainly have to, need to listen to, very intently to what those comments were. But this process was fascinating to me, Mr. Chairman, because of COVID, because of the virtual hearings.

There are certainly some pros. I got a chance to listen to what the folks from Maine and New Hampshire said, where if it was a regular hearing pre-COVID in brick-and-mortar structure, you know we would have gotten the report. You really didn't get a feel for how those people articulated their feelings. I thought there was some bonuses to that. But the flip side of that, and my last point on this is, for the public feedback is, there are certainly folks that struggled.

We had a significant commercial constituency in the Potomac, in our jurisdiction. I encouraged them best I could. I gave them as much advice on how to participate. I think there are a combination of technological challenges for some of those folks. That's not to say other sectors and people that participate in other sectors didn't have the same challenges.

But some of these folks were challenged by the technology, and some of them just are more comfortable in an in-person setting, which at least at PRFC we're used to. Typically, we have really good turnouts for those in-person settings. I just want to make sure everyone knows that I'm just speaking for myself and my experiences.

But I feel like there are some under-represented sectors, and we're just going to have to do the best we can as Board members, to take into account those folks that maybe tried. Maybe have a sidebar conversation with myself or other Board members to explain, because I can tell you, apathy was not an issue with this PID. People care, they were concerned. They continue to be concerned. I just want to make sure that folks consider that, so thank you, Mr. Chairman.

CHAIR BORDEN: Thanks, Marty. Dr. Davis.

DR. JUSTIN DAVIS: This is a question for Emilie or Toni, and it regards the statement we heard in the presentation that many members of the public have commented that the Commission

does not have a rebuilding plan in place for striped bass at the time. This is something I've heard quite a bit from our constituents in Connecticut, and I think it's one of the things out there that is sort of undermining public faith in Commission management of the species.

I think the statement is correct, in that following the 2018 stock assessment, during the Addendum VI process. I don't believe we tasked technical folks with doing projections of what it would take explicitly to get SSB rebuilt within ten years. The focus was primarily on the management trigger related to fishing mortality, and ending the overfishing condition within one year, and that is what the Addendum VI measures were designed to do. However, the projections that were done at that time showed that those Addendum VI measures would get the stock well on the way to rebuilding. Also, my understanding is that that FMP requirement is still in place, and the Board is still subject to it. We are still subject to the ten-year rebuilding timeline, unless we change something.

The stock needs to be rebuilt to SSB target by 2029. I guess my question is sort of, what I just said, does that sort of reflect the truth in the situation, or sort of your understanding that even if we don't have a formal ten-year rebuilding plan in place right now, we are still subject to that ten-year rebuilding timeframe. We're currently in it.

MS. FRANKE: Thanks for the question, Justin. Yes, per the current management triggers, the Board is subject to that rebuilding timeline as outlined in those management triggers.

CHAIR BORDEN: Justin, are you finished?

DR. DAVIS: Yes, I'm good, thank you.

CHAIR BORDEN: I'm going to go back. John McMurray, I may have cut you off. Did you have a follow up to your question?

MR. McMURRAY: Yes, sorry. I had trouble with my audio there, I'm back up. I did have a follow up, and it was more of a comment, because I know that there is a tendency to value form letters to some extent. We

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shouldn't and we can't do that here, because some might not understand this, because I understand some exist in an environment surrounded by peers. But for most of the public all this is very difficult to understand.

Now, when other organizations are able to successfully simplify it all, well that is helpful. To be very clear, the folks who did submit form letters understand full well things like adjusting the reference points, or lowering the bar on what a rebuilt stock looks like. They understand conservation equivalency and how it's being used, and those letters just help that part of the public get their point across to managers, and that's all. Thanks.

CHAIR BORDEN: Thanks, John, other questions, Toni?

MS. KERNS: You have Dennis Abbott.

CHAIR BORDEN: Dennis.

MR. ABBOTT: Like Martin Gary, I listened in on nine of the public hearings, and it was very informative. I also must admit that I read 1,091 pages of public comment. Some of the pages I read rather quickly, but I did read the whole of the, not summary, but all of the comments. I don't think in all my years that I ever saw comments provided so thoroughly and so well thought out.

I think that if when we look at all those comments, and as we move forward in making, well determinations on where we should go, that the public has given us clear, clear direction on what we should be doing. Lastly, I will thank Emilie and Toni for doing such a good job. But Toni, I think it was very cruel to put Emilie in her first year on striped bass, but she did a wonderful job.

CHAIR BORDEN: Toni, any other hands up?

MS. KERNS: We just have one member of the public.

CHAIR BORDEN: Okay, so we're going to take that one member, who is it?

MS. KERNS: Des Kahn.

CHAIR BORDEN: Go ahead.

MR. DESMOND KAHN: The last speaker raised the question that I've been thinking about. What is the role of science versus public comment, in managing a species like striped bass, is the question? We had overwhelming comment from the public, mostly recreational anglers, that they want to either maintain the current reference points, or strive for even higher abundance levels of striped bass.

That is sort of a democratic pulse taking. However, science, and I'm referring here to science of population ecology, has learned that when you have a population, you're trying to manage at very high abundance levels, you get negative feedback and negative effects due to competition. That is why, if you're familiar with the original reference points in fisheries, which were known as maximum sustainable yield reference points.

For example, the original Schaeffer model, the target biomass was recommended was 50 percent of what was evaluated as the maximum potential carrying capacity that the stocks could support. In other words, 50 percent of the maximum abundance was the recommended target. Now, through the evolution of that, we're down to recommending 30 and 40 percent.

For example, fluke. It's 30 percent of the maximum potential abundance is really the target, because they use SPR 30 percent. The reason is, that when you get high abundance, you get negative impacts. Now is that occurring in striped bass? Absolutely. In the Chesapeake Bay, going back to the '90s, when I was on the tag committee, we discovered very high increases in natural mortality.

CHAIR BORDEN: Could you bring your comments to a close quickly?

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The Board will review the minutes during its next meeting.

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MR. KAHN: Sure. The mycobacteriosis epidemic and scientific evidence of starvation in Chesapeake Bay resident bass indicates our density is too high, and it is kind of irresponsible to then restrict catches further, which is going to increase wasting of fish. Thank you very much, Sir.

CHAIR BORDEN: Thank you. Toni, any other hands up?

MS. KERNS: Mr. Chair, you have Mike Luisi, and you did get another member of the public.

CHAIR BORDEN: Mike, I'm going to go back to the Board now.

MR. LUISI: Yes, Mr. Chairman, if you want to keep it to the public, I just have a comment after we get through the public comment. It's up to you, I guess.

CHAIR BORDEN: I'll take one more public comment, but to the members of the public, when you comment, please try to limit your comment to one minute. Thank you. Toni, who is the individual?

MS. KERNS: Jim Fletcher.

CHAIR BORDEN: Jim.

MR. JAMES FLETCHER: For three days, or two days, I have listened to this, and I go back to the original ASMFC has an article that allows for enhancement of the stock to respawning of fish and releasing them. It is about time we look at an enhancement program to bring this stock back that is done correctly with all female fish. On the other side of the coin, we are not addressing water quality and the surfactants that are in it.

If you look at the salmon spruce bud worm, and its ability to reduce the Atlantic salmon population, you could see where the problem is. But we are not addressing the problems with what we're doing. I beg you to get back to

some basic science, and look at where the true problem is. We have animals that lay a million eggs, and we cannot figure out how to get the populations up.

We need to get back to basic science, and not what we're doing. But all of this has been done, no one is asking the question, why aren't a million eggs from one fish replacing the stock? Thank you for your time, and like I say, for three days I've listened to it, and basically, we're not looking at where the problem is. Thank you for allowing me to comment.

CHAIR BORDEN: Thanks, Jim, for staying within the timeline. I'm going to go back to the Board, Mike Luisi.

MR. LUISI: Yes, thanks, Mr. Chairman, and yes thanks, Jim, for your comment. You know, as I sit here and listen to this, and I very much, I mean I have to give a lot of credit to Emilie and Toni and others that were involved in summarizing and putting together public comment for the Board's consideration.

I have been in this field now for 20 years, and I do find that sometimes there is a lack of what the consequence is, to what is being recommended. It is hard when you start an amendment, and you have as many elements in that amendment that are being suggested, to understand how they all incorporate together, and how they all bind together for managers to make those decisions at the end.

I guess what I'm saying is, I would prefer at this time, based on the comment, that we understand a little bit more about the consequences to commercial and recreational and charterboat fishing, based on the issues that are being discussed before we start to peel away the different alternatives. I know that it is a little more taxing on staff. There is a little more work that has to be done, and I know we have a timeline that we're trying to get things done, like in the next year, or maybe a little bit more than a year.

It's just my comment, Mr. Chairman, and I'll leave it there. I feel like there is still some development that needs to happen under some of these alternatives, so that the stakeholders can understand the

consequences of their comments. I'll stop there and leave it there. Thank you.

CHAIR BORDEN: We're going to move on with the agenda. We've got two more really brief comments. Emilie has already commented on, I believe on the stock assessment schedule. Do you want to comment further, Emilie on the timeline?

MS. FRANKE: I don't have any further comments, Mr. Chair, I can just pull up here the timeline again I just included at the bottom of the screen here, just a reminder of when the next stock assessment update is, which is next year.

CHAIR BORDEN: Okay, so we're going to move on to actually the action portion of the Board meeting, but before we do it, what I would like to do is just make a couple of brief comments. Then we're going to take about a 5-minute break to allow people to get up and stretch their legs, get something to eat or drink, and then we'll be back at it.

After the break, this is a process statement. After the break, Emilie is going to put up the same PowerPoint slide of the Amendment 7 issues. It is my intent at that point to allow any jurisdiction that would like to make a very brief comment on their preferences, to be able to do it. If a particular jurisdiction doesn't want to comment, there is no obligation to comment.

But this is in lieu of just taking like having a general discussion on issues. If two or three states want to sit there and look at the list of issues, and then offer an opinion to the Board that issues 1, 5, and 7 clearly should be removed and issues X, Y, and Z should be included in the Addendum, please do that at that time.

It's not necessary to give your reasons, because the process that I intend to follow after that is we're going to go back to that same list, and we're going to go through each one of the

items. Everyone on the Board is going to have the ability to add detailed comments on the item. What you do when we come back from the short break, is basically to offer your summary opinion, and you don't need to defend it.

You don't need to give a rationale. The reason I'm doing this is I want to see whether or not there is some common ground on issues. There are kind of a couple of ways that the Board can come at this. You can basically make a motion to include one of those ten items in the Amendment, or make a motion to exclude it from the Amendment, or make a motion to defer it, as John Clark had suggested earlier.

We've got a couple of options that we can utilize for some of the less important or less well-defined issues. That would be, we could take some of these issues and put those into a trailing amendment, or include those in the adaptive management. That is kind of my view of the range of options. I would just emphasize before we go to break, that we need to prioritize, given Toni's advice in terms of staff availability and PDT availability, we need to prioritize these issues. The more complex the issue, the fewer issues we should have on the list.

Depending upon the nature of the complexity of each issue will determine kind of the number that get included on the list. I'm just saying that as guidance, and when we come back, I'll just make a couple more comments on process, and then we'll go directly to the Board, and basically start asking for motions. We're going to take a five-minute break, it's 2:42. We'll reconvene at 2:47.

MR. LUISI: Mr. Chairman, can I ask for maybe more than five minutes? Can we do maybe, I'm sorry, I'm not trying to overstep your decision. But the five minutes sometimes, by the time we all get convened, it can be kind of tough. Can we do maybe ten minutes, and come back at.

CHAIR BORDEN: How about seven?

MR. LUISI: Or seven, seven if you want. It's just yesterday we got in a bind, and the five minutes

happened so fast, and we weren't able to make a vote, because we were all doing our caucus.

CHAIR BORDEN: Seven minutes.

MR. LUISI: How about we do 2:50? That is eight minutes, is that good?

CHAIR BORDEN: Yes, I'll give you the extra minute, Mike.

MR. LUISI: I appreciate that, thank you very much.

MR. THOMAS P. FOTE: Dave, this is Tom Fote, I've had my hand up for a while, but I'll wait until we come back.

(Whereupon a recess was taken.)

MS. KERNS: We're back on, and Mr. Chairman, Tom Fote had wanted to make a comment, but I didn't have a way to let you know his hand was raised.

CHAIR BORDEN: Okay, so Tom, you get the last comment, and then I'm just going to make two quick points, and then we're going to go straight to the issues, and start to get input on them directly. Tom Fote.

MR. FOTE: It was just a general comment on public hearings. I've noticed with this last public hearing, and the last couple ones we've done over virtually, which I expected to get bigger turnouts and more involvement. Actually, just the opposite has happened. I also remember that public hearings on what we're actually going to do with something at that time, a lot of people don't get involved. The people that do get involved are basically the ones that have strong opinions, but the people sitting in the audience have feelings the other way sometimes, because you're not going to affect them right away don't show up to it. I also realize from the conversation that was coming from the public hearings, and questions

that were asked and statements that were made.

I realize this is a lot younger crew that had not been around in the early days of the fishery. I'm from the early days of the fishery, in the '80s and the '90s, and most of them came were in the 2000s. They didn't know what the fishery was back then when they start talking about moratoriums.

I think we're missing a large, it's like people like me that don't do texting, don't do the smart phone, and don't want to do webinars, they don't show up. I have to do it, because I'm on the Commission. There is a lot of them that hate to get on the computer, and they are Zoomed out. I think that was part of the problem with the public hearing process. That is all I wanted to comment on.

#### **DRAFT AMENDMENT 7**

CHAIR BORDEN: Thanks, Tom. We're going to get back on the same schedule that I outlined. This is just as background for the comments. We need to decide which issues should be included in the Amendment, and which should be deferred or removed. That is what the task is for the Board. It is likely that there is going to be considerable discussion on some of these items.

I urge you to be as clear and non-repetitive as you can be. If we have a large number of individuals that want to comment on a particular issue, it's very likely you're only going to get to comment once. Use your opportunity at the microphone judiciously, and make your points. I very much urge people to not be repetitive.

If somebody else makes a statement that you agree with, just say I agree with so and so. Let's start the process, are there any jurisdictions that just want to make a one-minute statement on what their preferences are? If there are not, we're just going to move right into the list of issues, and I'm going to be looking for motions. Any hands up, Toni?

MS. KERNS: Mr. Chair, I have Massachusetts and Maryland and PRFC, so it will be Mike Armstrong for Mass.

CHAIR BORDEN: Stop right there, so we have Massachusetts first. Mass.

MR. MICHAEL ARMSTRONG: As I read this document, and what is happening with the fishery. We have to be laser focused on building an SSB, not wordsmithing, not refining things, and not including things that do not have a direct impact on F. F is the only tool we have to build this SSB back.

We have five years locked and loaded that are average or extremely poor. That is troubling. If 2021 comes in with another bad recruitment year, we're in a world of hurt, and I don't know how to get out of it, honestly. We need to pare this down to Item 7, help boost SSB. We have plenty of time to address any items that are left behind during the rebuilding period. I'm going to suggest we get rid of Items 1, 2, 5, 8, 9, and I'll leave it at that.

CHAIR BORDEN: I use Mike's comment as an example of why I asked for this. It just provides context for where Massachusetts might be coming from. The next state, and once again please try to confine your comment to about a minute, is Maryland.

MR. LUISI: Yes, thanks, Mr. Chairman, and I don't speak for all of our representatives on the Board, but I will speak for our state. I agree with a lot of what Mike just mentioned, but I do not support the removal of reference points as a discussion point. I think 1, I think fishery goals and objectives is the fundamental basis for what we do.

If you don't have the appropriate goals and objectives, none of the other elements and the other components make any difference. I would like to see us go forward with goals and objectives, reference points, triggers, stock rebuilding and schedule. Regional management has been a major issue for us.

I would like to get back to having the, I know that I get criticized sometimes for using the

term, you know we have our resident stock areas. Conservation equivalency could be dealt with at a different time. Recreational release mortality is super important. Recreational accountability, we have a Rec Reform Workgroup that I know that you are familiar with that is working with the Council.

That could be set aside, and the commercial quota, it just doesn't fit, even though I understand from the proponents for it from the state of Delaware. They want some consideration. I don't know that that needs to be in here. I'll offer that, Mr. Chairman, I appreciate it. Thank you for the opportunity to speak.

CHAIR BORDEN: PRFC.

MR. GARY: In the interest of brevity, I'll just go through the things I think should remain, from PRFCs perspective. Maintain number 1, goals and objectives, keep management triggers, I'm sorry, keep management triggers, maintain biological reference points in the document, maintain regional management, combine recreational discard mortality and recreational accountability.

That would be 6 and 8, I believe they are linked, or can be linked. Maintain conservation equivalency, and akin to Mike's comments on Number 9, I have empathy for the proponents on this one, and I would hope maybe we could deal with this as a separate addendum in parallel. Those are PRFC comments, Mr. Chairman, thank you.

MR. BORDEN: Anyone else, Toni that had their hand up? Before we go any further. Please don't comment as an individual. I was really looking for jurisdictional type comments, because we're going to get into, all the Board members are going to have an opportunity to comment as individuals, coming up, very briefly, hopefully. If you've got like an organization or a jurisdictional recommendation, please make it. Any other hands up, Toni?

MS. KERNS: We have Justin Davis of Connecticut, John Clark for Delaware, and Ritchie White, your hand was up but it went down, so if you could put it back up, if that was your intention to speak.



CHAIR BORDEN: Okay, Justin and John Clark, and then I'm going to move on to the motion portion of it. Justin.

DR. DAVIS: I think Connecticut is looking at this through three lenses, what will the current state of the science support moving forward on. What do we need to take immediate action on to address before 2022, when we're going to get the next stock assessment, and potentially have to take our next management action?

But perhaps most importantly is what feedback did we get from the public, what did the public support moving forward with at this time? Given that, Connecticut would favor removing Issues 1, 2, 4, 5, and 8 from the document. Issue 9, commercial allocation, as some other folks have said, I'm on the fence about that.

I'm very sympathetic to those states that feel like their allocation is outdated. I would like us to address that. I worry that including it in this amendment is going to slow things down. Perhaps we could move that to a parallel action. I think the issues that we would like to leave in, conservation equivalency is very important for us to resolve that, before we take action in response to the 2022 stock assessment.

I think there is a good reason to take a look at the management triggers, specifically the recruitment trigger, and obviously recreational release mortality is a major challenge right now that we need to continue to grapple with. That is where Connecticut is at.

CHAIR BORDEN: All right, John Clark, you've got the last general comment.

MR. CLARK: Just talking to my Commissioners from Delaware. We would like to see the goals and objectives kept in, and biological reference, 1, 2, and 3 kept in. The regional management, I agree with Marty about conservation equivalency and recreational accountability being kept together.

As far as recreational release mortality, an important issue, but we feel like we're doing what we can with it right now, so that could be something to be looked at later. Of course, we, as it's been pointed out, we have been bringing up the coastal commercial quota allocation. We think it is a very important issue, and we would like to see it stay in. Thanks.

**PROVIDE GUIDANCE TO THE  
PLAN DEVELOPMENT TEAM FOR  
DRAFT AMENDMENT 7**

CHAIR BORDEN: Okay, so now we're at the point where I would like to see motions. I just want to remind everybody; we're going to discuss each one of these issues. I think we have, given the amount of public input that we've had on these issues. I think we need to address these issues right up front.

Tell the public what we intend to do in response to all their excellent comments on the issues. I would appreciate it if people would frame their motions in the mode of, make a motion to include it within Amendment 7, or reject it and not include it, or defer action on it, so to one of the other mechanisms that John Clark spoke about recently and before. Let me open the floor to anyone that wants to make a motion, keeping in mind we're going to deal with all ten of these, and please limit your motion to one particular item, so that we don't conflate the issues. Any hands up, Toni?

MS. KERNS: Mr. Chairman, I'm going to give you three hands at a time, and I'm just going to restate what you said before, so that the members of the public know I'm not ignoring them. We're going to wait until the Chairman asks for the members of the public, before I give him those names. The first three people that I have are Ritchie White, Dave Sikorski, and Marty Gary.

CHAIR BORDEN: Okay Ritchie, you've got the first motion.

**MR. WHITE: I move to remove Issue 1 from the document, based on public input. This would mean that we're maintaining our existing goals and objective, thank you.**

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CHAIR BORDEN: Ritchie, we've got a motion up on the Board, is that what you intend?

MR. WHITE: Correct.

CHAIR BORDEN: Okay, do we have a second? Toni.

MS. KERNS: John Clark, are you seconding that? Your hand is up, you are the first name on the list.

CHAIR BORDEN: Motion by Mr. White, seconded by Mr. Clark.

MS. KERNS: No.

MR. CLARK: I forgot it was up, but that is fine, because we need to discuss it anyhow, that's fine.

CHAIR BORDEN: Okay, so we have a valid motion on the table. Ritchie, do you want to comment, and then I'll go to John next, and then the other members of the Board. Ritchie.

MR. WHITE: Yes, thank you, Mr. Chair, it will be quick. The public clearly wants us to continue what we already are trying to do, maintain the existing goals and objectives. I'm listening to the public, and think we should do this. I think it's going to be hard to get more conservative. I mean some in the public would like us to get more conservative, and I think these goals and objectives are plenty conservative enough. Thank you.

CHAIR BORDEN: John Clark.

MR. CLARK: Sorry, my hand had been kept up. I had wanted to keep goals and objectives in, but based on what Ritchie said, keeping the current existing goals and objectives is something I think that is okay, thanks.

CHAIR BORDEN: All right, thanks, John. Any other members of the Board want to comment? Toni, hands?

MS. KERNS: Yes, I have John McMurray, Marty Gary, and Mike Luisi.

CHAIR BORDEN: Okay, John McMurray.

MR. McMURRAY: Thank you, Mr. Chair. I support removing Issue 1. I think the current goals and objectives are entirely appropriate, given striped bass life history, particularly those objectives related to the maintenance of a broad age structure, and an abundance of older, larger fish in the population. As the Board knows, there is no stock recruitment relationship, and spawning success really depends on environmental conditions, and a diverse age and size structure.

It is important to hedging against those poor recruitment years. Maintaining enough older, larger fish in the population provides a buffer against periods of average to below average recruitment, and lastly, the public is overwhelmingly in favor of keeping current goals and objectives intact. It's hard not to think that any tweaking of the goals and objectives is intended to liberalize how we manage this fishery, and I'm pretty sure the public overall doesn't want that.

CHAIR BORDEN: Thanks, John. Marty Gary.

MR. GARY: I'll pass on my turn as the previous speakers covered me. Thank you.

CHAIR BORDEN: Mike Luisi.

MR. LUISI: You know I agree with John. But I also think that it doesn't hurt at times to revisit the objectives of the fishery. The last time that we set goals and objectives was almost 20 years ago. I think it's important for the public to understand that by considering new objectives, not that they have to be that different.

But by considering them, it doesn't mean they have to. There is always a status quo alternative, as part of the decision making. But it might be important to factor in some of the comments that may not have been part of the majority on maintaining status quo on this, for goals and objectives, and just giving it some thought.

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What do we really want from this fishery? At this point right now, I'm going to object to this motion. I would like this to be developed a little bit more, and get some PDT comment, and get their thoughts from the Board, from how this could be developed a little bit differently, and how we can look at this fishery differently. It's been 20 years, and the ocean is changing, the environment is changing. I think it's worth consideration, so thank you, Mr. Chairman.

CHAIR BORDEN: All right, Toni, who else do you have that hasn't spoken on the list?

MS. KERNS: You have Pat Geer, Tom Fote, Justin Davis and Dennis Abbott.

CHAIR BORDEN: Pat Geer.

MR. PAT GEER: More of a point of clarification. If we decide that we're going to maintain the existing goals and objectives, does that mean, as John put it, we would not have the ability to tweak the wording in these objectives? I mean it would remain exactly the same, because it has been 20 years, and there are new words and verbiage that could be used to update this. I don't want to change the objectives and the goals, but would we still be allowed to rework some of the wording in the goals and objectives if we do not move forward with this as an issue?

CHAIR BORDEN: Tom Fote.

MR. FOTE: I'll make mine real strong. I agree with Mike Luisi.

CHAIR BORDEN: Thanks, Tom, for being brief. Justin Davis.

DR. DAVIS: I had my hand up to make a motion on a subsequent issue, so I will defer speaking on this one.

CHAIR BORDEN: Okay, Toni, would you remind me of the last name, was it Dennis Abbott?

MS. KERNS: That is correct.

CHAIR BORDEN: Dennis Abbott.

MR. ABBOTT: I support this motion. I think the public has spoken clearly, and I hope that the Board members, if we could take a vote on this, we would see if they agree. If we try to change it, I don't think the public sentiment will change, and it will show that they are happy with the present goals and objectives.

CHAIR BORDEN: Toni, are there any other Board members that have not had an opportunity to speak once?

MS. KERNS: There are not, but I don't know if you want us to answer Pat Geer's question.

CHAIR BORDEN: I'm going to have to defer to you.

MR. LUISI: Yes, I would like an answer to that if you can, thanks.

MS. KERNS: I'm actually going to defer to Bob. I'm not sure if we can tweak language and not change the meaning or not, so I am going to ask him to respond.

CHAIR BORDEN: Bob.

EXECUTIVE DIRECTOR ROBERT E. BEAL: If the Public Information Document, Public Hearing Document doesn't include the notion of changing the goals and objectives, then those are locked in. We can't modify those, because we didn't bring that idea out to the public, and provide the public an opportunity to comment on potential changes.

You know the Board can even just bring the current versions out to the public, and see what they have to say, and decide if they want to make changes later or you stick with status quo. It's up to the group. But something needs to be in the public hearing draft of the amendment to be able to modify the goals and objectives later on.

CHAIR BORDEN: Pat, does that answer your question?

MR. GEER: Yes, it does, thank you, Mr. Chairman.

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CHAIR BORDEN: Toni, once again, are there any Board members that have their hands up that haven't already spoken?

MS. KERNS: You have no additional hands, Mr. Chair.

CHAIR BORDEN: I'm going to call the question. I'll give you a two-minute break to caucus on this, and then we'll reconvene. We're going to reconvene. Before I call the vote, I'm going to take two comments from any member of the public. You're going to be limited to one minute. Maya is going to put a clock up, and you have to adhere to the timeline. Are there any members of the public that want to comment?

MS. KERNS: The first two names I got were Patrick Paquette and Evan Dintaman.

CHAIR BORDEN: That's it, so Patrick, you are first.

MR. PATRICK PAQUETTE: My comment is more of a question, or a reference for consideration. The public has clearly, and I am one of those who believe that conservation equivalency needs to be severely limited or eliminated from this FMP. My question is.

CHAIR BORDEN: Patrick, this is on the motion. You have to comment on the motion.

MR. PAQUETTE: My question is, does the flexibility objective have to be edited or removed, in order for later on conservation equivalency to be dealt with in the document, because there is that flexibility objective, that one objective, that one line? I believe it is the fifth line, has been referenced by this body, by this Board in the past regarding conservation equivalency. I'm just bringing that up so that the public can achieve later motions.

CHAIR BORDEN: It would be my view that the Board has a right to deal with conservation equivalency later on. But if the staff disagrees with that they can speak up.

MS. KERNS: I think that you can still limit conservation equivalency, and keep the current goals and objectives as they are. The Board would have to be very clear on their rationale and objectives.

MR. PAQUETTE: Thank you for the clarification.

CHAIR BORDEN: Thank you, Patrick. The other name, Toni, I didn't get a chance to write it down.

MS. KERNS: I believe it is Evan Dintaman, and I'm sorry if I pronounced your name incorrectly.

CHAIR BORDEN: Evan.

MR. EVAN DINTAMAN: That's fine, thank you so much, guys. I just wanted to kind of speak to the Board. I am an angler that represents a lot of voices in the Maryland fishing community. I know and I've spoken to Mike in the past. I think the public comment was overwhelmingly unanimous, and I think a lot of very smart voices showed up in the public comment. I think a lot of very passionate voices showed up in the public comment.

I encourage the Board to frame their decision making to regain the trust of the public in managing this fishery. I've already heard a couple times in the last 10 to 15 minutes, Board members suggesting going against what was very clear public guidance and public comment. I encourage the Board to keep framing all of your discussions today around what is best for this fishery to quickly rebuild it, and listen to the unanimous public comment. Thank you.

CHAIR BORDEN: Thank you, Evan. I'm going to go back to the Board. **We have a motion on the table, move to remove Issue 1 from the PID, maintain the existing goals and objectives.** All those in favor, please raise your hand, and Toni, give me a count, please when you finish that.

MS. KERNS: Will do, Mr. Chair, I'm just going to let the hands settle. Okay, I have New York, the District of Columbia, U.S. Fish and Wildlife Service, Rhode Island, Maine, Massachusetts, New Hampshire, Pennsylvania,

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Connecticut, and North Carolina. I will put your hands down. The hands are down, Mr. Chair.

CHAIR BORDEN: Hands down, please.

MS. KERNS: Yes, I put them down, we're good.

CHAIR BORDEN: All those opposed, vote no, raise your hand.

MS. KERNS: I'm going to let the hands settle for a second. I have Delaware, New Jersey, NOAA Fisheries, Virginia, Potomac River Fisheries Commission, and Maryland. I will put your hands down for you. I have done that, Mr. Chair.

CHAIR BORDEN: Any abstentions? Hands up.

MS. KERNS: I see no hands.

CHAIR BORDEN: Any null votes?

MS. KERNS: I see no hands.

CHAIR BORDEN: Okay, so Toni, would you give me the final count, please?

MS. KERNS: Emilie, can you give me that count?

MS. FRANKE: Yes, Mr. Chair, I have 10 in favor and 6 opposed.

**CHAIR BORDEN We have 10 in favor, 6 opposed, no abstentions, no null votes. The motion carries.** The next motion is by David Sikorski. David.

MR. SIKORSKI: This is David Sikorski; the ongoing Legislative Proxy from the state of Maryland. **I move to remove Issue Number 2, biological reference points from consideration for Draft Amendment 7, and if I receive a second, I would like to provide some brief justification.**

MS. KERNS: We have a second from Megan Ware.

CHAIR BORDEN: Motion made by Mr. Sikorski, and seconded by Megan Ware. David, you want to comment.

MR. SIKORSKI: Yes, sir, thank you. Then I'll be as brief as possible, but possibly repeat some things. The public and Advisory Panel input on this issue is crystal clear, and I believe now is not the time to consider changes in BRPs. The on-water fishing experience that comes from an increased abundance in broad age structure, which is reflected in our goals and objectives, is what the public wants.

That is crystal clear. Having estimates that show that we are not achieving the current BRPs is not a reason to change them. I think it is fair to say that this would be changing the rules in the middle of the game, while the public is very concerned about the status of this stock. I think we can take this issue up in a future benchmark stock assessment.

Now is the time to focus on controlling F. Mr. Armstrong's comments about being laser focused on controlling F is key, and that is why I make this motion today, again to reflect what the public and the Advisory Panel has clearly stated in the great work that they have done to advise us as a Board, thank you.

CHAIR BORDEN: Thank you, David. Megan, would you like to offer comments?

MS. MEGAN WARE: Yes, please. Thank you, Chair. Similar to Mr. Sikorski, I think it is very clear from the public comment that people want to see the Commission strengthen its commitment to meeting the current reference points, not loosen the reins here. I think that means changing fishing mortality to meet the SSB target, not lowering the SSB target to meet our F rate. If people want to see changes to the reference points, I would rather see the Stock Assessment Subcommittee continue to prioritize the development of the two-stock spatial model, and see the reference points that come out of that modeling effort, rather than change to another set of empirical reference points at this point. I'll also highlight Toni's comment; I think it is imperative that we pare down

the issues in this draft amendment in the most critical ones.

This has the potential to be one of the most complex amendments I've seen, in terms of the number and complexity of issues and alternatives. As we have seen in the past, this complex and confusing management document and long public hearings, generally impact the quality of the public comment we receive. We really have to start prioritizing issues as a Board, and for me that does not include reference points.

Then I would just finally like to say, I disagree with a previous comment that some of the stakeholders don't understand the consequences of their comments. The stakeholders I've talked to are very informed about striped bass management, and I think they completely understand what they are saying. I don't think we can discount the overwhelming public comment we got.

CHAIR BORDEN: I'm now going to take three comments from anyone that wants to support the motion, and then I'll do the same things for three people that want to oppose it. If you want to speak in favor of this motion, raise your hand. Toni.

MR. LUISI: Mr. Chairman, this is Mike, can you give us a minute to caucus? This is a big deal, and I just want to make sure.

CHAIR BORDEN: Mike, you're going to be able to caucus at the end of this. If you need extra time, I'll give you extra time.

MR. LUISI: I just thought you asked for the question. I thought you called the question, I'm sorry.

CHAIR BORDEN: No, no, I haven't called the question. I'm asking for up to three individuals that want to speak in favor of it, and then I'm going to let up to three individuals speak in opposition to it.

MR. LUISI: Okay, I'm sorry about that. I appreciate that. I'll likely raise my hand for opposition, so just let me know when you get to that.

CHAIR BORDEN: Okay, you will, I'm going to be equal on the treatment. Toni, do you have anyone that wants to speak in favor of it? Who are the top three?

MS. KERNS: The first three names I saw were Justin Davis, John McMurray, and Mike Armstrong.

CHAIR BORDEN: Okay, Justin, you're up.

DR. DAVIS: Mr. Chairman, Connecticut strongly supports this motion. I think there was a clear signal from the public in the public comment, that none of the stakeholders, the vast majority of stakeholders are not interested in seeing the Board change reference points at this time. I agree that I would like us eventually to get to a place where we're managing with model-based reference points. I'm optimistic that as we move forward, and hopefully get to a multi-stock model, and you advance the science we're going to get there, but we're not there yet.

Until that time, I don't know what we would use as a basis for justifying a new set of empirical reference points, when it's clear that the current set of empirical reference points reflect a broad consensus of stakeholders, of what they want the stock to look like. For those reasons, and the reasons stated previously that we really need to be focused on rebuilding the stock right now. I strongly support this motion.

CHAIR BORDEN: John McMurray.

MR. McMURRAY: I support the motion. For those who think we need to revisit, well, we'll have a new benchmark coming up that could give us a better scientific basis for changing BRPs, should we decide we want to do that. Right now, the use of any other reference point would be arbitrary.

It's clearly intended to allow more harvest, at a time when the stock really can't handle it. It's probably not in the best interest of the majority of the fishermen along the coast. There is no scientific justification that

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I'm aware of for selecting any other set of empirical reference points, and they should only be changed when and if they could be calculated from a peer review population model.

CHAIR BORDEN: Mike Armstrong.

MR. ARMSTRONG: Others have said similar things to what I'm going to say, but I'll say it very briefly. I get nervous seeing a target that we have never hit. That is bad management policy. But I'm still going to vote for this, because I don't think now is the time to work on reference points.

I think it's very important to take another crack at it, but I don't think we have the analytical tools to do it right now. The TC doesn't have enough time to do it, and all we would do, I think the threshold is fine. We would lower the target a little. I don't think we need to address it right now. That's it.

CHAIR BORDEN: Toni, could you take all the hands down, please?

MS. KERNS: I've done so.

CHAIR BORDEN: Anyone that wants to speak in opposition to the motion, raise your hand. The first three names, Toni.

MS. KERNS: The first three names that came up were Tom Fote, Jason McNamee, and John Clark.

CHAIR BORDEN: Tom Fote.

MR. FOTE: I have to be consistent how I manage all fisheries, and I basically look at reference points. What we're supposed to do is actually goals that we can reach. I fought for summer flounder reference points, because we could never reach that thing, and it came down from 400 million pounds to 130.

The same thing with bluefish, we are now basically under constraints to build this stock, and where there is no way that we can do any management measures, it's more environmental cause. I want to put in reference points based on science, not just based on the numbers somebody sticks up in the air.

CHAIR BORDEN: Justin McNamee, excuse me, Jason. I'm combining two names.

DR. McNAMEE: That's quite all right, Mr. Chair. I'm sure you're juggling a lot of names. Thank you for the opportunity to speak. This is a challenging one. I am opposed to this, but I agree with a lot of the things that folks have said. My biggest challenge here is, for the case of striped bass, there is an issue with the current construct of the biological reference points.

This seems like the opportunity through an amendment process, to address some of those issues. We have a peer reviewed assessment, it's only a couple years old. We've got good information to work with. We see, I agree with some of the comments. I don't know if they were actually made on this call or in some of the discussions beforehand.

There is an issue with recruitment right now, so productivity in the stock seems to be affected. That is what I'm getting at. We need biological reference points that recognize those things, that recognize the population dynamics and feedback. It doesn't make sense to me to continue to have these targets and thresholds that have a weak connection back into the population dynamics.

The only reason I'm objecting to this is not that I want to see the reference points lowered or raised, or whatever. It's not about that in my view, it's about having good biologically based defensible reference points that can react to some of the things that we're seeing in the environment. We don't have that right now.

I know the stock assessment team investigated things like SPR reference points last time they found them, to not be feasible. But there are other things we can look at. I'm not sure if they had time to fully investigate it, since they were also simultaneously working on two separate models for review.

This seemed like the opportunity to investigate with a focus, some new opportunities for reference points, not just empirical. We also have an ecosystem group out there that has a multi-species model that has striped bass in it. Maybe there is an opportunity there, even just having a chance to look at some other options with the empirical methods seemed worthwhile to me. I just wanted to get on the record to say, you know I think our current reference points keep a cynicism about us trying to lower the goalposts. I think that is a poor characterization. I don't think it's fair. That is not what I'm trying to do. I think we should have reference points that connect back into the population dynamics as we know them, and this seems like the opportunity to investigate those types of options.

CHAIR BORDEN: I've got John Clark next.

MR. CLARK: I can't say it any better than Jason did, he really summarized things really well, and I would just add, I don't want to see us limit our flexibility to look at this. I'm not even sure what it means to remove from the Amendment. This means we're what, set in stone for the time of Amendment 7? I mean obviously we're going to put this into adaptive management, but this is such a critical issue, this has to stay in the amendment. Thank you.

CHAIR BORDEN: Let me go back. Toni, if you would take down the hands, I'm going to ask whether or not there are other individuals that have not spoken, that would like to speak in favor of it, and see how many hands go up.

MS. KERNS: We have one hand that has gone up. But I just want to clarify. If the issue is removed from consideration of the draft amendment, it carries over the old reference points, so they are not removed from the management document itself. They are still there, just we're not drafting options for other methods. Max Appelman.

CHAIR BORDEN: Max.

MR. MAX APPELMAN: I actually have a process question. Jay Mac got me thinking. My understanding is that there isn't really science to support a change, like model-based reference points aren't available right now. That could be possible with the next assessment, and if we removed biological reference points from the amendment, does that also mean we can't put new dialogue into the amendment that talks about some of the points that Jason was raising, and maybe the direction that we would like to see for reference points? Is that not possible if we remove this from the draft amendment?

CHAIR BORDEN: Staff. Toni.

MS. KERNS: Emilie, I think I'll take this one to help you out, since you've not done this before. Max, if the Board wants us to include work that the TC has been trying to do or considering. We can include that as part of the background, we would just need direction from the Board about what information you wanted, the Board would want us to have in the document to frame it.

CHAIR BORDEN: Max, do you have a follow up?

MR. APPELMAN: Yes, just a quick one, thank you. Yes, what I heard there Toni was, if reference points are removed in the form of developing alternatives that go out for public comment, that does not preclude the Board from updating the background sections of the document, to give a little more insight as to what our overall path forward looks like for reference points.

MS. KERNS: That is correct, because reference points would be a part of the background section already.

CHAIR BORDEN: Thanks, Toni, anyone else in favor of the motion that wants to speak? If not, I'm going to go to those that are opposed. Any other hands up, Toni?

MS. KERNS: I have no other hands.



CHAIR BORDEN: Okay, if you could lower all the hands. Anyone that wants to speak in opposition to the motion who hasn't already spoken, please raise your hand.

MS. KERNS: I only have two names, Marty Gary and Joe Cimino.

CHAIR BORDEN: Okay, Marty, you're up and then Joe. Then I plan to caucus for, Mike Luisi asked for a little bit of extra time, so we'll go three minutes on the caucus, and then we'll call the question. Marty and then Joe.

MR. GARY: I don't want to overly complicate things. I had two technical questions that I think are pretty easy, and then a comment. Is it okay to ask those?

CHAIR BORDEN: Yes.

MR. GARY: Okay, and I don't know if this would be Katie or Emilie, or whoever on staff thinks they can do it. I've heard multiple references today on this hearing, and also in the public comment that there is no scientific basis for changing biological reference points. From where I sit, I'm not even sure the reference points would change.

I just think we need to keep them in there and keep the discussion on the table. I ask a fundamental question to everyone. How well have these existing biological reference points served us, given the trajectory to where we are now. With that in mind, the technical questions I had is, given the fact that folks have said, and most recently Max had just said, there is no scientific basis for changing it.

My question would be to Katie or whoever can answer it. Was there a scientific basis for establishing the existing biological reference points? If the answer to that is yes, I would like to know what it is. To me it isn't clear that there is a scientific basis for them. That is my first one.

DR. KATIE DREW: Yes, so this is Katie, I can answer that question. I would say it's a combination, so right. With striped bass we struggle to find that stock recruit relationship, so we can't have MSY based reference points, so that that relationship is very uncertain and environmentally driven. The traditional MSY reference points are off the table. The SPR, you know 30 percent, 40 percent SPR values that we've used for other species in that situation, have not been working that they produce reference points, or levels of SSB that the TC did not consider realistic with the associated F levels. The reason we went with the SSB 1995, is that it's a value that was associated with the ability to produce strong year classes that was associated with the expanded age structure, and an abundance that managers wanted to manage towards. It's a combination, I think, it does reflect the management desires, in terms of that. You know we can't say, this is the exact right biological reason for this reference point.

But it has some backing, in terms of the observed empirical qualities of the stock that are consistent with both stock health and management desires. The F levels I would say, do have a strong scientific basis in that regard, that we are then linking the behavior of the population that we've seen in the past in the behavior of the fisheries, to that SSB target and that SSB threshold.

To ensure that there is a meaningful linkage between the F rates that we're trying to manage towards, and the SSB rates that we're trying to manage towards. I think when people say there is no scientific basis, I think they mean there is no traditional model-based reference points that are available for this stock, and I would agree with that. But I think there is a scientific basis or scientific advice behind these reference points.

MR. GARY: Okay, thank you, Katie. Now let folks decide for themselves how they would like to take your response. The second somewhat technical question is, if the biological reference point component of this is pulled from the document, and then we continue to go down a line where we don't, if the target is not hit, despite the constraints that have

been applied to it. We've gone through two rounds, 2015 and 2020. What happens?

CHAIR BORDEN: Staff.

DR. DREW: Yes, I'm sorry. Is that a question from like a scientific perspective, or is that a question from the management perspective?

MR. GARY: I guess the management perspective. If we don't hit the target, because we keep status quo, what happens?

MS. KERNS: I'm looking that up, Marty. Bob, do you know that? Bob has his hand up, thank goodness, my savior.

CHAIR BORDEN: Bob.

EXECUTIVE DIRECTOR BEAL: I don't have the plan open in front of me, but generally if you don't hit the target, you need to adjust your management measures to get to reduce mortality, or whatever it takes to get to the target, if you're talking about biomass targets, and or F targets.

MR. GARY: I understood, Bob, and I appreciate it. That is the answer I was expecting, and thank you for your patience, Mr. Chairman. I guess my last observation or comment is, and I'll be done. This is a really, really important topic, and I know others wanted to weigh in as well. But I keep going back, this is not a new discussion for anybody that is listening in. I keep going back to October, 2014, when we were in Mystic, Connecticut for the annual meeting of the Striped Bass Board, and I think it was like an 8- or 9-hour meeting, and we had quite a vigorous discussion about this issue. I keep thinking back to the comments that Mark Gibson made. Basically, I mean this is all captured in the document. But basically, he was struggling, and he basically said that if we're going to be left with these two lines, these thresholds and targets that we're dealing with now, with the existing biological reference points. We're going to have "a tortuous management process for as long as any of you

are going to be here, trying to keep your SSB between those lines."

That caught my attention, and it caught quite a few other people's attention. My point is that in a room full of really smart people, arguably the smartest person in the room questioned these BRPs. That is why it is such an important topic to discuss today. I'm not even necessarily advocating that we change them.

I'm wondering if we need to step back, take just a broader view of how we're using this tool, and ask the question. Is this tool serving us well, given the way the stock has performed? I don't think the stock is in good shape. I'm not advocating for liberalization. But I think this tool may actually be hampering us.

I think we need to look at it again. I don't know from a technical perspective, if there are other ways that we can address this. But the BRPs the way they are now, I'm very concerned how this may play out. I don't know if I did a great job articulating that concern, but hopefully you all sort of got the picture on that. Mr. Chairman, thank you so much for your patience, and allowing me to talk. Thank you.

CHAIR BORDEN: Joe Cimino, and then we are going to go to a break.

MR. JOE CIMINO: There seems to be a sentiment that has put this motion up, that because the vast majority of folks want to have the same goals for this species, that the BRPs shouldn't even be touched. I have great concerns with that, because two major things happened. During the last assessment, which we accepted for management, we were told, and Emilie reiterated it here today, that the recalibrated MRIP estimates completely changed our understanding of the historic catch for this species.

Therefore, we had a completely new understanding of what the stock has been doing this entire time. Many people have mentioned to me that does not mean we have to change reference points, but I do believe a discussion needs to happen, and I also completely support as concerns that the other significant event was that the Commission has moved forward with multispecies management for the striped bass stock

being a complete driver for menhaden reference points. I don't see how we can't at least leave the door open for a discussion on reference points.

CHAIR BORDEN: We're going to take a three-minute break, and then when we come back, we'll vote on the motion. This is the caucus opportunity, thank you. Toni.

MS. KERNS: Yes, Mr. Chair.

CHAIR BORDEN: I think we've gone up to three minutes.

MS. KERNS: Yes, for sure.

CHAIR BORDEN: Okay, so we're going to reconvene. As I did before, I'm going to take two public comments on it. I would ask the public to limit their comments to one minute, so Toni, do we have any members of the public that want to speak on this?

MS. KERNS: I'm going to give one second for any hand to go up. I have one name. I'll let that person start, and the next name I see, if I get another one, I'll call on that person. Mike Waine.

CHAIR BORDEN: Mike.

MR. MIKE WAINE: Thank you, Mr. Chairman, Mike Waine with American Sportfishing Association. I appreciate the discussion here; I just want to add a little bit more context. Under the existing reference points, the striped bass population and its fishery was very hoppy in the mid-2000s.

You could see that in the figures, you can see that on the water. The abundance of the population was realized by anglers, and that created incredible fishing opportunities for our industry. That hoppy fishery trickled down. The economic benefits, all aspects. I mean the tackle industry, the charter boats, the broader coastal economies along the Atlantic coast.

Right now, the focus should be on controlling fishing mortality, and reference points and changing them is just distraction. Remember what the Chairman said in his opening remarks. This is your flag ship species, and ASMFC needs to stay serious about rebuilding it. Thank you.

CHAIR BORDEN: Thanks, Mike. Have we got anybody else, Toni?

MS. KERNS: Brian Williams. Brian, you just have to click on your microphone to unmute yourself.

MR. BRIAN WILLIAMS: Just bear with me, guys. Just literally stepping off the boat right now after a morning of fishing for striped bass. I'm a full-time fishing guide, and I just want you guys to know the fishing public has made it apparent to speak in favor of conservation.

If most of the public that isn't as active in the fishery, even knew that this was being talked about, the idea of lowering our goal posts, to make it appear as if the stock is not overfished. To tell these children that I see walking down the street right now, they may never see as many striped bass in the water as there are today ever, due to a measure potentially like this. That is just absurd. That's all I have to say. Thank you.

CHAIR BORDEN: Thanks for the comment. We're going to go back to the Board, and call the vote. All those, as we did before, all those in favor of the motion, please raise your hand.

MS. KERNS: Hey, Mr. Chairman, I think the names have settled. I have New York, District of Columbia, U.S. Fish and Wildlife Service, Maine, NOAA Fisheries, Massachusetts, New Hampshire, Pennsylvania, Connecticut, and North Carolina. I'll put your hands down. I'm ready, Mr. Chair, for the next vote.

CHAIR BORDEN: All right. All those opposed, please raise your hand.

MS. KERNS: I have Delaware, New Jersey, Rhode Island, Virginia, Potomac River Fisheries Commission, and Maryland. I'll put your hands down. I'm ready.

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CHAIR BORDEN: Any abstentions?

MS. KERNS: I see no hands.

CHAIR BORDEN: Any null votes?

MS. KERNS: I see no hands.

CHAIR BORDEN: The final tally is what?

MS. FRANKE: Mr. Chair, I have 10 in favor, 6 opposed, 0 null votes, and 0 abstentions.

**CHAIR BORDEN: The motion passes 10, 6, 0, 0.**  
Next motion is by Marty. Marty, you're up.

MR. GARY: Okay, Mr. Chairman.

CHAIR BORDEN: Marty, can I interject one quick comment? I intend to continue this meeting until five o'clock. We're kind of slowly moving through these issues. At five o'clock, I'm going to look for some guidance from Bob or Toni on whether three things should happen. We should continue the discussion for a time certain.

We should break, and reschedule a follow up session, or we should plan on continuing the dialogue at the summer meeting. If Toni and Bob can consult, and give me some guidance on what their preferences are at that point. You've got an hour to think about it. Marty, excuse me for interrupting. You're up.

MR. GARY: In the interest of proceeding in logic order, does it matter to you. We're going to go through all the items anyway. Do you want to go in chronological order?

CHAIR BORDEN: It doesn't make any difference, because I said at the start, we're going to take up every item.

MR. GARY: Okay, so let me jump to, I don't know which numbers Emilie had. Emilie, can you pop up the slide that had all the items? Is that possible?

MS. FRANKE: Sure, thanks, Maya.

MR. GARY: Thank you, Maya, thank you, Emilie. I had mentioned this before, and going back to the workgroup, where multiple members last summer, you know this is a predominantly recreational fishery. I would like to move to maintain recreational release mortality, and recreational accountability in the amendment, and help me with the wordsmithing if we can, staff, and link these two. I'm trying to be helpful to consolidate them, so two messages. Keep Number 7 and 8 in the amendment, and link them together, if that makes sense, Mr. Chairman.

CHAIR BORDEN: Marty, actually consistent with the advice I gave at the start, we're going to talk about each one of these. I realize that that would accelerate some of the discussions, but there is also a potential that we conflate discussions, and it might drag it out. If you could, I will be happy to recognize you to make two motions in a row. Just make a motion on each issue separately.

MR. GARY: I would be glad to do that, Mr. Chairman, so I would go ahead and make a motion to maintain recreational release mortality in this amendment, and also make a motion to maintain recreational accountability in this amendment.

CHAIR BORDEN: If you could fashion the first, it's two motions, so deal with them separately, please. **Marty, as I understand it, it's your intent to move to maintain recreational release mortality in the development of the amendment.**

**MR. GARY: Yes, Mr. Chairman,** do you want justification?

CHAIR BORDEN: Wait until I get a second. Do I have a second?

MS. KERNS: You have Mike Luisi.

CHAIR BORDEN: Motion by Marty Gary, seconded by Mike Luisi.

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MR. LUISI: No, Mr. Chairman, I'm not going to second the motion. I had my hand up for a question for Marty, so I'm not seconding the motion.

CHAIR BORDEN: Do we have a second on the motion?

MS. KERNS: Joe Cimino.

CHAIR BORDEN: Who was that, Toni?

MS. KERNS: Joe Cimino.

CHAIR BORDEN: Oh, excuse me. Thanks, Joe. Okay, so Marty, you get the first bite of the apple, then we'll go to Joe, and then I'll recognize Mike Luisi for his question. Marty.

MR. GARY: Thanks, Mr. Chairman, I'll just be brief. The workgroup, multiple members identified recreational release mortality as an important issue, maybe the most important was quoted by several of the members. As we all know, it's predominantly a recreational fishery, and recreational dead discards are a large proportion of that mortality. I think it's logical to maintain that in the Amendment. It will be a huge task to grapple with, but this is something that needs to stay in the document. Thank you.

CHAIR BORDEN: Thanks, Marty. Joe, as the seconder.

MR. CIMINO: Thanks for the opportunity, Mr. Chair. I think, you know we've heard a lot of comments on the importance of this, and I agree with Marty, so I will just keep it that brief.

CHAIR BORDEN: Mike Luisi.

MR. LUISI: No, I'll keep it really brief. I had my hand up more for the accountability issue, but I totally support the inclusion of release mortality as part of what this Amendment focuses on. I think back to discussions that we've had, and some Board members thought that this is one of the highest priorities. I look forward to

working with the Board to address the issue, and I'll support this, thanks.

CHAIR BORDEN: All right, as I did before, I'll take up to three Board members that want to speak in favor, and then I'll go to those that are opposed. If you want to speak in favor, please raise your hand.

MS. KERNS: The first three names I have are Max Appelman, Chris Batsavage, and Tom Fote.

CHAIR BORDEN: Okay, Max.

MR. APPELMAN: To be clear, I'm not necessarily speaking in favor or against at this point, but I do have a clarifying question about the intent of keeping this in to the makers and seconders. You know I think we've spent a lot of time, and the TC has spent a lot of time over the last year, exploring recreational release mortality. My question is, is the intent here to focus on the release mortality rate, which is what the TC has really delved into, or the idea of the high amount of releases and tools, to try to control that? That is my question.

CHAIR BORDEN: Marty, to that point.

MR. GARY: I'm sorry, I missed the last part of that. Max, I hate to ask you to reiterate.

MR. APPELMAN: Yes, I think there are two components of recreational release mortality when you say that term. You hear the release mortality rate, which we got a report from the Technical Committee that said, you know that is really not the issue, it's more about the sheer number of fish that are being caught. I was curious if the intent of moving forward with this item was to address the amount of fish that are being caught and released, as opposed to efforts to lower the release mortality rate.

MR. GARY: Well, I'll just say briefly, Max, I don't know what the exact answer would be. I think we're concerned about the rate. But we've also heard there may be very few options that we can employ to reduce it. I think everybody is concerned about it. How we can do that, we're already advancing a number of different actions with circle hooks. States

are going forward with their own initiatives to educate anglers on proper handling. But we all, I think know, that affecting that rate is going to be really challenging, right. I think it's a little bit of everything. I'm also acknowledging that it's really important for us to grow our angler base too.

It's the future to get new anglers introduced. It's really challenging, but I think I'm just acknowledging the magnitude of the problem, and that it needs to be part of this document. It might not be a to-the-letter answer for you, but I hope that captures some of the thoughts I have on it.

MR. APPELMAN: Follow up if I may.

CHAIR BORDEN: Go ahead, Max.

MR. APPELMAN: No, that's helpful. I support this motion, so long as it is focused on what we would say is a catch and release issue. I recognize that it is a very important part of this fishery. I think we all know that it has been for a very long time, and it will continue to be an important part.

But it's also, when we're hearing calls to control fishing mortality, and this is really the only sector of the fishery that doesn't have direct management controls. I think those are the reasons why I would support keeping this in the document, and exploring tools to try to control the catch and release component.

CHAIR BORDEN: Then I've got Chris Batsavage, and then Tom Fote is after that.

MR. BATSAVAGE: I think I could support the motion for the reasons already stated. I do share some of the concerns that Max raised, I guess in terms of what the options would look like. You know we heard plenty of ideas, such as barbless hooks, you know closed seasons or areas, better handling practices, which I think are all very good.

But I think we're starting to really challenge ourselves, as far as how we can implement management measures that are enforceable, as opposed to just better practices. I mean, if this is included, I'm curious to see just what kind of options we would have to accomplish this.

CHAIR BORDEN: Tom Fote.

MR. FOTE: Just the numbers that came out of the last meeting we were at, 52 percent of the recreational mortality comes from catch and release, 48 percent of the overall mortality comes from catch and release. We can't bury our heads in the sand over this issue. We need to look at, how do we basically stop those huge numbers of fish being killed, which denies the public fish to take home to eat, because we're basically catch and releasing them, and killing so many fish. I'm basically looking at; how do we handle that? Maybe we can't find the answers, but it should be in the information document, since it's basically 52 and 48 percent of the mortality.

CHAIR BORDEN: All right, so we're now going to move on to the individuals that want to speak in opposition to it. Toni, if you would lower the hands. Anyone that wants to speak in opposition to this motion, please raise your hand.

MS. KERNS: I have no hands, Mr. Chair.

CHAIR BORDEN: Okay, so I'm going to speed up the process. Are there any members of the public that want to speak on this issue?

MS. KERNS: Two members of the public.

CHAIR BORDEN: Okay, so Toni, would you call those names off, please?

MS. KERNS: Yes. I have Greg Shute and Mike Waine.

MR. GREG SHUTE: Yes, my name is Greg Shute. I just wanted to comment on the fact that the catch and release mortality is a function of the fact that we have a very high participation fishery, and if you start targeting that, the really only way to reduce that is to reduce participation.

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I'm a fishing guide. I also rep for a boat company, where I sell boats to the public. The last thing I think we need to target is participation. If anything, I actually think we need to accept the release mortality going up, in order to release overall mortality. If that is the way we can actually reduce mortality, while keeping participation high.

CHAIR BORDEN: Thank you. Next.

MR. WAINE: Thank you, Mr. Chairman, Mike Waine again with American Sport Fishing Association. I'll be really brief. I echo some of the comments that I heard during the discussion. This is going to be a tough one to really get a handle on. We've got a lot of public participation in this meeting and in this process.

I just challenge the public and the anglers out there to really take a hard look at what they all can do to try to address this, because there aren't great management solutions here. I think keeping this in the document will help keep it on everybody's mind. We're going to have to try and find solutions together, because there aren't great kind of common-sense management measures that can be easily implemented to address this. Thanks so much.

CHAIR BORDEN: Thanks, Mike. We're going to take a two-minute caucus, and then I'm going to call the motion. Maya, could you please leave the clock on, and just put it on two minutes, please? Thank you.

MS. KERNS: Mr. Chairman, for the issues that remain in the document, or are staying for development. It will be helpful for the Board to give some guidance to the PDT on what aspects of that issue they want to explore. Otherwise, we're not really going to have a lot to bring back to the Board in August.

CHAIR BORDEN: Thanks, Toni, good point. Okay, two-minute caucus. All right, we're going to reconvene.

MS. KERNS: Mr. Chairman, Dave Sikorski put his hand up before you broke.

CHAIR BORDEN: Okay, David. We'll grandfather you.

MR. SIKORSKI: Sorry, Mr. Chairman, I was just going to speak to Toni's last comment before the break at the appropriate time. It doesn't have to happen now, regarding guidance on this topic at the appropriate time, so please call the question if that's what you choose to do at this point.

CHAIR BORDEN: Yes, and then I'll come back to you, David. Okay, so all those in favor of the motion, please signify by raising your hand.

MS. KERNS: I'm just letting the names settle. A lot of folks in favor here on this one. I have New York, Delaware, District of Columbia, Fish and Wildlife Service, New Jersey, Rhode Island, Maine, NOAA Fisheries, Massachusetts, New Hampshire, Pennsylvania, Connecticut, North Carolina, Virginia, Potomac River Fisheries Commission, and Maryland. This just might be everyone.

CHAIR BORDEN: All right, if you could lower the hands, Toni, please. All right, all those opposed raise your hand.

MS. KERNS: There are no hands.

CHAIR BORDEN: No hands, any abstentions?

MS. KERNS: No hands.

CHAIR BORDEN: Any null votes?

MS. KERNS: No hands.

CHAIR BORDEN: Okay, so the vote count officially, Toni, is what?

MS. FRANKE: Sixteen in favor.

CHAIR BORDEN: What is it again, Maya, you were broken up.

MS. FRANKE: Sixteen in favor, Mr. Chair.

**CHAIR BORDEN:** Okay, so it's 16 in favor, 0 opposed, 0 abstentions, 0 null votes, motion carries. Marty, we're back to you with the second half of your motion.

MS. KERNS: Mr. Chair, if it's okay, could we get some guidance from Dave Sikorski? If he was going to give us some, it would be very helpful to the PDT.

CHAIR BORDEN: Okay, David, do you want to comment?

MR. SIKORSKI: Yes. I have broad shoulders, but I don't know if I can carry this weight here. You know, we've talked about release mortality quite a bit, and rightfully so, as Mr. Fote mentioned. That snapshot we received in the benchmark assessment is eye opening to many of us. But it's a snapshot, and we need to recognize the dynamics of this highly complex fishery.

I don't know what the guidance is, because I feel like it's so state by state, and there are choices that each state has to avoid, high periods of discard mortality, like we can in Maryland by closing fisheries during the summertime, like we do right now with our CE proposal that we're operating under.

It's complicated, and in some series of conversations about tradeoffs, and I just really want to put a pin in what Greg Shute mentioned, the member of the public, that we all need to start thinking about these tradeoffs, and of course harvest is a 100 percent mortality kind of situation, you know harvest that fish, it's dead.

Release mortality, if we assume the coastwide average, of course it's a 91 percent chance that fish is going to survive. We really need to take that to heart, to maintain access and do what's right to turn this stock around. I don't have any specific guidance, and I don't know how much

time we have to talk about it further. But I just wanted to get that out on the record. Mr. Shute made a great point.

CHAIR BORDEN: Thanks, David. Marty, on your second motion, please.

MR. GARY: Mr. Chairman, thank you. Originally, as I had mentioned was hoping to make your job a little bit easier by linking the two, but I understand you want to deal with them discretely. I'm happy to defer, and allow others to champion the remaining items, or I can go forward. Whatever your pleasure is.

CHAIR BORDEN: Well, I offered you an opportunity to do it. If you want to do it, please do it, and if not, I'll ask any other members of the Board that want to make motions, and we'll open it up, it's really your preference.

MR. GARY: Yes, I'll go ahead and defer to the greater good of the Commission.

CHAIR BORDEN: Okay, so the floor is open for new motions then. Toni, who do we have on the list? While Toni is doing that, we're going to need to work on removing some items from the discussion, just to limit it. Toni made it abundantly clear that there is a limited amount that the system can deal with, so some issues have to get either rejected or moved to the trailing actions, or the conservation equivalency mechanism. Toni, who do we have that wants to speak?

MS. KERNS: On my list I have Justin Davis, Megan Ware, and Ritchie White.

CHAIR BORDEN: Okay, so we'll take those in order. Dr. Davis.

DR. DAVIS: I could make a motion at this point, if that is appropriate.

CHAIR BORDEN: Certainly.

**DR. DAVIS: I move to remove Issue 4, the rebuilding schedule from further consideration in Amendment 7.**



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CHAIR BORDEN: Okay, so it's a motion by Dr. Davis, is there a second?

MS. KERNS: I have John McMurray.

CHAIR BORDEN: John McMurray, thank you, John. Justin, do you want to speak to it?

DR. DAVIS: Sure, thank you, Mr. Chairman. I think it's appropriate to remove this issue from further consideration in Amendment 7. I think we heard a clear signal from the public that they think stock rebuilding is extremely important, and that the current timeline there is certainly no support, I don't think, for extending the timeline. We did hear some comments in favor of potentially considering shorter timeframes than 10 years.

In my estimation 10 years is an appropriate timeframe, given the biology of the species. My comments that I made back at the beginning of this meeting, discussing how this Board is still subject to the trigger that we tripped back in 2018, for the 10-year rebuilding timeframe. I just think the public should rest assured that this Board is cognizant of that, and that we will be adopting the measures necessary going forward, to achieve stock rebuilding by 2029.

We'll get an updated stock assessment here next year, and then have an opportunity to see how well we're doing along that rebuilding timeframe, and adjust as necessary. Essentially given that we are in a rebuilding process right now, just starting out. I don't think there is any justification for considering a different timeline, or really messing with it at this point, so that is why I've made this motion.

CHAIR BORDEN: John McMurray. John, would you like to comment as the seconder?

MR. McMURRAY: I think Justin pretty well covered it. I mean, we made a promise to the public with Amendment 6, and we should keep it. I know there is some question on whether or not we can rebuild in 10 years, but when you

look at the rebuilding that happened in the mid-'80s and early '90s, well we were in a much worse position back then. We certainly can rebuild, and we should absolutely try. Thank you.

CHAIR BORDEN: All right so, Toni, if you could take all the hands down. Anyone who wants to speak in favor of the motion, please raise your hand now. Toni, would you call off the first three names.

MS. KERNS: I have Megan Ware; she is the only one.

CHAIR BORDEN: Okay Megan, you're it.

MS. WARE: Oh man. I'm actually planning to do a motion to amend, or it could be a friendly, depending on how it's taken. I can do that now or wait.

CHAIR BORDEN: You can do that now if you would like.

MS. WARE: Okay. I am just going to say this really slowly, Maya, because part of this was in something else. **But move to amend to include options for measures to protect the 2015-year class, in the development of Draft Amendment 7**, and if I get a second, I will provide rationale. This would just be a second sentence on to the motion.

CHAIR BORDEN: We have a motion to amend, do we have a second to the motion to amend?

MS. KERNS: David Sikorski.

CHAIR BORDEN: David, so we have a motion to amend, Megan, do you want to site the justification, and then I'll go to David.

MS. WARE: Yes, thank you. You know I've heard a lot of stakeholders express pretty strong concerns about where this stock is headed. While I don't think we are at the place where the stock was in the 1980s, at this point we have had five years of average or below average recruitment.

It is this repeated poor recruitment that got us in trouble last time, so I think how we deal with this 2015-year class could be kind of make or break on

where this stock goes, and how successful we are in rebuilding. Going back to the addendum we just did, the TC did produce projections for the Board, which indicated that we could have a roughly 40 percent probability of hitting the SSB target by 2029.

Really, the key to that projection is whether the statistic holds, and whether that statistic holds is dependent on what catch and recruitment look like, kind of in the interim. So far, we've continued to have lower recruitment, and based on the MRIP numbers I saw, I think 2020 recreational landings were higher than 2019.

I'm not sure what the commercial landings were, but speaking just on the recreational, I believe they were higher. It is also concerning that we have this strong 2015-year class moving through the system, and as history has shown, this usually corresponds to a spike in catch. I really do believe the success of reaching that 10-year rebuilding timeframe is going to be dependent on what we do with this 2015-year class. I think this is warranting a discussion to the Board.

CHAIR BORDEN: Thanks, Megan. David, do you want to comment as the seconder?

MR. SIKORSKI: Yes sir, thank you. From the Chesapeake Bay perspective, I think history has already shown that we've had challenges in constraining fishing mortality, when we have a high abundance of fish. Unfortunately, recent Addendum VI measures probably failed to meet reducing fishing mortality on this 2015 stock, as implemented by all three Bay jurisdictions.

I really have the utmost concern of the impact we're already having on these fish. I think the best way to address this is to be laser focused on limiting fishing mortality on these fish that are left in the system, recognizing that they hold a lot of the hope for the future, as we all cross our fingers and hope that 2021 brings us brighter recruitment projections.

CHAIR BORDEN: All right, so once again, let me see a show of hands of those who want to speak on the motion to amend. Toni.

MS. KERNS: I'm just cross-referencing the list that I had for the first three names that I had seen before. I had John McMurray, Justin Davis, and Dennis Abbott.

CHAIR BORDEN: John McMurray.

MR. McMURRAY: This is a welcome addition. If we want to rebuild it's important to protect those strong year classes. That is exactly how we rebuilt last time. There was emphasis on the husbanding one-year class through the process. It's particularly relevant now, considering that the 2015s are largely just recruiting into the fishery, into that slot limit. I think this is critical, and I hope we get some guidance from, should this pass, get some guidance from the TC on how that might look. How do we protect the 2015-year class?

CHAIR BORDEN: Justin Davis.

DR. DAVIS: I certainly appreciate the intent of this motion. I've been a strong proponent of the slot limit. But I will admit that there is a potential concern with this 2015-year class aging into the slot in coming years. I guess I've got two questions, one is that is this really a motion to amend, or is a motion to substitute?

In that is the intent here to remove the rebuilding schedule issue from Amendment 7, but somehow include this issue about new measures, as sort of a different issue, or is the intent here to keep the rebuilding schedule issue in the Amendment, and add to that issue the consideration of these new measures? That is one question. The second question I have is, thinking about the intersection of this with the stock assessment process.

Is the intent here to essentially develop measures that we would potentially implement for the 2022 fishing year, ahead of getting the stock assessment and a picture of where the stock is at, which we would normally use as the basis for changes to management? I guess that is two questions, probably best directed to the maker of the motion.

CHAIR BORDEN: Megan.

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MS. WARE: Yes, so Justin, the motion I had sent to staff was to maintain the 10-year stock rebuilding timeline, and then include options for measures to protect the 2015-year class. My intent is not to have alternatives in the document to consider a different rebuilding timeline, but instead to include alternatives that protect the 2015-year class.

I consider that kind of a part of rebuilding, but I am not specifically looking to include alternatives on the rebuilding schedule. In terms of your second question about timing. You know if these measures are a part of the Amendment, I think it would kind of be locked into whatever that Amendment schedule ends up being, and that may depend on how many more issues we add to this document. I'm not sure if I can totally answer that question. I think it just depends when we finish the Amendment.

CHAIR BORDEN: Justin, do you want to follow up with that?

DR. DAVIS: Thank you for the clarifications, Megan, that was helpful. I think if the record reflects that the intent here is not to consider different options for rebuilding schedules, but to maintain the 10-year rebuilding schedule, and then add in this potential development of new measures to protect the 2015-year class, I'm good with that.

I guess I am concerned that if we are adding this into the document at this point, to me this is sort of adding a new issue to the document of changing fishery measures potentially in 2022. But it is my understanding that this will go back out for another round of public comment, correct? The public will have an opportunity to take a look at the Draft Amendment and comment on these potential measures. Is that correct?

CHAIR BORDEN: Toni.

MS. KERNS: I thought the question was to Megan.

MS. WARE: Yes, that is correct, and Justin I'll just note. There were comments about protecting the 2015-year class in our public comment record, so that is where I got this from.

CHAIR BORDEN: Okay, so the next person I have on the list is Dennis Abbott, and then we'll go to the people that want to oppose this. Dennis Abbott.

MR. ABBOTT: I fully support Megan's thoughts, but it strikes me that if we're amending it, we're going to remove Issue 4, and then include options for measures. It seems to me as Justin said, it should be a substitute motion, rather than what is put forward, because if we don't remove Issue 4, it's just not correct the way it's put forward, I think. I think that we should have a substitute motion.

MS. KERNS: Mr. Chairman, I thought Megan's intent was to add this text to Justin's motion, and I just want to clarify that with Megan.

CHAIR BORDEN: Megan.

MS. WARE: That's correct. Another option is, I could do a motion to substitute and add a sentence at the end that says maintain the 10-year rebuilding timeframe, if that is clearer.

CHAIR BORDEN: Since a number of speakers have suggested clarifying this, Megan, you and David want to withdraw the motion to amend? If you do, I will recognize you to make a substitute motion.

MS. KERNS: David, it's not their decision to withdraw, it would have to be the full Board. I do think that we didn't write the text down correctly as Megan asked for it. It should say, move to amend to include the following text, and just put that following text in front of.

CHAIR BORDEN: Megan, does that reflect your intent?

MS. WARE: Yes, thank you.

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MS. KERNS: Maya, will you just write add options, put add in front of options.

CHAIR BORDEN: All right, is that what your intent is, both Megan and David?

MS. WARE: Yes, for Megan.

MR. SIKORSKI: Yes, Sir.

CHAIR BORDEN: I'm going to go to the noes. Anyone that wants to speak in opposition to this, please raise your hand.

MS. KERNS: I have Roy Miller, Tom Fote, and Mike Luisi.

CHAIR BORDEN: Roy.

MR. MILLER: Thank you, Mr. Chairman, it's not really in opposition. I just have a comment. We've already heard from others that the 2015 year class has entered the coastal recreational fishery. I'm just concerned that by trying to protect that particular year class, we're going to have a sliding scale over the years of varying size limits, that will add a layer of complexity, I think, to our management that we may not intend at this point in time. I'm concerned about trying to protect a year class that is already in the fishery.

CHAIR BORDEN: Tom Fote and then Mike Luisi.

MR. FOTE: Yes, I think this motion should have been made two years ago as a separate motion to basically protect that year class until we reach 95 percent of the size that they should be to spawn, the females. That's what we did in '82, we started doing that for the '82-year class. At this point in time, and we're talking adding this to this Amendment.

It's not going to go in place for three years. I think if you want to do this, it should be handled separately as an addendum that is going out now, but also if you're going to do that, are you going to raise the size limits,

because when we basically did this in the '80s to rebuild the stocks, we actually had no size limit on the high end, but just on the low end to protect that year class, until they spawned at least once. That was if I remember right 34 inches, and you had to change your regulations every year, to basically do that.

Now that is a difficult process every state has to go through the regulations. This is why it is confusing. I think it should be a separate amendment or an addendum going out, but not included in this one, because this would take too long to basically have any effect.

CHAIR BORDEN: Next we have Mike Luisi.

MR. LUISI: I'm going to say that while I understand the interest here from the management perspective, on trying to focus management efforts on a year class to try to manage that year class. I can't support that. I think the rebuilding schedule should be part of the Amendment, part of the discussion that we have, and so this whole discussion that is happening right now, I have a lot of concern with.

I think that what would end up happening as a result of trying to protect a particular year class, is going to be an inequity to the resource, depending on where that year class stands, whether it's resident stock, coastal stock. It's going to be too complex in already complex regulations, and I think we can come up with something better, so I'm not going to support it.

CHAIR BORDEN: Toni, if you could put down all the hands, and then is there anyone else that hasn't already spoken that wants to speak in favor of the motion to amend?

MS. KERNS: I just took the hands down, so I just want to see in favor. I have Mike Armstrong.

CHAIR BORDEN: Okay, so Mike on the favorable side, you're the last person to speak. Mike Armstrong.

MR. ARMSTRONG: I support this, I mean with a lot of reservations. It's hard to move the slot around. We all know the pit falls of changing the rules. But we've got five-year classes locked and loaded, with nothing

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behind 2014. We have the 2015-year class, and 2014 was not bad out of the Hudson. That is all we've got to rebuild with. You know we targeted that for 0.2, and we have never achieved it, so I've got to assume we didn't hit it this time. We have to start doing draconian things to get this stock back. That is the bottom line for me, and so I support that.

CHAIR BORDEN: Hands down. Now Toni, anyone else on the no side? Any hands up? While Toni is waiting for the hands to come up, I'm not going to take public comments on this, until we get an amended motion, or we go back to the original motion. Toni, any further people want to comment on?

MS. KERNS: Max Appelman.

CHAIR BORDEN: Max, you're up, you're the last.

MR. APPELMAN: I know a lot can happen to a year class, you know from birth to year six, and I'm curious if there is any available information from the Technical Committee or science staff that can shed some light on the magnitude of that year class now, relative to, you know that recruitment estimate that we saw. I don't know if that question is coming across right. But I think it would be helpful to know if that year class stayed big, or if it has sort of diminished already.

CHAIR BORDEN: Max, I guess I would just comment that if in fact this stays in, and I'm not arguing one way or another. I think the technical people will be charged with looking at a wide range of issues, including what you just suggested, looking at the potential on the issue and the implications. We have no more noes. I'm going to declare a two-minute caucus on the motion to amend, and then call the question. Toni, times up?

MS. KERNS: I think so, we forgot to set the clock. I apologize. But it seems like two.

CHAIR BORDEN: That's all right, I looked at my watch. Is everyone ready for the question on this? Okay, so all those in favor of the motion to amend, signify by raising your hand.

MS. KERNS: I have New York, Rhode Island, Maine, Massachusetts, New Hampshire, Pennsylvania, Connecticut, North Carolina, and Maryland. I'll put your hands down. I'm ready for the next vote.

CHAIR BORDEN: All those opposed to the motion, raise your hand.

MS. KERNS: I have Delaware, New Jersey, Virginia, and Potomac River Fisheries Commission. I'll put your hands down. I'm ready for the next vote.

CHAIR BORDEN: Any abstentions?

MS. KERNS: I have NOAA Fisheries and Fish and Wildlife Service. I'll put your hands down, I'm ready.

CHAIR BORDEN: Any null votes?

MS. KERNS: No hands.

CHAIR BORDEN: Okay so, what I have is 9 yesses, 4 noes, 2 abstentions, 0 nulls, is that correct?

MS. FRANKE: Yes, Mr. Chair, I have that as well.

**CHAIR BORDEN: Okay, so motion passes.** You're back to the amended motion. Toni, I think we should combine these two texts into a single motion, so everybody understands exactly what is being. Okay, thank you. Any further discussion on the amended motion? Any hands up?

MS. KERNS: I have Justin Davis.

CHAIR BORDEN: Justin.

DR. DAVIS: I guess I just wanted to reiterate, it's my understanding that it was clear in the record that this does not open the opportunity for consideration of other rebuilding schedule timelines. I still think this is sort of strange that we're removing an issue from the Amendment, but then we're adding options to that

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issue. But I guess if everyone feels the record was clear enough on what we're doing here, I'm okay with that.

CHAIR BORDEN: Thanks, Justin, anyone else on this? Does anyone need a caucus on this? Any hands up?

MS. KERNS: I have no Board members with hands up.

CHAIR BORDEN: Okay, so I'm going to take two comments from members of the public. Toni, if you're a member of the public and you want to comment on this amended motion, please raise your hand.

MS. KERNS: I have Mike Waine.

CHAIR BORDEN: Okay, so Mike Waine, you've got the last word.

MR. WAINE: Thank you, Mr. Chairman, Mike Waine, ASA. This is actually a question; you can decide whether it's in order or not. I'm just curious, like what happens, this is just a hypothetical, what happens if the next benchmark assessment gives us spatially explicit reference points, and that significantly changes where we are now.

Does that impact the rebuilding timeframe? You know, for those of you that have been following this for bluefish, I've been asking the same question, so I was just looking for a little clarity. If you want to say, let's talk about this later, I'm fine with that too.

CHAIR BORDEN: Does staff want to comment on that? Any staff?

MS. KERNS: Mr. Chairman, if we get a new assessment and the Board decides they want to change the reference points, then depending on the status of the stock at reference points, then the Board would then make changes to the measure, or respond to the change in reference points. It's really hard to give an answer to that

question, Mike, because you would be essentially starting a new clock if you started to judge the fishery in a new manner, unless the Board determined otherwise.

CHAIR BORDEN: Thank you, Toni. Does anyone need a caucus on this? Any hands up?

MS. KERNS: I have Justin Davis with his hand up.

CHAIR BORDEN: Okay, so we'll take a two-minute caucus, please.

MS. TINA L. BERGER: Mr. Chairman, can the motion be read into the record at some point before the vote?

CHAIR BORDEN: Yes.

DR. DAVIS: Mr. Chairman, this is Justin Davis. I'll apologize, my hand was up from before, I was not indicating that Connecticut needs to caucus on this.

CHAIR BORDEN: Okay, let me ask the question again then, does anybody need time for a caucus? Any hands up?

MS. KERNS: No hands.

CHAIR BORDEN: Okay, so we're going to take the question, I'll read the motion into the record: Move to remove Issue 4, the rebuilding schedule from further consideration in Amendment 7, and add options for measures to protect the 2015-year class, in the development of Draft Amendment 7. That's the motion. All right, all those in favor of the motion, signify by raising your hand.

MS. KERNS: We have New York, Delaware, Rhode Island, Maine, Massachusetts, New Hampshire, Pennsylvania, Connecticut, North Carolina, Virginia, PRFC, and Maryland. I will put your hands down.

CHAIR BORDEN: Toni, lower the hands, please. All those opposed to the motion, please raise your hand.

MS. KERNS: New Jersey. I will put your hands down, I'm ready.

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CHAIR BORDEN: Okay, any abstentions? Raise your hand.

MS. KERNS: Two abstentions, NOAA Fisheries and Fish and Wildlife Service.

CHAIR BORDEN: Please put down the hands, any null votes?

MS. KERNS: No null votes.

CHAIR BORDEN: Okay, Maya, the final count, please, or Emilie.

MS. FRANKE: Mr. Chair, this is Emilie, I have 12 in favor, 1 opposed, and 2 abstentions.

**CHAIR BORDEN: No null votes, so the vote is 12 in favor, 1 no vote, 2 abstentions, 0 null votes, the motion carries.** Bob Beal, we are up to five o'clock. Would you like to provide some guidance on the issue of continuing, and it could be, continue for a while, for a time certain, or schedule another meeting? We still have a number of issues to go through.

EXECUTIVE DIRECTOR BEAL: Yes, I suggest we keep going. I know it's getting late, and it's a bit painful, but you know we're on Issue 4 out of basically 10, but the public is here. There are, I don't know last time I checked a couple hundred people on the line. You know, I think we owe it to the public to keep working through this.

I know it's painful, maybe we do another check in in an hour or so, and see how people are doing. I know we have had Board meetings where fatigue has caused some decisions that were rushed through, and we don't want to get to that point. But I think we can keep going. If people need a little bit of a break right now, maybe take a five-minute break, but I think we should probably keep pushing through as best we can.

CHAIR BORDEN: Okay, so the Board has heard the guidance, thank you very much for that. I believe, Toni, correct this if this is wrong. We've got Chris Batsavage who wants to make a motion, is that correct?

MS. KERNS: I believe that that was the next person on the list, yes.

CHAIR BORDEN: Then Tom Fote is next after that, so Chris, you're up.

MR. BATSAVAGE: Sorry, Mr. Chair, my hand went up by mistake, but I am not prepared to make a motion.

CHAIR BORDEN: Okay, thank you very much, Tom Fote.

MR. FOTE: Neither am I. My hand was down for something else.

MS. KERNS: Okay, then we'll take the next set of hands for motions. I had John McMurray and John Clark and Ritchie White.

CHAIR BORDEN: All right, John McMurray.

**MR. McMURRAY: I move that Issue 5, regional management, be removed from further consideration in Draft Amendment 7.** When the Chair is ready, I'll provide rationale if you would like me to.

CHAIR BORDEN: I'll come back to you. Do we have a second?

MS. KERNS: Mike Armstrong.

CHAIR BORDEN: Somebody has an open microphone; I'm getting some back feed. It's a motion by Mr. McMurray, seconded by Mr. Armstrong. All right, John, do you want to comment on the motion, and then I'll go to Mike.

MR. McMURRAY: Yes, thank you, Mr. Chairman. The science to develop a regional management model isn't there. A model was rejected by a peer review panel at the 66th Stock Assessment Workshop, and no other model has passed peer review that I'm aware of.

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Absent that, you know what are we going to use to inform separate regional management programs? I think it would be premature at this point. There is also the issue of practicality. Striped bass that spawn in the Chesapeake Bay, Delaware/Hudson, they all mix along the coast. As far as I'm aware, there is no practical way for an angler or a commercial fisherman to distinguish among them.

Plus, stock measures could really only be applied within the estuary where the fish originate, and even then, reference points specific to say, the Chesapeake Bay, which produces 80 percent of the coastal stock. You know it's questionable whether they are appropriate if they don't account for the impacts and the needs of those fish, once they exit the Bay and begin to migrate along the coast.

CHAIR BORDEN: All right, thanks, John. Mike Armstrong, do you want to comment as the seconder?

MR. ARMSTRONG: Very briefly, I think John covered it. We don't have the analytical skills and the data to manage like that yet. I don't know if it's appropriate for this Amendment at some point to call for moving forward with the two-stock model, which will be a lot of generating new data. But I'm not proposing that, but I do support taking this up now.

CHAIR BORDEN: All right, so let me reverse the order on how I count on the votes. Instead of going in favor and opposed, anyone opposed to this motion? If you're opposed to it, please raise your hand.

MS. KERNS: I see no hands raised right now for opposed.

CHAIR BORDEN: That was exactly the reason I reversed it, is because this motion is consistent with kind of the consensus comment when we went around to the different jurisdictions. Is there anyone on the support side that would

like to speak at this point? If not, I'm going to ask whether or not there is any objection to approving this by consensus. Anyone that wants to speak in favor of it can speak in favor of it, otherwise I'm going to ask the question of the Board.

MS. KERNS: You have Mike Luisi is the only one.

CHAIR BORDEN: Mike Luisi, you're up.

MR. LUISI: No, as I'm just looking at this, Mr. Chairman. I do apologize. I am opposed to removing this issue, so I should have put my hand up earlier. I think that the regional management of this fishery is something that we have abdicated for, for years since Addendum IV.

We, not just we in Maryland, but Virginia, Potomac River, Delaware, New York in the Hudson. I think this is an important consideration. I'm sorry I had my hand up at the wrong time, but I certainly do not support removing Issue 5 from this Addendum, and I'm strongly going to advocate for keeping it in.

CHAIR BORDEN: Okay, so does anyone on the Board want to speak in favor of this motion? If you do, raise your hand.

MS. KERNS: I have Dave Sikorski.

CHAIR BORDEN: Is that the only one on the list?

MS. KERNS: I don't have any other hands raised.

CHAIR BORDEN: Okay, so David, you get the last say on this. I am going to go to the public, as I've done before. David.

MR. SIKORSKI: Yes, I just wanted to state for the record that I generally support this motion, but I also respect Mr. Luisi's concerns, given Maryland's long focus on trying to return to some better regional management and some consistency there. I think where we are is we're waiting on science and the multi-stock model, or two-stock model to help guide this action. Personally, I think we're at a point now where we can remove this, but I would love some



clarity on when we might be able to revisit, assuming that this motion was to pass.

CHAIR BORDEN: David, I think the answer to that is you can revisit this at any point we're going to take a management action. You could basically reinsert it into any subsequent action. If it's proposed as an amendment, and Toni can correct this, we probably would have to do that as part of an amendment, unless we can framework it, or use adaptive management. Toni.

MR. SIKORSKI: Thank you, Sir.

MS. KERNS: Thank you, David. If it is the intent of the Board to want to take this up later on, we can make sure that it's something that can be addressed through the adaptive management section.

CHAIR BORDEN: Okay, thank you, Toni. If you could lower all the hands. Anyone in the public that wants to comment on this? I'm going to take a couple of points, you'll be limited to one minute, and then I'm going to call the question. We'll take a two-minute caucus at the end of this. Any hands up, Toni?

MS. KERNS: I just have one hand, and that is Julie Evans.

CHAIR BORDEN: Julie, you're up.

MS. JULIE EVANS: I'm kind of new to this forum, but I'm not new to striped bass. I just hope that everybody keeps in mind that we all have, up and down this coast, a potential for offshore wind turbines and that industry, to have an effect on all our migratory species, especially the striped bass. I haven't heard anywhere where this is being taken into consideration. I am the voice of the East Hampton Town Fisheries Advisory Committee, and I'm hoping that everyone looks to their waters and what is coming to populate them besides fish, thank you.

CHAIR BORDEN: Thank you, Julie, so back to the Board. We're going to take a two-minute caucus break. Maya, if you could run the clock, please. All right, we're going to reconvene. Is everyone ready for the motion? Toni, are you ready?

MR. LUISI: David, can I ask a quick question, before you call the question?

CHAIR BORDEN: Go ahead, you can ask a question, but the debate is over.

MR. LUISI: The debate is over, you said?

CHAIR BORDEN: Yes. But if you want to ask a clarifying question, go ahead.

MR. LUISI: I'm not arguing whether to support or not support the motion. I just want to make sure. The regional management has been very important for the Chesapeake Bay, especially in Maryland, and I heard Toni talk about the adaptive management response that we could do. I just want to be clear.

I mean I'm okay with taking this out, I mean I just talked with my Commissioners, and we're okay with removing it from this process, because it's not ready for primetime at this point. But I want to know how do we get it back in without doing another amendment? Is it an addendum process, or how do we get regional management considered again? Just so I can speak to my stakeholders on that.

MS. KERNS: David, do you want me to answer that?

CHAIR BORDEN: Toni.

MS. KERNS: Mike, what we're hearing from folks on some of these issues is that there are some things that they'll want to take on, once we have more information, or following the end of this document. We can ensure that those measures have the option to do it through an addendum, and we'll adjust the adaptive management sections accordingly, and then the Board can make that choice of whether or not they want to do it through an addendum, or an amendment. But it will be the Board's choice.

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MR. LUISI: Okay, and so does that need to be clarified in this type of motion?

CHAIR BORDEN: No, I don't think so. The record is clear.

MR. LUISI: Okay. Well, you know down the road we'll hold the Board to the record, and yes, I appreciate that. Thank you, Mr. Chairman for giving me that opportunity to just ask that question. Maryland is going to support this, thank you.

CHAIR BORDEN: Okay, so all those in favor, please raise your hand.

MS. KERNS: Mr. Chairman, could you just ask if anybody is in opposition? It looks like to me everybody is in favor.

CHAIR BORDEN: Well, I actually tried to do that before. Anyone have an objection to approving this motion by consensus? Any hands up?

MS. KERNS: I have one hand, I have Virginia.

**CHAIR BORDEN: Okay, so motion is approved by consensus, and I note that the Commonwealth of Virginia is in opposition to it.**

MR. GEER: Excuse me, I'm not in opposition, I lowered my hand.

CHAIR BORDEN: Okay. Motion stands approved by consensus. Toni, who do we have next? We've got Ritchie White; I think next on the list.

MS. KERNS: That is correct.

CHAIR BORDEN: Okay Ritchie, you're up.

MR. WHITE: I don't have the number, if you put the issues up, I can do it by number. **The conservation equivalency, so Issue number 6, I make a motion to include that in the document. If it passes, then I have some options for the PDT, thank you.**

CHAIR BORDEN: My question, Ritchie, is do you want to include the options as part of the motion, or do you want to keep this clean, and just deal with it as the way you proposed it?

MR. WHITE: I would rather keep it clean and have it in the document, then if the options need a vote or not, then we could deal with that if this is still in the document.

MS. KERNS: I have a second.

CHAIR BORDEN: Okay, so we have a motion by Mr. White, is there a second?

MS. KERNS: Megan Ware.

CHAIR BORDEN: Megan Ware, so Ritchie, do you want to speak to the motion, and then Megan is up.

MR. WHITE: Sure. I think this issue the public was the most clear on. The public is extremely upset with the way conservation equivalency is presently working, and it really needs to have some changes to it. That is the justification, thank you.

CHAIR BORDEN: Megan, you're up.

MS. WARE: Yes, I'll just note Maine is a state which has used conservation equivalency in the past. But I think kind of reflecting on the experience we had with the last addendum, and what I saw in the public comment. This is a measure that is certainly contributing to lowering public confidence in the management process. I think it is impacting some of the outcomes of our management actions, so I do support including this option, continuing discussion, and thinking about how we can maybe put some bounds on it, thank you.

CHAIR BORDEN: All right, so back on the pros and cons. Does anyone want to speak in favor of it? If you do, raise your hand.

MS. KERNS: For in favor, the first three names that I saw were Jason McNamee, Justin Davis, and David Sikorski.

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CHAIR BORDEN: Okay, Jason.

DR. McNAMEE: I'll just be quick, and note my support for this. Again, I think we heard a lot of comments about conservation equivalency. It seems like in the case of striped bass it needs some additional sideboards put on it. I will suggest though that I think it should be cross walked with the existing conservation equivalency guidelines that the ASMFC already has. But other than that, I'm supportive of this, and think it will help with the way people are thinking about conservation equivalency in the case of striped bass.

CHAIR BORDEN: Justin.

DR. DAVIS: I certainly support the motion. It was apparent to me after the Addendum VI process that we have some work to do on this issue. I don't approve of removing conservation equivalency altogether from the FMP, because I think there are legitimate reasons to use it. But I certainly think we need to tighten up the guidelines around its use for the species.

I also think this kind of like thing like mode splits, this is a larger issue than just striped bass. I appreciate Jason McNamee's comments that this should be cross walked against sort of overarching Commission policy about this topic. But I just don't think we can engage in another addendum process to potentially change measures on striped bass, without fixing this issue.

CHAIR BORDEN: Let's see, I've got David Sikorski.

MR. SIKORSKI: Yes, my shortest comment of the day. I'll say ditto to Jason and Justin's comments, thank you.

CHAIR BORDEN: We've had three pros, Toni, if you would lower the hands. Anyone that wants to speak in opposition to the motion, please raise your hand.

MS. KERNS: I see no hands in opposition.

CHAIR BORDEN: No hands. Does anyone else care to speak in favor of it? Any hands up?

MS. KERNS: Dennis Abbott.

CHAIR BORDEN: Dennis.

MR. ABBOTT: I probably don't have to say anything at this point, because I think that there has been a shift in how we're going to deal with conservation equivalency. But this is the first item of the ten that we're dealing with, that really gets to the meat and potatoes of why we have Amendment 7 in the works, and how we got to be overfished and overfishing occurring.

A little history, in 2009 I was quoted widely that conservation equivalency, as I said was "death by 1000 cuts," and that was in 2009. There was some reaction to that, positive reaction to that. But we continued on our merry way. In 2012 I stated again, and I quote, "we have a canary in the mine that will probably fall off its perch pretty soon, as it deals with conservation equivalency."

At that time, we didn't take any action to limit our catch and change our regulations. In 2020, I said that the ink wasn't even dry on the latest addendum, when states had their CEs in the works. It directly showed after these CEs or conservation equivalencies were approved, that we went from a proposed 18 percent savings with a 50 percent probability of success down to 15.

In large part, I think that our application of conservation equivalency has surely been a part of how we got there. As many of you know, I'm in strong opposition of conservation equivalencies, but I think that we can probably make some substantial changes in how we accomplish conservation equivalencies, and so on and so forth. I think Ritchie White is going to explain to you some of the ways that, if we use conservation equivalency, we can do it a lot better than what we have in the past. Thank you.

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CHAIR BORDEN: Is there anybody else that wants to speak on this? Any hands up on the Board, Toni?

MS. KERNS: No hands, Mr. Chairman.

CHAIR BORDEN: Okay, any members of the public that want to speak on this? I'm going to try to move this along.

MS. KERNS: No hands, Mr. Chairman.

CHAIR BORDEN: Okay, is there any objection to approving this by consensus? Any hands up?

MS. KERNS: No hands, oh, one hand, Mr. Chairman.

CHAIR BORDEN: Which jurisdiction?

MS. KERNS: New Jersey.

**CHAIR BORDEN: Okay, so the motion is approved by consensus, and the minutes will note that the state of New Jersey was no.** All right, I've gone through my list, does anyone else care to go on the list.

MR. WHITE: Excuse me, Mr. Chair. Do you want at this point, do you want options for the PDT on conservation equivalency?

CHAIR BORDEN: I'm not sure that we need a motion, but Ritchie, it would be helpful if you or Megan would like to put some suggestions into the minutes, which the PDT could look at.

MR. WHITE: Yes, my intent on this motion was, that just not myself but other people could provide options for the PDT. But I have three. The first would be to require a conservation equivalency proposal to provide 125 percent of savings, instead of the 100 percent presently required, so that would be one.

Second would be to require conservation equivalency proposals at thresholds of success, using a 75 percent probability of success. That

would be another one. The third would be conservation equivalency will not be allowed, if stock is overfished or overfishing is occurring. Again, I'm open, the vote clearly allows other options in there, thank you.

CHAIR BORDEN: Okay so, those are suggestions. I would hope that we can avoid making those as a motion. Those would be referred to the PDT for examination. Are there any other suggestions that people would like to refer to the PDT? Megan.

MS. WARE: I think what Ritchie provided is a good start, and I would be interested also in what the PDT has to come up with, or what others have.

CHAIR BORDEN: Any other guidance from any of the Board representatives?

MS. KERNS: Mr. Chair, I have three additional other folks, and I'll just reaffirm what you said is that we'll take all the suggestions to the PDT, and then when the Board gets a take at the document, that is when they can either decide to remove issues from it or not, before it goes out for public comment. I have Mike Luisi, Pat Geer, and Joe Cimino.

CHAIR BORDEN: Okay, Mike Luisi.

MR. LUISI: I don't have any suggestions on this. I'm going to support having this in the Amendment. I think, well it's already been approved. But we're not at the point right now where we need to start adding in, you know the different ways for which these alternatives are going to be developed.

I think the PDT can take some guidance, and I look forward to working through this. Conservation equivalency is one of the things that we've used in the past here in our state, and I look forward to the conversation. But I'm not ready at this time to provide guidance, but I look forward to what the PDT has to put together, so thanks.

CHAIR BORDEN: Okay, so I've got Pat Geer and then Joe Cimino.

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MR. GEER: I agree with what Mr. Luisi said. I would also like to point out that the Commission does have a conservation equivalency policy, and after what we went through with Addendum VI, where we had somewhere in the vicinity of 43 different plans, it may warrant dusting that off and looking at it, and trying to come up with some new protocols that could be used. I'm not prepared to add anything else at this time, as far as recommendations.

CHAIR BORDEN: Joe Cimino.

MR. CIMINO: I have rarely seen an item more demonized than this. I think it's a shame. You know we all struggle with MRIP estimates, there are point estimates to talk about, you know accountability in this way, I think is a little bit misguided. It isn't for the benefit of the stock. Those states that don't take CE have time and again by Board members here said they don't need to take action.

We're moving towards a place where a state that is continually increasing their harvest, but they're the only bad player, wouldn't have to do anything, as long as they're taking the coastwide measures. On the flip end of this, we have to talk about the reality of the paper exercise that we're looking at.

Where we're pretending that 2020 measures will have the same stock conditions, the same environmental conditions, the same fishing pressure as 2017 on paper, to prove we're going to need 125 percent reduction. It's just punitive, it's not a consideration for the stock. I don't know why we keep going down this road, thank you.

CHAIR BORDEN: Anything else on this issue? If not, Toni, have we exhausted the list of people that wanted to make motions?

MS. KERNS: I have Tom Fote.

MR. CLARK: I was on the list, Mr. Chair.

CHAIR BORDEN: That's correct, I apologize, Tom, you're up for a motion.

MR. FOTE: Not for a motion.

MR. CLARK: That was me, it was John Clark.

MS. KERNS: John, we're not to the motions yet.

MR. FOTE: I was up to talk about something after listening to Joe, and that is what I wanted to discuss. The fact is, that when we put in regulations on other species, like summer flounder. We basically took the fish away from the south, this was in the early parts of the management plan, and award it to New York and New Jersey, and Massachusetts and Connecticut.

The other states didn't have to take any real cuts, we just put sizes and bag limits in that we already had, where the south took huge cuts, and actually reduced their catch, and then we set quotas based on that catch for equivalency. I mean that is one of the reasons conservation was recruited in the plan, was to make sure that didn't happen. Sometimes it's really more stable to take a reduction by putting a certain size limit, but the reduction will be 22 percent or 25 percent, while some states say, well I'm staying status quo, and their reduction is only 2 percent. Some states feel the uneven burden of not having conservation equivalency, and that was why it was put in the plan. It was basically not to penalize some states over others.

CHAIR BORDEN: John Clark, did you ask to make a motion?

MR. CLARK: I did, Mr. Chair, I'm sorry for jumping the gun there. I thought I had been in the list before. I didn't realize you were still taking comments.

CHAIR BORDEN: No, no, go ahead, John. Perfectly all right, go ahead, John, you've got the floor.

**MR. CLARK: Not a big surprise here, I would like to move to include Issue 9, coastal commercial quota allocation in the draft amendment.**

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CHAIR BORDEN: We have a motion by Mr. Clark, do we have a second?

MS. KERNS: I see no hands.

CHAIR BORDEN: Let me ask again, we have a motion by Mr. Clark, do we have a second for the motion?

MS. KERNS: Justin Davis.

CHAIR BORDEN: Seconded by Justin Davis. If you would like to speak to that.

MR. CLARK: Yes, thank you, Mr. Chair. We've brought this up many times from Delaware, that the quotas of course are based on data that is extremely old. Everybody on, well most of the Commissioners here have been through other allocation questions just recently, where we were saying that we had to reallocate, based on data that was nowhere near as old as this striped bass data.

I understand that this is a sensitive question, and I think this can be included in the Amendment, and done in simple matters, a matter of shifting from some jurisdictions to the other. We're not looking to increase the coastal quota; we just want it to be something where it is distributed more equitably. Thanks.

CHAIR BORDEN: Justin, would you like to comment?

DR. DAVIS: Sure, thank you, Mr. Chairman. That obviously touches on a larger issue that we've been dealing with a lot lately in the Commission process, which is quota allocation. I think any time any jurisdiction feels that their outdated quota allocation is disadvantaging other fishery, and they need consideration for additional opportunity. I think we all need to be receptive to that, and be willing to give it full consideration.

I do have some concerns about this, you know potentially maybe slowing down the

amendment process, given that it's something of a different animal than the other issues we're considering. But we've also voted today already to take a fair number of things out of this document. I think at this point it's fair to leave this in, continue to work on it. Maybe we'll decide at the next stop on the road that we need to split this off into its own action, but at this point I would support leaving it in. Thanks.

CHAIR BORDEN: As we've done before, anyone that wants to speak in favor of the motion, please raise your hand.

MS. KERNS: I have Dennis Abbott.

CHAIR BORDEN: All right, Dennis, you're the only yes, so you have the floor.

MR. ABBOTT: I think this is an issue of fairness. In talking to my friend, Craig Pugh from Delaware, when we were able to have face-to-face meetings. It was interesting getting what I would consider his side of the story, and as I say, what we do I don't know, but it is very fair to give this commercial quota issue a chance, or a look right at this point.

CHAIR BORDEN: All right, so that was the yesses, anyone want, hands down Toni, please.

MS. KERNS: Mr. Chair, there are two other hands that went up while Dennis was speaking for in favor, so do you want to go to those two individuals?

CHAIR BORDEN: Please.

MS. KERNS: They were Mike Luisi and Marty Gary.

CHAIR BORDEN: Mike Luisi.

MR. LUISI: I wasn't necessarily speaking in favor. While I certainly agree. We've been dealing with a lot of allocations, both at the state and federal level recently. I think Delaware needs to have their commercial fishery have a look. I just don't know that it fits in this Amendment.

I need to caucus with my other Commissioners, but I think that this is one of those pieces of what got

brought up during the public comment period and through the scoping period, where this could be one of those things that could fall into an addendum, that kind of works parallel with the Amendment, since the Amendment is going to take on a longer process. I just don't know that it fits. I talked with John Clark and others, but that is kind of where I am right now.

I think it's going to bog things down a bit, but we did remove some stuff today that I didn't necessarily approve. But it is the Board's action, and so I almost need to kind of regroup and think about what we have left on the table, and whether or not this syncs in with the actions that need to be taken. I just need to give it a little bit more thought, but I just wanted to voice my opinion on the record.

CHAIR BORDEN: I've got Marty next, please.

MR. GARY: I think Justin and Mike framed it up pretty well, Justin particularly with the rationale for including it. I think the theme here is, there are a lot of us that would like to support this, but we're struggling with how it fits in. PRFC is going to vote this up, and at the very least if it isn't successful in being integrated, then hopefully as Mike said, it could be dealt with in parallel, so we can be attentive to Delaware's concerns.

CHAIR BORDEN: All right, thank you, Marty. Anyone else before I go to the noes? Anyone wants to oppose this, please raise your hand.

MS. KERNS: Mr. Chair, the hands are very mixed now. I think people may have been confused. Is it all right if I put the hands down, and let folks put their hands back up?

CHAIR BORDEN: Please.

MS. KERNS: All right, if you want to speak against the motion, please put your hand back up. All right, that seems much cleaner. I have Joe Cimino, John McMurray, and Chris Batsavage.

CHAIR BORDEN: Joe.

MR. CIMINO: I don't want to take more time, but I want to be clear to Delaware that we are very sympathetic on this issue as well, but I'm in the same place Mike Luisi is. I just don't see how it fits. I would rather take this up as soon as we can in an addendum process later. Thank you.

CHAIR BORDEN: John McMurray.

MR. McMURRAY: Mr. Chair, I'm not opposed to doing this, but I have a question for staff, if I may. What sort of analysis and time commitment is this going to create, and how is it likely to affect the timeline?

CHAIR BORDEN: John, I just offer a personal comment. Given the fact that we probably already have too many issues included in this at this point to get it through the system in a timely basis. One of my thoughts is, at the end of this when we actually know what we've got for priorities from the Board.

We should basically ask the staff to look at it from the perspective of, which of these issues could be integrated through a different process, either a framework or adaptive management, or whatever. In other words, we're not saying we're not going to move forward with them, but we might move forward with them under a different process.

Then they could come back to us at the next meeting, and kind of answer that question. I think we would get a better sense of what is possible, and in what timeline, and by which methodology. Does that sound like a reasonable thing to ask to address your point?

MR. McMURRAY: Yes, thank you.

CHAIR BORDEN: Okay, so I've got Chris Batsavage.

MR. BATSAVAGE: I don't support including this in the Amendment for the reasons given. Allocation issues are challenging, and although this one could potentially be a little more straightforward, like some allocation issues we've done in the past. It could also get very complicated very quickly, and sometimes the commercial allocations tend to do that.

I would be concerned including it in with the other issues, especially since we've included one issue that looks at options to protect the 2015-year class. That seems to be a little more time sensitive, and I think it would be best to address this in a separate addendum, in which case I do support your looking at this, just not in this Amendment. Thanks.

CHAIRMAN BORDEN: Anyone else care to speak in favor of it or opposed? If you want to speak in favor of it raise your hand now. Any hands up, Toni?

MS. KERNS: I have Craig Pugh.

CHAIR BORDEN: You have who?

MR. KERNS: Craig.

MR. CRAIG PUGH: Thank you, David.

CHAIR BORDEN: Craig, you're up, sorry about that.

MR. PUGH: We've been looking for this movement for a long, long period of time. Delaware's allocation has been different than the rest of the coastwide allocation in its disbursement, and it's been to our degradation to our economic structure and our fisheries in the state of Delaware, which happened to be one of the points that was brought up Monday in the climate change thing, as far as fishermen and the communities, and how they are affected.

I can tell you that this degradation and this lack of recognition of our fishery, as in regards to the rest of the coast, is something that we think of every day, and how the Commission goes about responding to this issue that we've had for a number of years, I would say well over 25 at this point. I'm watching New York get reallocated eels.

I'm watching different allocations, we did menhaden, I was there for that in 2017, and we're getting ready to do it again it looks like. I kind of wondered why the state of Delaware keeps getting pushed in the corner. I know we're the little state of Delaware, but I would recognize that we go back.

Our fishermen and our communities are important to us. This issue is of great, great and vast importance in our state. As far as I'm concerned, it's our number one issue. We are recognized, or the Basin is recognized as possibly contributing up to 20 percent to the coastwide allocation. We certainly have never been recognized for that, or for whatever reasons. At any rate, our quota is rather miniscule compared to our neighbors, or maybe even our further neighbors. We do know that there is some quota out there that already exists, that is not being accessed, and has not been accessed for well over seven years.

Some sort of new distribution of that would be okay, would be fine. But at least some reaction to our plight of 25 years would be a positive for our fisheries in the state of Delaware. I'm not, if it seems to be the wish of the Board to put this in a separate addendum, we're in favor of that too. But please, please address this. This has been going on for way, way too long. We're trying to heal the wounds, not make them worse. I've got another little story, now that I have the floor.

I kind of feel like I'm on a different planet sometimes. I fished, I prosecuted the shad fishery in the mid-eighties, mainly because we didn't have striped bass, and striped bass was certainly in a moratorium during that period. I could tell you we would fish for, oh about 60 days, with about 300 yards of webbing. It ranged anywhere from 5.5 to 4-inch webbing, some down to 3.5.

During that period on those days, it would be from March through April. We would catch 6 striped bass through that two-month period. That is not the case today. Today we cannot prosecute other fisheries, because our nets fill with striped bass, and we have nowhere to go with them, as far as quota goes.



The other fisheries are kind of discounted. We've changed our gear, it's much larger now. We don't target the other species anymore, because they are kind of out of that marketplace that is in the sweeter spot. We've gotten much, much better at like dead discards, and what we catch goes to market. We're proud of that, we've worked at that really, really hard. We're looking for a little recognition here. Thank you, and I appreciate the time.

CHAIR BORDEN: Craig, thank you very much for the comments. Anyone else who wants to speak on this, please raise your hand.

MS. KERNS: I don't know if these are in favor or against any more, Mr. Chairman, but I have Eric Reid, Jim Gilmore, and Mike Luisi.

CHAIR BORDEN: Okay, and then after that I plan to ask for a couple of public comments, and then move on to call the question. Eric Reid.

MR. ERIC REID: Very quickly. I support this motion, but I would also support another mechanism that may be more timely, and faster than this Amendment. Either way, it has to be addressed. Thank you.

CHAIR BORDEN: Okay, Jim Gilmore.

MR. JAMES J. GILMORE: Just in a question. I agree this needs to be looked at. But I share the concern of others that this could slow things down tremendously. The question is, if we, and amendments typically take a long time to go. If we did this as an addendum, could that run parallel to this? Do we have to wait for the amendments to be completed before we could look at the allocation, or could we run it parallel? If we could, I think that would be a better way to address this in a more timely manner.

CHAIR BORDEN: Thanks, Jim. Toni, who was the third person you had on the list?

MS. KERNS: Mike Luisi.

CHAIR BORDEN: Mike, you already spoke once. If you want to make a quick comment, go ahead.

MR. LUISI: I wanted to make a quick comment to address. I was kind of where Jim was, and I think that this issue would be better served through an addendum, which wouldn't bog down a couple year process on an amendment. That was the question I was going to have for Toni, or Bob and staff, you know.

If we were to substitute at this point, and I would look to maybe Jim, or John to make a substitute motion, to initiate an addendum. Is that going to really tie staff up at this point, as far as trying to do two things at once? Just looking for guidance on that, because I think it is something that definitely needs to be addressed, but I don't think it belongs in this amendment, honestly. I mean that is just where I am.

CHAIR BORDEN: Just a comment from the Chair's perspective. I would prefer to actually vote on this, and see where the vote goes. I still intend to ask the staff at the end of this to go forward and look at whatever the list is we have, and figure out, number one what the workload is, whether or not they can get it done on a timely basis, and whether or not there is another way of accomplishing it.

If they do that, and if this passes it will be on the list, and it will get included in that evaluation. I would prefer not to make motions to amend. I think we should just vote it up or down, and then deal with it based on the result. Are there any members of the public that want to comment on this? If so, please raise your hand.

MS. KERNS: I don't see any hands, Mr. Chair.

CHAIR BORDEN: Okay, so I'm going to afford a two-minute caucus, then we'll come back and vote. All right, we're back in session. Toni, are we all connected?

MS. KERNS: Yes, we are, Mr. Chair.

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CHAIR BORDEN: All those in favor of the motion. Let me read the motion. Motion to include Issue 9, coastal commercial quota allocations in draft Amendment 7. Made by Mr. Clark, and seconded by Dr. Davis. All those in favor of the motion, please signify by raising your hand.

MS. KERNS: I have New York, Delaware, New Hampshire, Connecticut, Potomac River Fisheries Commission, and Maryland. I will put your hands down. I'm ready.

CHAIR BORDEN: All those opposed, raise your hand.

MS. KERNS: I have New Jersey, Rhode Island, Massachusetts, Pennsylvania, North Carolina and Virginia. I'm ready.

CHAIR BORDEN: All right, any abstentions?

MS. KERNS: I have NOAA Fisheries and Fish and Wildlife Service.

CHAIR BORDEN: Two, any null votes?

MS. KERNS: One null vote, Maine.

CHAIR BORDEN: One null vote, okay so is the count 6 to 6?

MS. KERNS: Emilie?

MS. FRANKE: That is correct, Mr. Chair, with two abstentions and one null.

CHAIR BORDEN: You were a little broken up, actually there is a siren going on in the background someplace. If the vote is 6-6-2-1, is that correct?

MS. FRANKE: Yes, that is correct.

**CHAIR BORDEN: Okay, so motion fails for lack of a majority.** Okay, I'm going to ask now, so it's part of the record that given the fact that this was basically a tie vote. I would like the

staff to examine this whole issue in the context of what I discussed earlier, basically to look at it and look at what other mechanisms are available, and then report at the next Board meeting.

I think it's only fair, given the fact that it's a tie vote. It stays out of the Amendment, so everybody is clear, it's going to stay out of the Amendment. But if there are options for moving this forward, staff will provide us guidance.

MS. KERNS: We'll do that, Mr. Chair, in consultation with John Clark, because I'll need some specifics from what the state of Delaware is looking for, in order to better inform the Board of a timeframe and mechanism.

CHAIR BORDEN: John, is that agreeable to you and your delegation?

MR. CLARK: Yes, Mr. Chair. In other words, this would be sort of the start of an addendum process, I take it, to address this issue. Toni will get with me and we'll look at how we can get this moving at the next meeting, I hope. Thanks.

CHAIR BORDEN: Yes. The only thing I would comment, John. This does not commit the Board to an addendum. All I want is the two staffs to collaborate on it, and figure out what needs to get done, what the staff work is, and what an expeditious process is. Then the Board will decide at the next meeting whether it moves forward, and if so, how. Is that all right?

MR. CLARK: Okay, that will work. Sure.

CHAIR BORDEN: Okay, so Toni, do we have anyone else on the list for motions?

MS. KERNS: I have two hands that are up, and can we open it up to anybody else that has a motion? Because I don't know if some people's motions have gone, since we have taken care of some things. On the list I have John McMurray and then Justin Davis.

CHAIR BORDEN: All right, John.

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.

MR. McMURRAY: We haven't touched on Issue 3, management triggers, and there seemed to be a lot of public concern regarding the last trigger, that deals with JAIs. **I have a motion. I would move to task the TC with developing options for a more effective standard for a recruitment-based trigger, using juvenile abundance indices.**

MS. DRZEWICKI: Can you just repeat the last part of that motion, please?

MR. McMURRAY: Yes. Developing more effective standard for a recruitment-based trigger, using the juvenile abundance indices.

CHAIR BORDEN: Okay, so we've got a motion by John McMurray. Is there a second?

MS. KERNS: I have Roy Miller.

CHAIR BORDEN: Seconded by Roy Miller. John, you want to speak to this?

MR. McMURRAY: Sure, thank you, Mr. Chairman. Management trigger 5 defines recruitment failure as three consecutive years when the juvenile abundance indices fall below 75 percent of all values in the time series. That has only occurred once in the entire 63-year history of the Maryland JAI, and that was in 1985, after Amendment 3 had been adopted, and the rebuilding plan was in place.

It hasn't been tripped, despite the poor recruitment we've been seeing in recent years, which has certainly contributed to the current state of the stock. Management Trigger 5 needs to be revised to render it more effective. I also think it should probably compel rather than suggest that the management board take action to address recruitment.

I think that the Board should really consider revising that management trigger, maybe do a three-year rolling average or by revising the description of recruitment failure. You know the precise form of that revision should be left

up to the TC, but it is definitely a concern we heard from the public during the public hearing process. Thanks.

CHAIR BORDEN: All right, Roy, do you want to comment?

MR. MILLER: I would just add to what John said, that it also may merit looking at the one-year-old index, as well as the juvenile index, in case there is an extraordinary mortality event, or something of that nature. I just think this whole issue of our juvenile abundance trigger needs another look. Thank you.

CHAIR BORDEN: All right, so we've got a valid motion on the table. Does anyone want to speak in favor, if you do raise your hand, please?

MS. KERNS: Mr. Chairman, I have Justin Davis.

CHAIR BORDEN: Justin, you're up.

DR. DAVIS: I'll start by saying, I do support this motion. But I've got a question for the maker of the motion. It seems like implicit in this motion is that we're leaving Issue 3 in Amendment 7, the management trigger issue. Is the intent here that we would only be going forward, taking a look at the recruitment-based trigger, and not potentially taking a look at the other triggers within the FMP?

CHAIR BORDEN: John.

MR. McMURRAY: Well, the intent was that we would only look at the JAI or Trigger 5. If you want to add, or make a friendly amendment to make that specific, I would certainly accept it.

CHAIR BORDEN: Justin, do you want me to come back to you?

DR. DAVIS: I guess I would ask; would it be appropriate to deal with this motion, vote it up or down, and then potentially entertain motions relative to the other triggers that are included under Issue 3, or would you rather just sort of deal with it all now?

CHAIR BORDEN: Well, if you have a suggestion, so we can make it comprehensive, so we don't have to have

multiple motions. I think it will actually speed things up. Suggest to John that the motion be perfected, John and Roy, that it be perfected in the following manner. Justin, if you want a minute to think about that, I'll take some people on the other side.

DR. DAVIS: Sure, that sounds like a plan. Thank you, Mr. Chairman.

CHAIR BORDEN: Okay, so on the no side, obviously Justin is going to work on a variant of this. Who would like to speak in opposition? If you're in opposition, please raise your hand.

MS. KERNS: Mike Luisi, are you in opposition, or were you in favor?

CHAIR BORDEN: I already asked for the people in favor, and the only hand that went up was Justin.

MR. LUISI: Mr. Chairman, I'm in favor of including this. But I don't know that we need to get into the specifics of the triggers. I think, like we have done with the other issues, we should just include it, and let the Plan Development Team working with staff, and working with the Board, develop it over time, rather than getting into the details of each one of the triggers. The way we've been working today has been more, you know it's been a little bit more high level, and so I think that is where we need to be.

CHAIR BORDEN: Thanks, Mike. Somebody has an open microphone, because I'm hearing discussions. Anyone in opposition to this who would like to speak?

MS. KERNS: I have Tom Fote.

CHAIR BORDEN: Tom Fote, you're up.

MR. FOTE: I'm in opposition to breaking it out. We should just move the whole thing and include it into the document, not just the recruitment-based triggers. Until we basically put everything together, I'm not supporting it.

MR. McMURRAY: Mr. Chair, can I take a crack at perfecting the motion?

CHAIR BORDEN: Actually, John, before you do that let me see if Justin wants to verbalize his thoughts, and then I'll come directly back to you. Justin.

DR. DAVIS: I think I would rather defer to John, and give him first crack, if he wants to try to clarify the motion.

CHAIR BORDEN: Okay, so John, you're up.

MR. McMURRAY: I would move that female SSB and fishing mortality triggers, and rebuilding schedules be removed from consideration for draft Amendment 7, and to task the TC with developing options for a more effective standard for a recruitment-based trigger, using the juvenile abundance indices.

CHAIR BORDEN: This would be a substitute motion, perfected motion. John, is that what you're suggesting, because I've got to get Roy Miller's permission?

MR. McMURRAY: If that is the easiest way to do it, yes.

CHAIR BORDEN: Roy, is it agreeable to you to perfect this motion?

MR. MILLER: Yes.

CHAIR BORDEN: Okay, so John, if you could repeat that slowly, staff will take this motion off and then you can put up the revised motion on the board.

MR. McMURRAY: **Okay, move that the female SSB and fishing mortality triggers, and rebuilding schedules, be removed from consideration for draft Amendment 7, and to task the TC with developing options for a more effective standard for a recruitment-based trigger using the juvenile abundance indices.**

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MS. KERNS: John, just a point of clarification. We already removed the rebuilding schedule from the Amendment, if I am correct. Emily, right?

MS. FRANKE: That is correct.

MS. KERNS: I don't think we need that in the motion.

MR. McMURRAY: Okay, so let's go ahead and delete that then.

MS. KERNS: My other question to you, John, while you are still perfecting. Are you trying to only be able to look at the recruitment-based triggers with a juvenile abundance index, or is that one of maybe two or three ways that you could get them?

MR. McMURRAY: No, the intent is to only look at Trigger 5.

MS. KERNS: Okay, but could they look at that trigger with something other than a juvenile abundance index? I don't know what it would be, but I'm just putting it out there.

MR. McMURRAY: I think leaving that option open for the TC would be a good idea, yes. Why don't we delete using the juvenile abundance indices?

MS. KERNS: Okay, and we know, through this record will know that that is one of the things that we want to look at.

MR. McMURRAY: Mr. Chair, would you like me to read that again into the record?

CHAIR BORDEN: Please.

**MR. McMURRAY: Move that the female SSB and fishing mortality triggers be removed from consideration for draft Amendment 7, and to task the TC with developing options for a more effective standard for a recruitment-based trigger.**

CHAIR BORDEN: That's a motion by Mr. McMurray, and as I understand it, it is still seconded by Mr. Miller. Roy, is that correct?

MR. MILLER: That is correct.

CHAIR BORDEN: Okay, so we have a motion. Discussion pros on the motion. Does anyone want to speak in favor of the motion? Toni?

MS. KERNS: I see no hands up currently.

CHAIR BORDEN: Okay, anyone want to speak opposed to the motion, raise your hand.

MS. KERNS: I see two hands, nope three hands. Mike Luisi, Tom Fote, and Max Appelman.

CHAIR BORDEN: Mike Luisi.

MR. LUISI: While I appreciate the interest of considering what we do with the triggers. What I don't like at this point is that we're being specific about which elements of the triggers of Amendment 6 are being considered for change. I think we went through a process over the summer this year.

We had a working group that spoke about the challenges that the triggers present regarding timing for management change, and for incorporation of new science into those triggers. I am completely comfortable with exploring how the triggers set themselves forward, you know I'm completely fine with how the triggers are evaluated.

But singling out just the recruitment trigger, and leaving everything else alone is not something I can support. I think the entire trigger mechanism needs to be reevaluated. Honestly, I'm just going to say it. You know over the last few hours we have cut and diced up this Amendment to the point where, you know we took a lot of really important things out of it.

I'm frustrated, but if triggers are something that we can still focus on, because triggers are going to be what dictate our management actions. I think this needs to be evaluated holistically, and not just one of

the many triggers that we have, and I'm not going to support this motion. But I do support maintaining the trigger portion of this Amendment in the Amendment, so thank you.

CHAIR BORDEN: Tom Fote.

MR. FOTE: I support what Mike just said. I'll keep it short.

CHAIR BORDEN: Okay, thanks for being brief, Tom. Max.

MR. APPELMAN: Yes, I agree with Mike, and I agree with the sentiment about the recruitment trigger for sure. But I think all five of these triggers need a fair scrub. They worked very well for most of the time under Amendment 6. But given the last two assessment cycles, I think it's pretty clear that they could benefit from an update that aligns more with the realities of what we're seeing, a highly variable F.

These triggers are based on point estimates, and I don't think it's going to fare well for the Board, and the public, and the stakeholders moving forward with each iteration of the assessment. I'm hoping that all of the management triggers get a fair scrub in Amendment 7.

CHAIR BORDEN: Let me ask one more time, because we only had, I think either no one or one person spoke in favor. Anybody that wants to speak in favor at this point, raise your hand.

MS. KERNS: You have John McMurray, the maker of the motion with his hand up.

CHAIR BORDEN: John, you've had two bites of the apple, so please be quick.

MR. McMURRAY: Very quickly, just to be clear. The public was very, very clear that it wants to maintain all of these triggers, and to take them out of the document, except for the fifth trigger. That's why I tried to just address that trigger. Thanks.

CHAIR BORDEN: Okay, so are we ready for a vote on this? Are there any members of the public that want to comment on it, and if so, raise your hand at this point?

MS. KERNS: Mr. Chair, I don't have a member of the public, but Mike Luisi has his hand up.

CHAIR BORDEN: Mike.

MR. LUISI: I don't know if this is the appropriate time, but I think following the procedure that we've used over the last, I don't know, four hours now. I would be inclined to make a motion to substitute, and staff might have to help me here on what alternative this is. But I would be inclined to make a motion to, just to reconsider triggers in this Amendment.

Let staff work on things, and talk with industry and with management, and the PDT, and come up with different approaches for how these triggers could be more well integrated, based on the timing, and the issues that came up during our working group sessions, where there were a number of things that were considered to be problematic.

I don't know if you could help me out with a motion, I would be inclined to make that motion to include this trigger alternative in the plan, not just for the recruitment-based triggers, but for all the triggers to be reconsidered. If you're willing to accept that as a motion to substitute. Yes, I guess it's not an amendment but a motion to substitute.

CHAIR BORDEN: You're entirely within your rights to make a substitute or motion to amend. But you've got to be specific on the language.

**MR. LUISI: How about I do that? Yes, I can be specific. Motion to substitute, to keep management triggers in Amendment 7 for analysis and consideration by the Board.**

CHAIR BORDEN: All right, we have a motion to substitute. Is there a second by Mr. Luisi?

MS. KERNS: I have Mike Armstrong.

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CHAIR BORDEN: Mike Armstrong. Okay, so Mike Luisi has already spoken to it. Mike Armstrong, do you want to speak to it?

MR. ARMSTRONG: Yes. I don't have a lot to add. I was part of the Working Group, and we did look at all these triggers. They are a little bit problematic, and I think they could be tweaked to be more effective, and keep us from chasing our tail a little bit too much, without getting rid of their effectiveness.

CHAIR BORDEN: All right, so you've heard from the maker of the motion and the seconder. Anyone want to speak in favor of this motion? If you do so, please raise your hand.

MS. KERNS: I see one hand, Max Appelman, oh two, Justin Davis.

CHAIR BORDEN: Okay, Max and then Justin and then I'll go to the noes.

MR. APPELMAN: I definitely support this motion. I'll just add that I don't think this is going to add, it's not a very analytical topic in my mind, to let the PDT go to the drawing board, do some retrospective analysis maybe. But I don't see this really slowing down progress on Amendment 7, so I support the motion, and I do hope that this passes.

CHAIR BORDEN: All right, Justin Davis.

DR. DAVIS: I'm really torn on this, but I think I am going to support the substitute motion. I agreed with John McMurray, that I think the priority should be taking a look at that recruitment-based trigger. But I think it's fair at this point to keep this issue in as a whole, and take a look at these management triggers.

I don't want anyone to construe that with sort of an attitude that we ought to relax these triggers, and make it easier for the Board to avoid a management response when the stock is overfished, or goes into overfishing. If

anything, we could take a look at these triggers and find ways to make them more strict, or find ways to make them more effective at spurring the Board into action. I do think it's really important to have effective triggers.

I guess I'm not ready at this point to remove the entire issue, other than the recruitment-based trigger from the document. I would like to see some more consideration and some more analysis. But I will be, down the road, looking at it through that lens of ensuring that we have effective triggers in place that will sort of hold the Board's feet to the fire, and make us take effective management action when the stock is overfished or in overfishing. Thanks.

CHAIR BORDEN: If someone would like to speak in opposition to the motion, please raise your hand at this point.

MS. KERNS: I don't have any hands up.

CHAIR BORDEN: Okay, let me just ask, we've done the pros and cons. Are there any members of the public that want to speak on this?

MS. KERNS: Just giving a moment. I see no hands.

CHAIR BORDEN: Okay, so does the Board want to caucus on this? One minute caucus?

MS. KERNS: I see a hand for a caucus.

CHAIR BORDEN: Okay, so we'll have a one-minute caucus.

MS. KERNS: Mr. Chairman, at the end if we do indeed keep all of the management triggers in, I can clear what the Board is looking for, for the Trigger 5. But I think we'll need some guidance for the PDT for these other triggers on what types of changes or options you may be looking for. We would be looking for that afterwards.

CHAIR BORDEN: All right, so are you ready for the question? Given the lack of no votes on this. Could I see a show of hands of individuals that are opposed to it?

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MS. KERNS: I have two hands, North Carolina and New York.

CHAIR BORDEN: We better vote on it, we've got more than one. All those in favor of the motion to substitute, please signify by raising your hand.

MS. KERNS: I'll read that list. Delaware, U.S. Fish and Wildlife Service, New Jersey, Rhode Island, Maine, NOAA Fisheries, Massachusetts, New Hampshire, Pennsylvania, Connecticut, Virginia, Potomac River Fisheries Commission, and Maryland. I'll put the hands down, and I'm ready.

CHAIR BORDEN: All those opposed.

MS. KERNS: New York and North Carolina. I'm ready.

CHAIR BORDEN: Any abstentions?

MS. KERNS: No abstentions.

CHAIR BORDEN: Any null votes?

MS. KERNS: No null votes.

**CHAIR BORDEN: Okay, so the motion passes.** What I have is 13-2-0-0, is that correct?

MS. FRANKE: Yes, that is correct, Mr. Chair.

CHAIR BORDEN: Okay, so motion passes. What other issues do we need to deal with?

MS. FRANKE: Mr. Chair, this is Emilie. The only issue the Board has no addressed so far is Issue Number 8, recreational accountability.

CHAIR BORDEN: Okay, let's deal with that issue.

MS. BERGER: Mr. Chairman, I believe you need to vote on the main motion.

CHAIR BORDEN: Oh, excuse me. Thank you very much for pointing that out. **Now we have**

**a main motion has been substituted.** Given the vote, is there any objection to approving it by consensus? Does anyone object?

MS. KERNS: I see no hands.

**CHAIR BORDEN: No hands, motion stands approved by consensus.** Thank you very much for pointing that out. Okay, so as was noted, we have one more issue to deal with, recreational accountability. Does someone care to make a motion on it?

MS. KERNS: You have Mike Armstrong.

CHAIR BORDEN: Mike, you're up.

**MR. ARMSTRONG: Thank you. Motion to remove Item 8, recreational accountability from further consideration in Amendment 7.**

MS. KERNS: Ritchie White is your seconder.

CHAIR BORDEN: We have a motion by Mr. Armstrong, second by Ritchie White. Discussion on the motion. If you're in favor of the motion, raise your hand and I'll call on you.

MR. ARMSTRONG: Mr. Chair, could I speak first?

CHAIR BORDEN: Yes, I'm just trying to move this on. Go ahead, Mike, and then I'll call on Ritchie.

MR. ARMSTRONG: The concept of accountability, of course everyone embraces it. But with using MRIP data, it is a fool's errand to try and use hard quota type system with recreational fishery. The data moves around because of randomness, because of weather, because of movement of fish, and it has nothing to do with a good-faith effort to put in a rule to control things. I think we've seen accountability is a big mess in fluke and other fisheries. I oppose it.

CHAIR BORDEN: Ritchie.

MR WHITE: Mike said it all, thanks.

CHAIR BORDEN: All right, so anyone that wants to speak in favor of the motion, please raise your hand and I'll call on you.

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.



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MS. KERNS: I have Dave Sikorski, Jason McNamee, and Mike Luisi.

CHAIR BORDEN: Okay, so David.

MR. SIKORSKI: You know I support this motion, because this term has gotten this issue all wrong, recreational angler accountability causes certain assumptions out there as the public discusses this. I think what we're trying to do here is better account for recreational catch. The previous speakers, you know had some really important points on that.

I just want to flag the concept that all of us as member states that all have recreational fisheries, really have a responsibility to focus on what we can do on a local level, maybe addressing certain low hanging fruit, if you will. You know, for example in Maryland, our for-hire fishery is accepting some electronic reporting, which helps in accountability in the recreational sector, and it's a great example of steps they've taken in the last year.

We know that the private recreational angler is willing to do what it takes to better manage this fish. This fishery and all fisheries, but we just have to develop some tools, and it's going to take a lot of hard work and funding. Frankly, I think climate change focus is a fresh new way to maybe look at some of this, and really try and find the balance between using this resource and protecting it when necessary. Thank you.

CHAIR BORDEN: Jason.

DR. McNAMEE: Thank you, Mr. Chair, very much support everything that has been said so far. I also just wanted to note. I think a lot of this discussion got conflated with the conservation equivalency discussion, just from my perception of the discussion during the public hearings. But it's not that I'm against accountability. I think accountability is great. It's just I don't think we have the tools available to do that in a meaningful way in the

recreational fishery at this point. I am supportive of this motion. Thank you.

CHAIR BORDEN: Mike Luisi, I think.

MR. LUISI: Yes, I'll support. Real quick, I'll echo what the other speakers said. Dave Sikorski spoke to the issue that I was going to bring up, so Maryland is going to support this. Thank you.

CHAIR BORDEN: All right, thank you, if someone would like to speak in opposition to the motion, please raise your hand.

MS. KERNS: I have two hands, Joe Cimino and Jim Gilmore.

CHAIR BORDEN: Could you repeat the first one, Toni?

MS. KERNS: I have Joe Cimino and Jim Gilmore, as well as Eric Reid.

CHAIR BORDEN: Okay, so Joe Cimino, you're up.

MR. CIMINO: I have concerns with this issue on both sides. It's amazing to me that some of the same people that feel the data aren't useable for this, are the same ones that say that folks that try and use conservation equivalency should be held accountable to this same exact data. But there are some challenges here, and I do not think that the recreational fishing community should necessarily be held accountable to (faded out) but I wouldn't entirely be opposed to exploring this more. That's not to say that I'm speaking for all of New Jersey here.

CHAIR BORDEN: Jim Gilmore.

MR. GILMORE: Actually, I'm not in opposition to the motion, but I'll follow along with what Joe just said. You know we can't do this because of the information, the data we have to track it. But does that not mean it is not a significant problem. In the last two weeks since the season opened, I've gotten, I won't go into the details, but two blatant disregards by recreational fishermen for any of the rules we have.

Again, that may be related to COVID, and I think that is exactly the excuse we have. But I think we need to

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continue discussing how we're going to get some accountability, despite the fact that we don't have a good system now. But I will support the motion, because I think at least it's as Mike said, a fool's errand at this point. Thank you.

CHAIR BORDEN: Eric Reid.

MR. REID: Well, if this is a fool's errand, I guess that makes me a fool. That's the first point I guess I should make. I recognize the magnitude of this topic. This is a giant effort to rebuild striped bass, and in my mind turning a blind eye to accountability is really counterproductive. The main component of this fishery is an open-access fishery.

If you look at MRIP effort data from 2015 to 2020, and you plug in almost all modes, all oceans, it shows that effort from 2019 pre-COVID to 2020 during COVID was up 8 percent. It also shows that it was up 17 percent over the entire time series, and actually three or four states had the highest effort on striped bass in the time series. It's a runaway train, equity in this fishery is a whole, meaning both open access and the limited access portions beg for accountability.

Earlier today, I think it was about 12 hours ago, a joint action effort that we probably all know about with the Mid-Atlantic and the Commission, a recreational reform initiative was mentioned as maybe being something that could deal with this. But in my opinion, it will not have a direct impact or bearing on striped bass, which is solely managed by the Commission. For these reasons, this fool opposes this motion. Thank you.

CHAIR BORDEN: All right, so let me go back and ask one more time, anybody want to speak in favor?

MS. KERNS: I have Pat Geer's hand up, I don't know if it's in favor or against.

MR. GEER: It's against.

CHAIR BORDEN: We'll let you go whichever direction you want to go in.

MR. GEER: All right, I appreciate that. I mean I completely understand the concerns with, you know the data isn't quite there and we're concerned, you know the fool's errand and things like that. But we don't have any accountability in our recreational fishery for striped bass. We're saying the MRIP data isn't good enough.

Well, in Virginia, with our cobia fishery, which our PSEs are a lot worse than they are for striped bass. We just recently had to take a 41 percent cut in our harvest, because of the MRIP numbers, because of an accountability measure that is in that plan. I'm kind of concerned about not having any recreational accountability at all. I understand the concerns with trying to have something, but we need to really start looking at this more carefully. If we're going to allow conservation equivalency, there has got to be some accountability for those plans.

CHAIR BORDEN: Thanks, Pat, anyone else want to speak on this? Any hands up, Toni?

MS. KERNS: You have Emerson Hasbrouck, Mike Luisi, and Eric Reid put his hand back up.

CHAIR BORDEN: I'm only going to call on people once, so give me the list again, please. Mike Luisi already spoke.

MS. KERNS: The only person that has not spoken is Emerson.

CHAIR BORDEN: Okay, so Emerson, you're the last speaker.

MR. EMERSON C. HASBROUCK: When you call the question, we're going to need time to caucus here, because I'm opposed to this motion. We really need to start a discussion about accountability in the recreational fishery. You know, there was some discussion a few hours ago about how, you know we set standards to reduce fishing mortality, and then we

don't meet those targets, and then there is no accountability for that.

If we're going to go forward, and if we're going to rebuild this resource, and if we're going to rebuild it in a timely manner, recreational accountability has to be part of this. I think some people are confusing accountability with accounting. Those are two different things. But we need to have accountability here. If we're going to establish some targets, in terms of how we're going to build this resource, and if we don't meet them then what are we going to do? Accountability gives us the ability to do something about that. Thank you.

CHAIR BORDEN: Toni, are there any members of the public that want to speak to this?

MS. KERNS: Give me a second to have hands up. I see Patrick Paquette and Mike Waine.

CHAIR BORDEN: Okay, so Patrick, you're up. If you would limit your comment to a minute, please, and then Mike Waine is next.

MR. PAQUETTE: Thank you, Mr. Chairman, Patrick Paquette from Massachusetts Striped Bass Association. The subject is a valid subject, but it should be dealt with at the Policy Board level at the ASMFC, so that there is a comprehensive policy regarding how to approach this subject. From a personal point of view, anglers in the northeast absolutely begged the ASMFC not to go to 2 fish.

Anglers in the northeast absolutely begged the ASMFC to react as we saw the first 7 out of 10 years of decline in juvenile recruitment. The ASMFC continued to let more catch 'em all and kill 'em all states. We would love to not pay the consequences for overfishing in other states in Massachusetts, where we've been begging, begging for conservation, more restriction on striped bass harvest up and down the coast. If we're going to talk about recreational accountability, get ready for a state-by-state discussion, because we're quite

frankly tired of greedy states, putting us in positions that are ruining our fisheries.

CHIAR BORDEN: Thank you, Patrick. Mike Waine.

MR. WAINE: Thank you, Mr. Chairman, Mike Waine with ASA. I feel like we've tried to address this at the federal level, through the Rec Management Reform. You know the anglers are accountable to the management measures. You all set the size limits, the bag limits and the seasons, and the anglers go out and follow that. If those measures miss the mark, in terms of what is supposed to be achieved, the accountability is on the managers.

I would echo the comments that have been made, like the data do not support, the MRIP data do not support point estimates, and using those to evaluate performance on an annual basis, and that is what we're trying to do with the Rec Reform in the Mid-Atlantic, and trying to keep this on a level where it makes sense. I wish I had a little bit more time, but I'll yield back, thanks.

CHAIR BORDEN: Thanks, Mike, so I'm going to declare a one-minute caucus, and then we're going to vote on it. Toni, are you ready?

MS. KERNS: Yes, Mr. Chair.

CHAIR BORDEN: Okay, so all those in favor of the motion, please signify by raising your hand.

MS. KERNS: I have Delaware, U.S. Fish and Wildlife Service, New Jersey, Maine, NOAA Fisheries, Massachusetts, New Hampshire, Connecticut, North Carolina, and Maryland. I will put the hands down, and I am ready for the next vote.

CHAIR BORDEN: All those opposed, raise your hand.

MS. KERNS: I have New York, Rhode Island, Pennsylvania, Virginia, and Potomac River Fisheries Commission. I am ready for the next.

CHAIR BORDEN: All right, all those who wish to abstain, raise your hand.

MS. KERNS: No abstentions.

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CHAIR BORDEN: No abstentions, any null votes?

MS. KERNS: No null votes.

CHAIR BORDEN: Do I have it correct, 10-5-0-0?

MS. FRANKE: Yes, Mr. Chair, that is correct.

**CHAIR BORDEN: Okay, so the motion passes.** Any other issues to come before the Board today? Let me just add that I realize there are a number of issues under other types of suggestions, and my recommendation would be, is take those up at the next Board meeting.

We're obviously going to have to revisit a number of the decisions we made today, and I still think it's desirable. Now that the Board knows what the tasks are, what the priorities are for the Commission, for the staff to look at it from the perspective of, what is the workload, how much can get done in a reasonable period of time.

Are there other mechanisms to work on some of these issues, with the intent that it would slim down the Amendment? If the staff does that, and then reports at the next meeting. Based on whatever the recommendation is from the staff, we could decide whether or not we wanted to pursue some of these through alternative strategies. Is that agreeable to the Board?

MR. LUISI: Can I ask a real quick question, Mr. Chairman, to staff?

CHAIR BORDEN: Yes, Mike Luisi.

MR. LUISI: Yes, thank you very much, it will be 30 seconds. Toni and Emilie, do you plan to have an Advisory Panel meeting between now and the August meeting, or do you think that you're going to be working on developing this and have a meeting post August? Because my question earlier had to do with Advisory Panel membership, which I can hold off on until

August. I can work with the Commission Chair, Mr. Keliher on something with the Policy Board that we were considering maybe adding a commercial interest to the state of Maryland. Any feedback would be helpful.

MS. KERNS: I don't think we would, Mike, because I don't think we will have enough direction to take any issues to the AP yet. I don't anticipate a meeting.

MR. LUISI: If we put our package together for the August meeting that will be fine, and then we'll have a full AP, because we lost a few people through attrition and just other reasons. Okay, that's all I had. Thank you, Mr. Chairman for that, it gives me good guidance for getting things ready for the next couple months. Thank you.

CHAIR BORDEN: All right, thanks, Mike. Is there anything else under this agenda item to come forward, Toni or Emilie?

MS. KERNS: I have Jim Gilmore with his hand up.

CHAIR BORDEN: Jim.

MR. GILMORE: Mr. Chairman, do we need an overarching motion to move the as amended today over to the Plan Development Team?

CHAIR BORDEN: I'll defer to Toni.

MS. KERNS: We do not, Mr. Chair.

CHAIR BORDEN: Okay, so is there any other business under this agenda item? If not, we'll move on to the AP recommendations, and then Mike Luisi asked for a minute under Other Business.

MS. KERNS: I think Mike Luisi just said he doesn't need his minute under the Other Business, because he can hold off until August. I'm just going to note that Emilie and I are going to just take a quick glance at the PDT membership, and confirm with the states that all of those individuals are still available to continue working on the document, as it's been almost a year since we've had folks meeting to work on the document. We'll come back in August with probably more questions and directions for the Board in the

development of these options, or sections of the Amendment.

CHAIR BORDEN: Toni, that sounds good. My only suggestion is, if you need Board input on the PDT issues, composition, whatever. Just communicate to the Board via e-mail, if you need input.

MS. KERNS: That's the plan.

#### **REVIEW AND POPULATE ADVISORY PANEL MEMBERSHIP**

CHAIR BORDEN: Okay. Any other business? We're on the AP issue. Toni, who is handling that?

MS. BERGER: I can do it, if you would like.

CHAIR BORDEN: Okay.

MS. BERGER: For the Board's consideration you have in your materials the nomination form for John Worthington, a recreational angler from North Carolina. I submit to you his nomination for approval to the AP.

CHAIR BORDEN: Any comments on this? Any objections to approving this by consensus.

MS. KERNS: Mr. Chair, I just need someone to make the motion. I need a hand. **I have, Jim Gilmore is making the motion and Bill Gorham is seconding it.**

CHAIR BORDEN: Okay, so any discussion on this? Any hands up?

MS. KERNS: Bill Gorham.

CHAIR BORDEN: Bill. Bill, would you like to comment on this, or Jim?

MR. GILMORE: No, Mr. Chairman, I read his background and I think he would be a welcome addition.

CHAIR BORDEN: Okay, any objection to approving this by consent? Any hands up?

MS. KERNS: I see no hands up.

**CHAIR BORDEN: Okay, so the nomination stands approved without objection.** Any other business to come before the Board? Any hands up?

MS. KERNS: I see no hands.

CHAIR BORDEN: Okay, so I guess.

MR. WHITE: Mr. Chairman, I just want to thank you for doing a great job getting us through this difficult process in one day, thanks.

MR. SIKORSKI: I just raised my hand to second that. Thank you, staff and Mr. Chairman.

MR. GILMORE: I just want to know, where is hospitality tonight?

#### **ADJOURNMENT**

CHAIR BORDEN: Exactly. Okay, thank you very much, and let me just take one second to thank all the staff members that have worked on this, particularly Emilie and Toni and Katie in the office and Tina on Advisory reports. This is a good team effort, and they've all done a very admirable job, so thank you very much for all your work. The meeting stands adjourned.

(Whereupon the meeting adjourned at 6:20 p.m. on  
May 5, 2021)



# Atlantic States Marine Fisheries Commission

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## MEMORANDUM

**TO:** Atlantic Striped Bass Management Board

**FROM:** Atlantic Striped Bass Plan Development Team

**DATE:** July 19, 2021

**SUBJECT:** Board Direction Needed for Development of Draft Amendment 7

### ***Background***

In August 2020, the Striped Bass Management Board initiated development of Draft Amendment 7. The purpose of the amendment is to update the management program to better align fishery needs and priorities with the current status and understanding of the striped bass resource and fishery. The Board intends for the amendment to build on Addendum VI which aimed to end overfishing and initiate stock rebuilding. In February 2021, the Board approved for public comment the Public Information Document (PID) for Draft Amendment 7. The PID was the first step in the amendment process as a broad scoping document seeking public input on a number of important issues facing striped bass management. After the PID public comment period, which included 11 virtual public hearings and more than 3,000 written public comments, the Board approved in May 2021 the following four issues for development in Draft Amendment 7: recreational release mortality, conservation equivalency, management triggers, and measures to protect the 2015 year class.

The Plan Development Team (PDT) and Technical Committee (TC) met multiple times between May and July to begin developing options for Draft Amendment 7. This memo from the PDT and the enclosed memo from the TC request specific guidance from the Board on the type of options that should be further developed for some of the issues, including challenges, concerns, and recommendations with regard to specific analyses requested by Board members.

Based on guidance provided by the Board, the PDT will continue to develop options for Draft Amendment 7. Board guidance at this time is important to ensure the draft options and analyses meet the Board's intent and objectives for this amendment. Without specific guidance, the PDT may be limited in the options it can develop.

### ***Requested Board Guidance***

The PDT and TC are requesting Board direction on the following questions and challenges:

### Recreational Release Mortality

- What types of effort control options should be included in the Draft Amendment?
  - There are challenges associated with both coastwide seasonal closure options and state-specific/regional seasonal closure options.
  - Without a specific effort reduction target in mind, it will be difficult for the PDT to develop specific closure options.
  - Should the PDT focus on no-harvest closure options and/or no-targeting closure options?

### Conservation Equivalency (CE)

- Is the Board willing to specify now which sector(s) of the fishery would be subject to new restrictions on the use of CE?
- How does the Board want to proceed with options for restricting CE based on justification (e.g., biological reason)?
- Considering administrative challenges associated with restricting the number of alternatives submitted in CE proposals, does the Board still want to see options for specific number limitations?
- Considering concerns about trying to evaluate the performance of CE measures, does the Board want to pursue options for CE accountability measures?
- Does the Board support the PDT's recommendation to not pursue a probability of success metric for CE proposals?

### Management Triggers

- What information does the Board want the recruitment trigger to provide (e.g. true recruitment failure or periods of below average recruitment)? (*TC memo*)
- How does the Board intend to use a trigger that trips during periods of below average recruitment? What type of management response would be considered? (*TC memo*)

### ***Recreational Release Mortality***

The PDT is considering the following types of options to address recreational release mortality: effort controls, gear restrictions, fish handling requirements, and outreach/education. Although the impact of many of these options on the stock will be difficult to quantify, they are intended to reduce the number of recreational releases or improve post-release survival.

The PDT is requesting guidance on effort control options, specifically seasonal closures, which are intended to reduce the number of live releases by reducing the number of fishing trips (effort) that interact with striped bass.

**Q: What types of effort control options should be included in the Draft Amendment?**

***Challenges: Coastwide closure options***

PDT Discussion: Coastwide closure options (e.g., closure from Dec 15-Apr 15 to protect pre-spawn striped bass) would ensure consistency in the timing of closures across all states, but the PDT recognizes equitability as a primary challenge. Recreational fisheries operate very differently along the coast and coastwide closure options would result in different levels of effort reduction across states. Coastwide closures would impact each state fishery differently based on timing (availability of fish) and current management measures already in place in each state.

***Challenges: State-specific or regional closure options***

PDT Discussion: State-specific or regional closure options (e.g., state-specific closure dates during peak temperatures) could help account for unique biological, environmental, and socioeconomic considerations, as well as regulatory consistency within shared waterbodies, but this may result in a patchwork of season closures across the coast. The PDT would not be able to develop specific options for each state since these considerations are different for each state. States would need to develop closure proposals to pursue through their state public processes and submit for TC review and Board approval as part of state implementation plans.

The PDT could develop options that set some parameters on the scope of state closures; for example, requiring states to meet a specified percent reduction in number of releases through a seasonal closure. However, the state-level MRIP data needed to conduct these analyses would have high PSEs, particularly when broken out by wave, and the Board has not specified a reduction target at this point.

***Challenge: Without a specific effort reduction target in mind, it will be difficult for the PDT to develop specific closure options.***

- PDT Discussion: In the absence of a target for reducing effort (i.e., a percent reduction in the number of live releases), the PDT requests guidance on the range of days, months, or waves the Board would like to consider for coastwide or state-specific closures. Without additional direction, the PDT can only focus on options for biological and ecological closures, such as seasonal closures for spawning areas and for peak temperature periods.

Based on the direction the Board wants to go, the TC could provide a range of estimates, which consider different effort assumptions in response to closures, to help the Board understand the utility of different management measures:

- If the Board is comparing different closure options, what is the range of effort reduction we could expect for a set season closure (e.g. x days)?
- If the Board wants to reduce removals by X%, what range of seasonal closures is necessary?



**Q: Should the PDT focus on no-harvest closure options (catch-and-release fishing allowed) and/or no-targeting closure options?**

PDT Discussion: The draft amendment could include options for both no-harvest and no-targeting closures, or could only focus on one type. With any type of closure, there will still be fishing trips targeting other species that incidentally interact with striped bass, as well as striped bass directed trips that shift to targeting other species.

The PDT assumes maximum reduction of effort, and thus reduction in number of releases, would be achieved with no-targeting closures. However, the PDT recognizes enforceability concerns and uncertainty around the level of compliance, so compliance would have to be assumed under a no-targeting closure. With no-harvest closures, angler behavior may shift to catch-and-release fishing trips, thereby increasing the number of releases which is counter to the objective of reducing release mortality. Additionally, there is no information on the difference in release mortality rates between catch-and-release trips versus trips harvesting striped bass.

The most appropriate approach may depend on the reason for the closure; for example, implementing a no-targeting closure during high temperature periods when release mortality rates are increased. Various scenarios and assumptions can be explored with MRIP effort data, likely with high PSEs, but factors like changes in angler behavior are unpredictable and catch-and-release trips are not separable in MRIP.

***Conservation Equivalency***

The PDT is considering the following types of options to address concerns about the use of CE: restrictions on when CE can be used, CE proposal requirements, and CE accountability.

**Q: Is the Board willing to specify now which sector(s) of the fishery would be subject to new restrictions on the use of CE?**

PDT Discussion: Most of the issues and concerns surrounding CE, as identified in the PID and Board discussions, pertain to non-quota managed recreational fisheries for striped bass. However, the Board has not decisively indicated whether it wants to consider new restrictions for CE across all striped bass fisheries or only certain sectors. Accordingly, the PDT has drafted three options from which the Board could tailor its interest in seeing new restrictions on the use of CE (see below). If the Board can narrow its focus now, it would help streamline the PDT's development of options.

1. Recreational Fisheries Not Managed by a Quota (excludes tag-based "bonus programs")
2. All Recreational Fisheries (including tag-based "bonus programs")
3. All Recreational and Commercial Fisheries

From the PDT's perspective, there is a fundamental difference between the application of CE in fisheries that are quota-managed and those that are not with regards to quantifying and measuring the effectiveness of the program. Quota-managed fisheries (including commercial fisheries as well recreational "bonus program" fisheries) remain accountable to a CE-adjusted quota using census level harvest data, whereas non-quota-managed fisheries have a CE-adjusted harvest target that may or may not be exceeded as determined by survey-based harvest estimates.

There is also a difference between the application of CE in recreational and commercial fisheries with regards to regulatory consistency. While a uniform set of coastwide recreational measures (bag and size limit) for a rod and reel only fishery is feasible, the same cannot be said for the commercial fisheries throughout the management unit, given differences in gear use, participation level, and available quota by state. Even without CEs implemented in the commercial fishery, there will be variations in seasons and trip limits for the commercial fishery within and between states.

**Q: How does the Board want to proceed with options for restricting CE based on justification (e.g., biological reason)?**

PDT Discussion: The PDT could develop options restricting the use of CE based on a specified justification for the CE program; for example, biological reasons, such as the size availability of fish in an area being smaller than the coastwide measure. The idea is CE would be limited to times when a real hardship would otherwise occur due to implementation of the FMP standard.

The PDT requests guidance on considering general justification categories versus identifying specific justification scenarios. For general justification categories (e.g., CE can only be requested for biological reasons, when a hardship would otherwise occur, or to promote fair and equitable access CE), the PDT is concerned this would not provide enough guidance to states, and that most requested CEs could be framed in a way to fit such a general qualifier. However, identifying specific scenarios (e.g., size availability of fish) may result in some valid reason for a CE being left out.

Regarding other types of restrictions on when CE can be used, the PDT is also developing options that would restrict CE based on stock status.

**Q: Considering administrative challenges associated with restricting the number of alternatives submitted in CE proposals, does the Board still want to see options for specific number limitations?**

PDT Discussion: The Board requested options that restrict the number of management alternatives that a state can submit in a CE proposal. One option could be a hard cap on the number of alternatives (e.g., 5). While appreciating the challenges caused by the

high number of alternatives within the CE proposals for Addendum VI, the PDT also recognizes that there could be administrative challenges associated with implementing a hard cap. These challenges include:

- the timing of Board action/proposal submittal/implementation deadline with that of each state's public comment and regulatory process (e.g., if CE proposals are due prior to state public hearings can be held, a range of alternatives is needed);
- efforts to coordinate measures with neighboring states can increase the number of alternatives that need to be considered;
- and how fisheries management complexity varies among states (i.e., states with various fishery components—ocean, bay, river, catch and release season, spring trophy, etc.—likely need more flexibility in the number of alternatives that may be submitted).

If the Board would like a hard cap on the number of alternatives that may be submitted, the PDT requests the Board provide direction on the specific number for the cap.

In addition to considering the number of alternatives, the PDT is also developing options that would limit the range of alternatives within CE proposals. In this case, the Board would specify boundaries for alternative measures for any particular management action (e.g., no proposals that target fish greater than a certain size). This option would likely indirectly reduce the number of alternatives that are submitted.

**Q: Considering concerns about trying to evaluate the performance of CE measures, does the Board want to pursue options for CE accountability measures?**

PDT Discussion: Based on Board interest, the PDT is developing options that could require accountability measures for those instances when a state's harvest (or catch) under a CE program exceeds its target. Such accountability measures could be a requirement to revert back to the FMP standard or implement additional measures estimated to achieve the target. However, after discussion, the PDT recommends removing CE accountability options from in Draft Amendment 7.

The PDT emphasized the challenges with evaluating the performance of CE measures versus the FMP standard. It is not known how the FMP standard would have performed if implemented, and the effects of implementing any measures cannot be isolated from the effects of effort changes and fish availability. The PDT also notes that states implementing the FMP standard are not held accountable to their projected harvest, and that the Board removed the issue of recreational fishery accountability from Draft Amendment 7. The PDT is also concerned about the amount of Board time that could be spent on CE in the future if accountability measures are required.

From the PDT's perspective, the other front-end measures being developed for CE proposals (e.g., restrictions on when CE can be used, requiring an uncertainty buffer, setting data standards) are a more effective tool to improve the performance of CE in the striped bass fishery. Ultimately, the PDT recommends the removal of CE accountability options from Draft Amendment 7. For the same reasons, the PDT also does not consider a CE performance analysis as requested by the Board to be feasible at this time.

### **Board Member Request: Evaluate CE Performance**

A Board member requested analysis to compare the performance of CE measures at the state/region level versus the performance of coastwide measures.

PDT Discussion: As stated above, the PDT and TC do not consider a CE performance analysis to be feasible at this time. The PDT and TC noted that differences in performance are influenced by a number of factors including changes in effort, fish availability, year class strength, and environmental factors. There is year-to-year variability even under consistent regulations due to different year classes moving through the stock and variability in effort and angler behavior. The TC also emphasized that identifying and comparing the effect of different management measures is not possible without a full management strategy evaluation (MSE) and robust simulations.

### **Q. Does the Board support the PDT's recommendation to not pursue a probability of success metric for CE proposals?**

PDT Discussion: While recognizing the Board and public interest in using a probability of success metric for CE proposals, the PDT does not recommend pursuing this type of option. State CE proposals in the striped bass fishery are generally not developed in a manner that includes an estimated probability of success. While it would be possible to calculate the coastwide probability of achieving, for example, the fishing mortality ( $F$ ) target for all different combinations of CE proposals being considered, this would add considerable time and complication to the process. For example, if the combined measures were not projected to achieve the  $F$  target, which states would have to amend their CE proposals, and by how much?

### ***Management Triggers***

The PDT is developing options for the SSB and  $F$  triggers and has tasked the TC with developing options for the recruitment trigger.

### **Q: What information does the Board want the recruitment trigger to provide (e.g. true recruitment failure or periods of below average recruitment)?**

TC Discussion: Please see enclosed TC memo.

**Q: How does the Board intend to use a trigger that trips during periods of below average recruitment? What type of management response would be considered?**

TC Discussion: Please see enclosed TC memo.

**Board Member Request: Retrospective Analysis of New SSB and F Triggers**

A Board member requested that any newly proposed triggers be tested to evaluate their performance if implemented during Amendment 6 to address the question of whether different triggers could have helped the Board be more proactive in addressing poor stock status.

PDT Discussion: The PDT does not recommend conducting a retrospective analysis of alternative management triggers because it would not help determine how well those triggers would have performed. The TC discussed that if a retrospective analysis is performed, it should only use the current reference points and time series from the 2018 benchmark assessment. Therefore, it is unlikely that the results would provide useful information because the *F* reference points and understanding of the magnitude and slope of spawning stock biomass over time has changed considerably since the management triggers in Amendment 6 were developed. Furthermore, it is difficult to know how the stock would have responded if management action was tripped earlier in the time series without a full MSE and robust simulation. Lastly, any retrospective analysis would not consider the probability of exceeding or going below a particular management trigger, and could not account for the inherent uncertainty of triggers that are based on point estimates.

***PDT Members***

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## MEMORANDUM

**TO:** Atlantic Striped Bass Management Board  
**FROM:** Atlantic Striped Bass Technical Committee  
**DATE:** July 19, 2021  
**SUBJECT:** Board Guidance on Recruitment Trigger Options for Draft Amendment 7

### ***Background***

Amendment 6 to the Atlantic Striped Bass FMP (2003) established a recruitment trigger based on an annual review of a set of state juvenile abundance indices (JAIs). If any JAI falls below the 25<sup>th</sup> percentile of the reference time period for that index for 3 consecutive years, the trigger would be tripped and the Board would review the cause of recruitment failure and determine the appropriate management action. Through Addendum II (2010), the reference time period for each index was fixed to the period of time from the first year of consistent methods for each survey to 2009; the length of the reference period varies between surveys (Table 1).

The recruitment trigger has only been tripped once (NC JAI in 2020) since it was established, even though the stock experienced a period of variable but below average recruitment from about 2005-2014 (Figure 1 and Figure 2). The Board and the public raised concerns about the performance of the trigger and the TC was tasked with exploring alternative options for the recruitment trigger that would better account for the inherent variability in the JAIs and would be tripped during periods of low recruitment.

The TC met during June and July 2021 to start developing options for the recruitment trigger and is requesting guidance from the Board. The TC emphasized that the best definition for the trigger depends on what kind of information the Board wants the trigger to provide and how it will be used.

### ***Questions for the Board***

1. What information does the Board want the recruitment trigger to provide (i.e., true recruitment failure or periods of below average recruitment)?
2. How does the Board intend to use a trigger that trips during periods of below average recruitment? What type of management response would be considered?

### ***Q: Trigger Definition – What information does the Board want the trigger to provide?***

The TC noted that the current trigger would have been tripped historically for most indices during the late 1970s and early 1980s, corresponding to a time period of very low abundance and poor recruitment (Figure 1 and Figure 2). If the intent of the trigger is to identify true

recruitment failure, i.e., a prolonged period of very low recruitment events as seen during the 1970s and 1980s, then the current trigger would perform adequately. However, if the Board wants to identify periods of below average recruitment that are not necessarily at historically low levels in order to be precautionary with future management, the trigger should be revised.

The TC is considering several options for a revised trigger, including a different trigger mechanism (e.g., 2 consecutive years, 3 out of 5 years, the 3 year average), a different reference point (e.g., the median of the current reference period), and a different reference period. Overall, varying the trigger mechanism while using the current reference period still did not trip during the recent below average recruitment period (Table 2), due to the fact that the current reference period includes the years of very low recruitment in the 1970s and 1980s. Changing the reference period to exclude those years and simultaneously changing the reference point to median or mean results in a more sensitive trigger that would have tripped multiple times for most indices during the period of below average recruitment (Table 2). The TC is considering two options to redefine the reference period: (1) to use only the years where the stock was considered rebuilt (1995-2012), and (2) to use a period of high recruitment identified by a change point analysis on the MD JAI (1992-2006 for JAI).

The TC is also discussing what data sources to use in this analysis. The current trigger includes JAIs from ME, NY, NJ, MD, VA, and NC. The TC is discussing adding age-1 indices to the trigger, using the estimates of recruitment from the stock assessment model instead of the JAIs, and excluding the JAIs from the extremes of the coastal mixed population range (i.e., ME and NC). The age-1 indices were correlated with the JAIs and did not provide any new or different information, and did not trigger any more often under the status quo trigger, so the TC does not recommend including them in a revised trigger.

The TC is considering the pros and cons to basing the trigger on the model recruitment estimates versus the JAIs. The recruitment estimates from the model are less variable overall and are what inform the estimates of SSB and F used in management, but are only available in years when an assessment has been conducted. The JAIs are more variable from year to year and often show conflicting results across indices (e.g., above average in one state and below average in another for the same year). However, the JAIs are available for review every year and may provide more up-to-date information on potential recruitment trends.

Based on what kind of information the Board wants the trigger to provide, the TC will continue to refine these options and provide recommendations to the Plan Development Team in August.

***Q: Management Response - How does the Board intend to use a trigger that trips during periods of below average recruitment? What type of management response would be considered?***

Currently, no management action is specified for the recruitment trigger; the Board decides on the appropriate response when the trigger is tripped. One option would be to update the

trigger definition to something more sensitive and leave the response to the Board's discretion. Another option could be to maintain the current recruitment failure trigger definition and update the management response to a more specific action to protect the weak year classes. The Board could also consider both updating the trigger definition and including a more specific management response.

Juvenile abundance indices and model recruitment estimates provide information on the near-term productivity of the stock. A run of several years of poor recruitment results in fewer fish entering the exploitable population and the spawning stock biomass, and levels of removals that were sustainable during average or above average recruitment regimes may not be sustainable in the future. If the Board wants to be proactive about responding to periods of lower recruitment, the Board could redefine the  $F$  target or the rebuilding framework to be more precautionary.

The fishing mortality ( $F$ ) target for striped bass is defined as the level of  $F$  that will maintain the population at the SSB target in the long-term. That  $F$  target is calculated by drawing recruitment from the values observed from 1990 to 2017; this time period does not include the very low values in the 1980s, but it does include both high and low values from later in the time series. If recruitment is only drawn from a below-average period, the  $F$  target is lower. If the population is fished at the current  $F$  target but average recruitment remains lower than the 1990-2017 mean, then the population will not rebuild to the SSB target in the long term (Figure 3). In this case, the current FMP  $F$  target is 0.20, but when calculated using the low recruitment assumption, the  $F$  target would be 0.18.

If the recruitment trigger is tripped, the Board could switch to using the lower  $F$  target value based on the lower recruitment regime assumption for management, including taking action to reduce  $F$  to the new  $F$  target until the recruitment trigger is no longer tripped. The Board could also use the lower recruitment regime assumption in the rebuilding plan it develops if the stock is below the SSB target or threshold. The Board may also consider a recruitment regime approach where a high recruitment period is defined, and when a trigger indicates that the stock is in a high recruitment regime, the  $F$  target can be raised and the high recruitment assumption used to develop a rebuilding plan if necessary. The Board may also wish to consider a two-pronged trigger where a JAI-based trigger results in management review and a model recruitment-based trigger results in specific management action.

The TC requests feedback on how the Board intends to respond to the recruitment trigger and what types of management responses the Board would like to consider.



Table 1. Reference periods for state JAIs included in the current recruitment trigger.

State	Water Body	Reference Period
ME	Kennebec River	1987-2009
NY	Hudson River	1985-2009
NJ	Delaware River	1986-2009
MD	Chesapeake Bay	1957-2009
VA	Chesapeake Bay	1980-2009
NC	Albemarle-Roanoke	1955-2009

Table 2. Alternate trigger options and when they would have tripped since Amendment 6 was implemented.

Trigger Definition	Years when trigger tripped since 2003	States that tripped
Status quo: below the 25 <sup>th</sup> percentile of the reference period in 3 consecutive years	2020	NC
Below the 25 <sup>th</sup> percentile of the reference period in 2 consecutive years	2013, 2019, 2020	NY, NC
Below the 25 <sup>th</sup> percentile of the reference period in 3 of 5 years	2016, 2020	NY, NC
3-year average is below the 25 <sup>th</sup> percentile of the reference period	2006, 2013, 2019, 2020	NY, NJ, NC
Below the median of the reference period in 3 consecutive years	2006, 2013, 2019, 2020	NY, NJ, NC
Below the median of the recovered period (1995-2012) for 3 consecutive years	2006, 2010, 2013, 2019, 2020	NY, NJ, MD, VA, NC
Below the mean of the high recruitment period (1992-2006) for 3 consecutive years	2003, 2004, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2016, 2017, 2018, 2019, 2020	All states
Below the median of the recovered period (1995-2012) for 2 out of 3 years	All years	All states

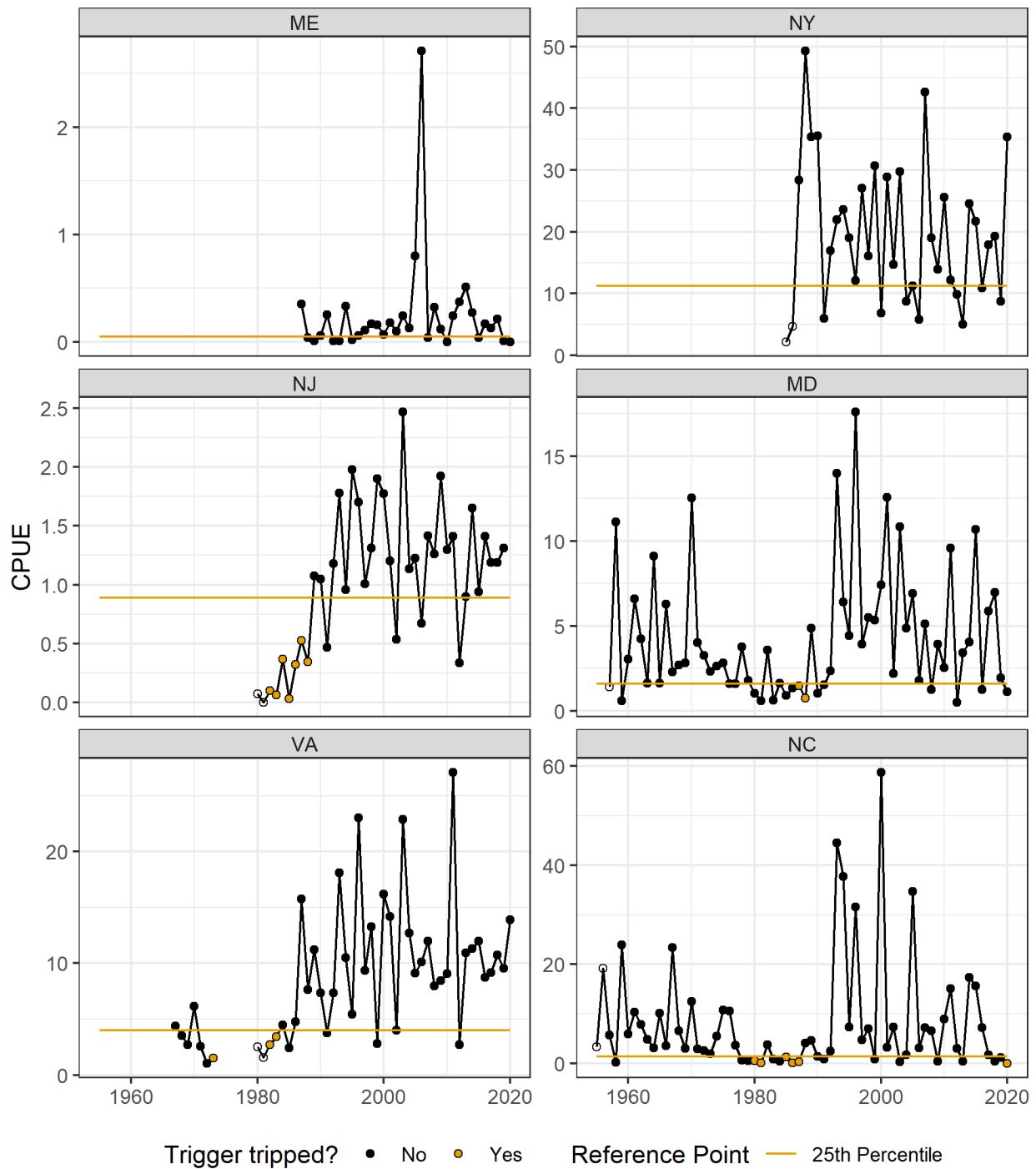


Figure 1. State JAIs included in the recruitment trigger analysis plotted with the 25<sup>th</sup> percentile of the reference period for each index. The point color indicates whether the trigger was tripped (i.e., whether the index was below the reference point for three consecutive years).



Figure 2. Recruitment estimates from the 2018 stock assessment plotted with the time-series average.

Low Recruitment, Catch @  $F=0.197$ : 5,910,000 fish

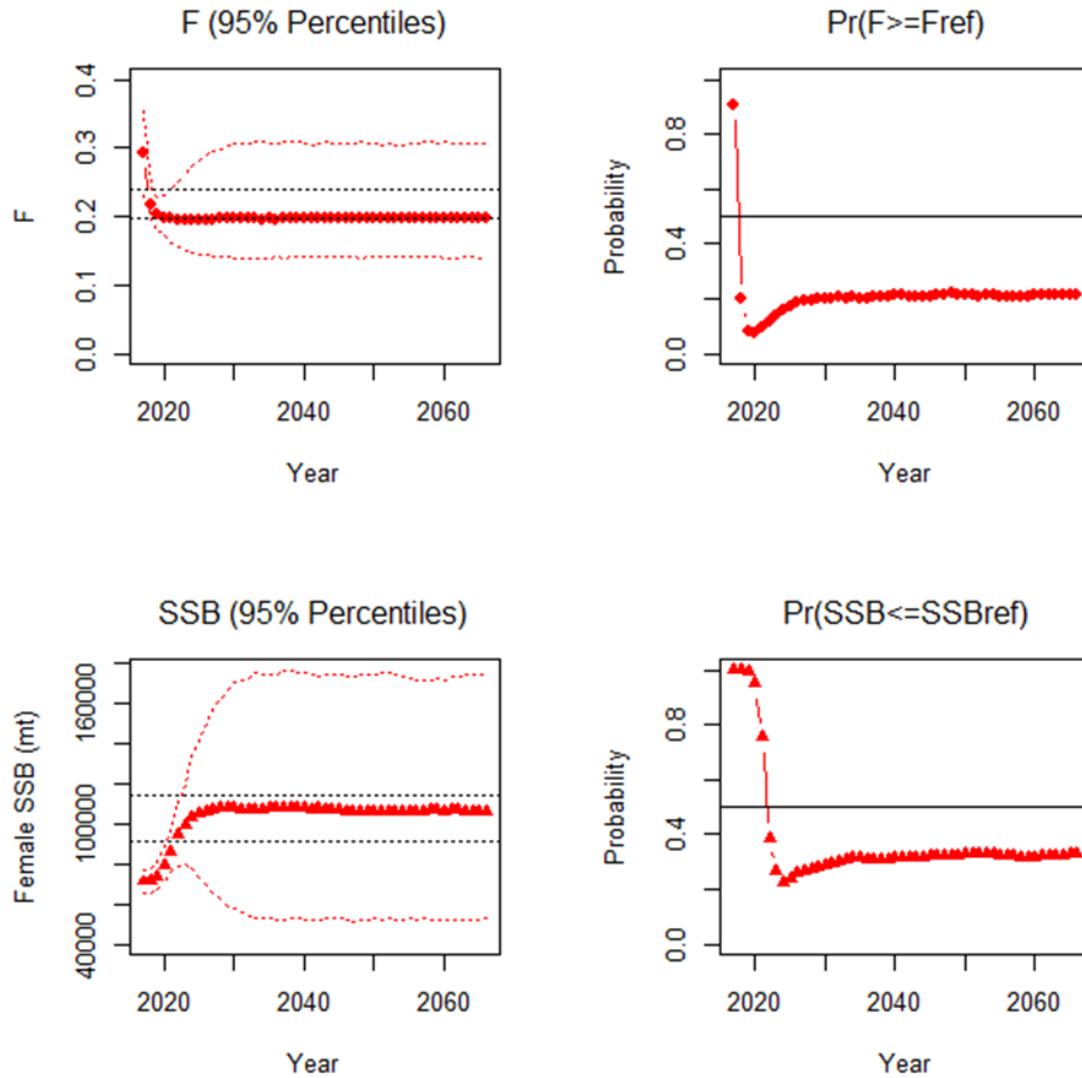


Figure 3.  $F$  rate and probability of overfishing over time (top) and female SSB and probability of being overfished (bottom) when the population is experiencing a period of low recruitment and is fished at the FMP  $F$  target. Horizontal dotted lines are threshold and target values.