

# Atlantic States Marine Fisheries Commission

## Atlantic Striped Bass Management Board

August 2, 2022  
1:30 p.m. – 5:00 p.m.  
Hybrid Meeting

### 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 (*M. Gary*) 1:30 p.m.
2. Board Consent 1:30 p.m.
  - Approval of Agenda
  - Approval of Proceedings from May 2022
3. Public Comment 1:35 p.m.
4. Consider Fishery Management Plan Review and State Compliance for the 2021 Fishing Year (*E. Franke*) **Action** 1:45 p.m.
5. Progress Update and Board Guidance on 2022 Stock Assessment Update 2:30 p.m.
  - Technical Committee (TC) Report (*K. Drew*)
  - Provide TC Guidance for Management Options to Consider if the Assessment Indicates Reduction is Needed for Rebuilding
  - Discuss Timeline for Responding to the Assessment
6. Consider Next Steps for Draft Addendum I on Quota Transfers (formerly Draft Addendum VII) **Possible Action** 4:00 p.m.

*Motion from October 2021: Move to defer until May 2022 consideration by the Atlantic Striped Bass Board of Draft Addendum VII to Amendment 6 to allow further development and review of the transfer options.*
7. Other Business/Adjourn 5:00 p.m.

The meeting will be held at The Westin Crystal City (1800 Richmond Highway, Arlington, VA; 703.486.1111) and via webinar; click [here](#) for details

# MEETING OVERVIEW

## Atlantic Striped Bass Management Board

August 2, 2022

1:30 p.m. – 5:00 p.m.

Hybrid

Chair: Marty Gary (PRFC) Assumed Chairmanship: 01/22	Technical Committee Chair: Vacant	Law Enforcement Committee Rep: Kurt Blanchard (RI)
Vice Chair: Megan Ware (ME)	Advisory Panel Chair: Louis Bassano (NJ)	Previous Board Meeting: May 4, 2022
Voting Members: ME, NH, MA, RI, CT, NY, NJ, PA, DE, MD, DC, PRFC, VA, NC, NMFS, USFWS (16 votes)		

### 2. Board Consent

- Approval of Agenda
- Approval of Proceedings from May 2022

**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 (1:45-2:30 p.m.) Action

#### Background

- State Compliance Reports for the 2021 fishing year were due on June 15, 2022.
- The Plan Review Team reviewed each state report and compiled the annual FMP Review (**Supplemental Materials**).

#### Presentations

- Overview of the FMP Review Report by E. Franke

#### Board Actions for Consideration

- Accept 2021 FMP Review and State Compliance Reports.

### 5. Progress Update and Board Guidance on 2022 Stock Assessment (2:30-4:00 p.m.)

#### Background

- The 2022 stock assessment update for Atlantic striped bass is currently underway with results expected in October 2022.
- Amendment 7 includes a provision allowing the Board to adjust management measures via Board action if the 2022 assessment indicates a reduction is needed to achieve stock rebuilding by 2029.

- The Technical Committee (TC) met in June 2022 to discuss what guidance is needed from the Board in order for the TC to calculate new management options to achieve stock rebuilding, if a reduction is needed (**Briefing Materials**).

**Presentations**

- Technical Committee Report by K. Drew

**Board guidance for consideration at this meeting**

- Provide guidance to the TC for management options to consider if the assessment indicates a reduction is needed for rebuilding.
- Discuss timeline for responding to the assessment.

**6. Draft Addendum I to Amendment 7 (4:00-5:00 p.m.) Possible Action**

**Background**

- In August 2021, the Board initiated Draft Addendum VII to Amendment 6 to consider allowing the voluntary transfer of commercial striped bass quota between jurisdictions that have commercial quota.
- Given the recent approval of Amendment 7, this draft addendum will now be referred to as Draft Addendum I to Amendment 7.
- In September 2021, the PDT developed the draft addendum for Board review and provided a memo to the Board outlining concerns regarding quota transfers (**Briefing Materials**).
- The Board deferred consideration of the draft addendum until May 2022 and subsequently postponed discussion until August 2022.

**Presentations**

- Overview of Draft Addendum I by E. Franke

**Board Actions for Consideration**

- Consider next steps for Draft Addendum I.

**7. Other Business/Adjourn (5:00 p.m.)**

## Atlantic Striped Bass

### Activity level: High

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

#### Committee Task List

- SAS/TC – Conducting the 2022 stock assessment update
- TC – June 15<sup>th</sup>: Annual compliance reports due

**TC Members:** Michael Brown (ME), Kevin Sullivan (NH), Gary Nelson (MA), Nicole Lengyel Costa (RI), Kurt Gottschall (CT), Caitlin Craig (NY), Brendan Harrison (NJ), Tyler Grabowski (PA), Margaret Conroy (DE), Alexei Sharov (MD), Luke Lyon (DC), Ingrid Braun (PRFC), Brooke Lowman (VA), Joshua McGilly (VA), Charlton Godwin (NC), Jeremy McCargo (NC), 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 (VMRC), John Sweka (USFWS), Margaret Conroy (DE), Katie Drew (ASMFC)

**Tagging Subcommittee (TSC) Members:** Stuart Welsh (WVU, Chair), Angela Giuliano (MD), Beth Versak (MD), Brendan Harrison (NJ), Chris Bonzek (VIMS), Gary Nelson (MA), Ian Park (DE), Jessica Best (NY), Josh Newhard (USFWS), Katie Drew (ASMFC), Emilie Franke (ASMFC)

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

**Westin Crystal City  
Arlington, Virginia**

**May 4, 2022**

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.

**TABLE OF CONTENTS**

Call to Order ..... 1

Approval of Agenda ..... 1

Approval of Proceedings ..... 1

Public Comment ..... 1

Draft Amendment 7 for Final Approval..... 3

    Review Options and Public Comment Summary ..... 4, 5, 11, 12, 14, 15, 32, 33, 50, 51

    Advisory Panel Report..... 4, 5, 12, 14, 15, 32, 33, 51

*By Topic:*

        Rebuilding Plan ..... 4

        Management Triggers..... 11

        Recreational Release Mortality..... 30

        Law Enforcement Committee Report..... 33

        Conservation Equivalency ..... 49

    Consider Final Approval of Draft Amendment 7..... 62

Review of the 2022 Stock Assessment Update Projection Scenarios ..... 62

Consider Next Steps for Draft Addendum VII to Amendment 6 ..... 63

Review and Populate the Advisory Panel membership ..... 63

Elect Vice-Chair..... 64

Other Business..... 64

Adjournment ..... 64

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## INDEX OF MOTIONS

1. **Approval of Agenda** by consent (Page 1).
2. **Approval of Proceedings of January 26, 2022** by consent (Page 1).
3. **Move to approve Option B in Section 4.4.1, such that for the 2022 stock assessment: F rebuild is calculated to achieve the SSB target by no later than 2029 using the low recruitment regime assumption as identified by the change point analysis and Move to approve Option B in Section 4.4.2, such that: If the 2022 stock assessment results indicate the Amendment 7 measures have less than a 50% probability of rebuilding the stock by 2029 (as calculated using the recruitment assumption specified in Amendment 7) and if the stock assessment indicates at least a 5% reduction in removals is needed to achieve F rebuild, the Board may adjust measures to achieve F rebuild via Board action (Page 6). Motion by Michael Armstrong; second by John McMurray. Motion carried (15 in favor, 1 null) (Page 10).**
4. **Main Motion**  
**For Tier 1 Fishing Mortality Triggers in Section 4.1, move to approve options A1, B1, and C1, such that:**
  - **If an F trigger is tripped, reduce F to a level that is at or below the target within 1 year.**
  - **If F exceeds the F threshold, the striped bass management program must be adjusted to reduce F to a level that is at or below the target within the timeframe selected under Option A (1 year).**
  - **If F exceeds the F target for two consecutive years and female SSB falls below the SSB target in either of those years, the striped bass management program must be adjusted to reduce F to a level that is at or below the target within the timeframe selected under sub-option A (1 year).**Motion by Justin McNamee; second by Megan Ware (Page 18).  
**Motion to Amend**  
**Move to amend to remove the F target trigger** (Page 19). Motion by John Clark; second by Tom Fote. Motion fails (3 in favor, 12 opposed) (Page 20).  
**Main Motion**  
**For Tier 1 Fishing Mortality Triggers in Section 4.1, move to approve options A1, B1, and C1, such that:**
  - **If an F trigger is tripped, reduce F to a level that is at or below the target within 1 year.**
  - **If F exceeds the F threshold, the striped bass management program must be adjusted to reduce F to a level that is at or below the target within the timeframe selected under Option A (1 year).**
  - **If F exceeds the F target for two consecutive years and female SSB falls below the SSB target in either of those years, the striped bass management program must be adjusted to reduce F to a level that is at or below the target within the timeframe selected under sub-option A (1 year).**Motion by Justin McNamee; second by Megan Ware. Motion carried (15 in favor, 1 opposed) (Page 20).
5. **Move to approve Tier 2 Options A2, B1, and C1 (within Section 4.1), such that the SSB triggers are:**
  - **The Board must implement a rebuilding plan within two years of the SSB management trigger being tripped.**

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**INDEX OF MOTIONS (continued)**

- **If female SSB falls below the threshold, the striped bass management program must be adjusted to rebuild the biomass to the target level within an established timeframe (not to**
- **If female SSB fall below the target for two consecutive years and F exceeds the target in either year, the striped bass management program must be adjusted to rebuild the biomass to a level that is at or above the target within an established timeframe (not to exceed 10-years).**

Motion made by Megan Ware; second by Cheri Patterson (Page 20). Motion carried (15 in favor, 1 null) (Page 23).

6. **Move to approve Tier 3 Options A2 and B3 [within Section 4.1], such that the recruitment trigger is: If any of the four JAIs used in the stock assessment model to estimate recruitment (NY, NJ, MD, VA) shows an index value that is below 75% of all values (i.e., below the 25th percentile) in the respective JAI from 1992–2006, which represents a period of high recruitment, for three consecutive years, then an interim F target and interim F threshold calculated using the low recruitment assumption will be implemented, and the F-based management triggers defined in Section 4.1 will be reevaluated using those interim reference points. If an F-based trigger is tripped upon reevaluation, the striped bass management program must be adjusted to reduce F to the interim F target within one year (Page 23). Motion by Michael Armstrong; second by Dennis Abbott. Motion carried (16 in favor) (Page 24).**

7. **Main Motion**

**Move to approve Tier 4 Option A: Status Quo, no deferred management action. If a trigger trips, the Board must take action (Page 24). Motion by Jim Gilmore; second by Cheri Patterson.**

**Motion to Substitute**

**Move to substitute Option F: Board has already initiated action (e.g., developing addendum) in response to a different trigger (Page 25). Motion by John Clark; second by Joe Cimino. Motion carried (9 in favor, 5 opposed, 2 abstentions) (Page 30).**

**Main Motion as Substituted**

**Move to approve Tier 4 Option F: Board has already initiated action (e.g., developing addendum) in response to a different trigger. Motion carried (15 in favor, 1 abstention) (Page 30).**

8. **Main Motion 4.2.2**

**In Section 4.2.2, move to approve Option B2-a no harvest, spawning closure required (Page 38). Motion by Megan Ware; second by Michael Armstrong**

**Motion to Substitute**

**Move to substitute Option B1-a, All recreational targeting prohibited for minimum 2 weeks during a wave with at least 15% of striped bass directed trips (MRIP) (Page 39). Motion by Jim Gilmore; second by Mike Luisi. Motion failed (16 opposed) (Page 44).**

**Main Motion**

**In Section 4.2.2, move to approve Option B2-a no harvest, spawning closure required (Page 45). Motion by Megan Ware; second by Michael Armstrong. Motion failed (4 in favor, 11 opposed, 1 abstention) (Page 45).**

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**INDEX OF MOTIONS (continued)**

9. **In Section 4.2.2., move to approve a modified option C1: It shall be unlawful for any person to gaff or attempt to gaff any striped bass at any time when fishing recreationally** (Page 45). Motion by John Clark; second by Dennis Abbott. Motion carried (16 in favor) (Page 45).
10. **Move to accept Option D2 from Section 4.2.2, Recommended Outreach and Education** (Page 46). Motion by Roy Miller; second by Loren Lustig. Motion carried by consent (Page 46).
11. **Move to approve Option C2 from Section 4.2.2, Option for Incidental Catch Requirement: Striped bass caught on any unapproved method of take would be returned to the water immediately without unnecessary injury** (Page 46). Motion by Chris Batsavage; second by Matt Gates. Motion carried (12 in favor, 3 opposed, 1 null) (Page 49).
12. **Main Motion**  
**Move to approve in section 4.6.2 options B1-a and B1-c: CE programs would not be approved when the stock is overfished and CE programs would not be approved when overfishing is occurring. These restrictions apply to non-quota managed recreational fisheries, with the exception of the Hudson River, Delaware River, and Delaware Bay recreational fisheries** (Page 53). Motion by Michael Armstrong; second by John McMurray.  
  
**Motion to Amend**  
**Move to amend to remove B1-c, “and CE problems would not be approved when overfishing is occurring”** (Page 54). Motion by John Clark; second by Tom Fote. Motion carried (8 in favor, 7 opposed).  
  
**Main Motion as Amended**  
**Move to approve in section 4.6.2 options B1-a: CE programs would not be approved when the stock is overfished. These restrictions apply to non-quota managed recreational fisheries, with the exception of the Hudson River, Delaware River, and Delaware Bay recreational fisheries.** Motion carried (16 in favor) (Page 55).
13. **Move to approve in Section 4.6.2 Option C2: CE proposals would not be able to use MRIP estimates associated with a PSE exceeding 40 and move to approve in section 4.6.2 option D1: Proposed CE programs for non-quota managed fisheries would be required to include an uncertainty buffer of 10%, except D2 a buffer of 25% would be required when MRIP estimates PSE exceeds 30%** (Page 55). Motion by Michael Armstrong; second by Justin McNamee. Motion carried (13 in favor, 1 opposed, 2 abstentions) (Page 57).
14. **Move to approve in Section 4.6.2, Option E2 such that CE proposals for non-quota managed fisheries must demonstrate equivalency to the percent reduction/liberalization projected for the FMP standard at the state-specific level** (Page 57). Motion by Michael Armstrong; second by Jim Gilmore. Motion carried (13 in favor, 1 opposed, 2 abstentions) (Page 60).
15. **Move that all provisions of Amendment 7 be effective immediately except for gear restrictions. States must implement gear restrictions by January 1, 2023** (Page 61). Motion by Megan Ware; second by John Clark. Motion carried unanimously (Page 61).

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**INDEX OF MOTIONS (continued)**

16. **Move to recommend to the Commission the approval of Amendment 7 to the Striped Bass Interstate Fishery Management Plan as amended today** (Page 61). Motion by Cheri Patterson; second by David Sikorski. Motion carried unanimously (Page 62).
17. **Move to approve Jamie Lane representing North Carolina to the Striped Bass Advisory Panel** (Page 64). Motion by David Sikorski; second by Chris Batsavage. Motion carried (Page 64).
18. **Move to elect Megan Ware as Vice-Chair of the Atlantic Striped Bass Management Board** (Page 64). Motion by Cheri Patterson; second by Eric Reid. Motion carried (Page 64).
19. **Move to adjourn** by consent (Page 64).

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**ATTENDANCE**

**Board Members**

Megan Ware, ME, proxy for P. Keliher (AA)	Kris Kuhn, PA, proxy for T. Schaeffer (AA)
Steve Train, ME (GA)	Loren Lustig, PA (GA)
Sen. David Miramant, ME (LA)	G. Warren Elliott, PA (LA)
Cheri Patterson, NH (AA)	John Clark, DE (AA)
Ritchie White, NH (GA)	Roy Miller, DE (GA)
Dennis Abbott, NH, proxy for Sen. Watters (LA)	Craig Pugh, DE, proxy for Rep. Carson (LA)
Mike Armstrong, MA, proxy for D. McKiernan (AA)	Mike Luisi, MD, Administrative proxy
Raymond Kane, MA (GA)	Robert Brown, Sr., MD, proxy for R. Dize (GA)
Sarah Ferrara, MA, proxy for Rep. Peake (LA)	David Sikorski, MD, proxy for Del. Stein (LA)
Jason McNamee (AA)	Pat Geer, VA, Administrative proxy
David Borden, RI (GA)	Bryan Plumlee, VA (GA)
Eric Reid, RI, proxy for Sen. Sosnowski (LA)	Shanna Madsen, VA, proxy for Sen. Mason (LA)
Matt Gates, CT, proxy for J. Davis, CT (AA)	Chris Batsavage, NC, proxy for K. Rawls (AA)
Bill Hyatt, CT (GA)	Jerry Mannen, NC (GA)
Jim Gilmore, NY (AA)	Bill Gorham, NC proxy for Rep. Steinberg (LA)
Scott Curatolo-Wagemann, NY, proxy for E. Hasbrouck (GA)	Marty Gary, PRFC
John McMurray, NY, proxy for Sen. Kaminsky (LA)	Dan Ryan, DC, proxy for J. Seltzer
Joe Cimino, NJ (AA)	Rick Jacobson, USFWS
Tom Fote, NJ (GA)	Chris Wright, NMFS

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

**Ex-Officio Members**

Kurt Blanchard, Law Enforcement Representative

**Staff**

Bob Beal	Maya Drzewicki	Sarah Murray
Toni Kerns	Emilie Franke	Mike Rinaldi
Tina Berger	Lisa Havel	Deke Tompkins
Kristen Anstead	Chris Jacobs	Geoff White
Katie Drew	Jeff Kipp	

**Guests**

John Abplanalp, Tight Line Adv.	Dave Bard, NOAA	Alan Bianchi, NC DENR
Karen Abrams, NOAA	Megan Barrow, NYS DEC	Kalil Bodhdan
Max Appelman, NMFS	Mike Barry	Christopher Borgatti
Lee Arco	Rick Bellavance	Michael Bowen, Stonybrook
Jerry Audet	John Bello	Bill Brantley, NC DENR
Pat Augustine, Coram, NY	Jessica Best, NYS DEC	Andrew Briggs

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**Guests (continued)**

Jeff Brust, NJ DEP	Adam Kenyon, VMRC	Mike Ruccio, NOAA
Craig Cantelmo	Thomas Kosinski	Lenny Rudow
Michael Celestino, NJ DEP	Chris LaPorta, NYS DEC	Brendan Runde, TNC
Benson Chiles, Chiles Consulting	Nils Larson	Sean Breit Rupe, TM Law
Germain Cloutier	Carl Lobue, TNC	Chris Scott, NYS DEC
Heather Corbett, NJ DEP	Brooke Lowman, VMRC	Tara Scott, NOAA
Richard Cody, NOAA	Dee Lupton, NC DENR	Alexei Sharov, MD DNR
Allison Golden, CBF	John Maniscalco, NYS DEC	Greg Shute
Margaret Conroy, DE DFW	Casey Marker, MD DNR	Philip Simon
Heather Corbett, NJ DEP	Paul Marzolla	Andrew Sinchuk, NYS DEC
Nichole Lengyel Costa, RI DEM	Owen Mulvey-McFerron	Somers Smott, VMRC
Dan Couture	Dan McKiernan, MA (AA)	Ross Squire
Nathan Cowen	Conor McManus, RI DEM	Kevin Sullivan, NH F & G
Caitlin Craig, NYS DEC	Frank Meisel	John Sweka, US FWS
Maureen Davidson, NYS DEC	Nichola Meserve, MA DMF	Chad Tukey
Grant DePhillips	Steve Meyers	Craig Ueker
Greg DiDomenico	Mike Millard	Jim Uphoff, MD DNR
Evan Dintaman	William Mitchell	Taylor Vavra, Strippers Forever
Chris Dollar	Brandon Muffley, MAFMC	Beth Versak, MD DNR
Mark Eustis, Grey Owl Analytic	Brian Neilan, NJ DEP	Ralph Vigmostad
Peter Fallon, Maine Strippers	Robert Newberry	Daniel Walsh
Lynn Fegley, MD DNR	Josh Newhard, US FWS	Craig Weedon, MD DNR
Tony Friedrich, ASGA	Tom O'Connell	Andrew Werkama
Tom Fuda	George O'Donnell, MD DNR	Ben Whalley
Lewis Gillingham, VMRC	Tyler O'Neill	Tim Wheeler, <i>Bay Journal</i>
Angela Giuliano, MD DNR	Derek Orner	Peter Whelan
Willy Goldsmith, ASGA	Patrick Paquette	Sarah Widman
Pam Lyons Gromen, Wild Oceans	Patrick Perrotto	Kate Wilke, TNC
Jaclyn Higgins, TRCP	Wes Phillips	Angel Willey, MD DNR
Greg Hinks, NJ DEP	Michael Pierdinock	Brian Williams
William Hoffman, MA DMF	Michael Piper, Abrams Capital	John Page Williams
Jacob Holtz, MD DNR	Kelly Place	Joshua Winger, NC DENR
Jeffrey Horne, MD DNR	Michael Plaia	Jordan Wisecup, <i>Congressional Sportsmen</i>
Harry Hornick, MD DNR	Nick Popoff, FL FWS	Charles Witek
Jesse Hornstein, NYS DEC	Will Poston, ASGA	Steven Witthuhn
Bob Humphrey	Evan Priovolos	Michael Woods
Bob Jeter	Dominick Pucci	Chris Wright, NOAA
Jeff Kaelin, Lund's Fisheries	Marcus Quenzer	Renee Zobel, NH F&G
Julia Kaplan, MA DMF	Jill Ramsey, VMRC	Erik Zlokovitz, MD DNR
Kurt Karwacky	Courtney Roberts	
Carrie Kennedy, MD DNR	John Robertson, OptOnline	
Greg Kenney, NYS DEC	Cody Rubner	

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The Atlantic Striped Bass Management Board of the Atlantic States Marine Fisheries Commission convened in the Jefferson Ballroom of the Westin Crystal City Hotel, Arlington, Virginia, a hybrid meeting, in-person and webinar; Wednesday, May 4, 2022, and was called to order at 11:30 a.m. by Chair Martin Gary.

### **CALL TO ORDER**

CHAIR MARTIN GARY: Good morning, everybody. I would like to call to order the Atlantic States Marine Fisheries Commission's Atlantic Striped Bass Management Board meeting for May 4, 2022. My name is Marty Gary; I am the Administrative Representative for the Potomac River Fisheries Commission, and I am the Chairman of this Board.

The Vice-Chairman is currently vacant. We'll be addressing that vacancy later in this meeting. Our Technical Committee Chair is also vacant at this current time. Our Advisory Panel Chair is Lou Bassano of New Jersey. Our LEC representative is Deputy Chief Kurt Blanchard of Rhode Island, and our FMP Coordinator is Emilie Franke, and Dr. Katie Drew, seated to my right is the ASMFC Stock Assessment Scientist for striped bass.

Before we get going, I just wanted to, I know these folks aren't new to our coastal community, they are actually veterans. But there are some faces here at the Board that aren't typically here. I want to welcome Scott Wagemann for New York, who is proxy for Emerson Hasbrouck. Welcome, Scott.

Robert T. Brown is proxy for Russel Dize of Maryland. Robert T. has been at this meeting for this species several times before, but he's proxy for Russel Dize, seated over here on the right. Matt Gates is here as proxy for Dr. Justin Davis of Connecticut. Matt, welcome. Rick Jacobson for the U.S. Fish and wildlife Service.

Rick, welcome to the Striped Bass Board. Virtually online is Chris Wright, for NOAA Fisheries. With that, I would like to go ahead and get into the meeting.

### **APPROVAL OF AGENDA**

CHAIR GARY: First order of business is the Approval of the Agenda. We'll do this by consent. Are there any additions or modifications of the agenda that was distributed and presented to the Board? Joe Cimino.

MR. JOE CIMINO: Given this journey we're about to embark on, and given the date, I just wanted to start us off by saying, may the fourth be with you!

CHAIR GARY: Thank you, Joe. All right, so if there are no other comments on the agenda, we'll consider that approved by consent.

### **APPROVAL OF PROCEEDINGS**

CHAIR GARY: Next order of business is the Approval of the Proceedings from January, 2022. Are there any changes or modifications from those proceedings that were sent out via e-mail, and posted on the website? Seeing none; we'll approve the proceedings from January, 2022 by consent.

### **PUBLIC COMMENT**

CHAIR GARY: Our next item on the agenda is Public Comment, so this is for items that are not on the agenda. I am going to look to the back of the room, and I do see one hand raised. I will also look to Katie to help me with those folks that may be online that may want to offer public comment, to see how many folks we have.

DR. KATIE DREW: I do not see any hands online.

CHAIR GARY: Okay, so we had one individual, and he has come to the public microphone. If you could identify yourself. Go ahead.

MR. PHIL ZALESK: My name is Phil Zalesak; I'm from southern Maryland, I'm a recreational fishing advocate, if you will. All I want to do is propose something that has nothing to do with the process which you're reviewing right now. It has to do with fishing regulations for 2023 for your reviewed consideration, as you go back to your states.

Draft Proceedings of the Atlantic Striped Bass Management Board Webinar  
May 2022

I encourage you to contact your Technical Committees to review what I'm about to say here. Based on documented research, I propose three recommendations. First is establish a harvest slot, if you will, for striped bass from 18 to 28 inches. Why. Well, according to the Virginia Institute for Marine Science, 18-inch females start producing about a million eggs per year.

When they get up to 35 inches, they are producing between a million and a half to two million eggs per year. Why would I want to take one of those out of the water, when I could get something else that would be less productive, in terms of making juveniles. Second, according to Draft Amendment 7 data, Page 128.

Release mortality rate has exceeded the harvest mortality rate for the last four years. I questioned Emilie Franke about this, and she said yes, that's right, Phil. I did my research, and she was dead on and I was dead wrong. But essentially, if you do the research, you're going to find a former Maryland Department of Natural Resource scientist, who said that in the summer months when the oxygen is not very high and the salinity is low, the mortality rate can go up to 70 percent, 70 percent.

If anybody is interested in these links, I would be glad to provide those. The third point I want to make is that in the Atlantic menhaden reduction harvest, removing 26 percent of the total allowable catch from the entire Atlantic coast, the Virginia portion of the Chesapeake Bay is not supported by science. I thank you for your time this morning. Have a good day.

CHAIR GARY: Thank you, Mr. Zalesak. All right, so we're going to go into Item Number 4 on our agenda. This is Draft Amendment 7 for Final Approval, and this is a final action. We will have a one-hour lunch break. Just a few notes on process for everyone. Because Amendment 7 was just out for public comment, our intention is not to take public comment when the Board is voting on options.

I think hopefully all the folks from the public that are listening in that care so much for this species, as we all do, understand that we have a lot of empathy for public comment. I tried to take that into account at the January meeting. But we've had that public comment, and the public really did turn out, great participation at the hearings, as we'll hear from Emilie in a moment, and through the written comments. The Board members have had an opportunity to see that. We really need to maintain our focus and attention to these proceedings that we're going to have today.

I just want to manage expectations on public participation. If I really feel a compelling need, we will reach to the public. But at this point we're really trying to constrain this to the Board discussion. Also, I want to go on the record as saying, as the sole Board member for the Potomac River Fisheries Commission, I don't have fellow delegation members like the states do.

I will be voting on the options today. We're going to discuss each of these options issue by issue. Emilie, who I'll turn this over to in a moment, will present one issue at a time, review the options, public comments and Advisory Panel recommendations. The Law Enforcement Committee representative Kurt Blanchard will also present the LEC input on recreational release mortality.

After the presentation on each issue, our intention is to take questions first, followed by motions and discussion. Most importantly, I think because of the complexity and because of the interlinkage of a lot of the components in this document, our goal will be to get motions up to the table as soon as possible.

I think folks have had a lot of time to look over the materials and the positions, so we can discuss them if that is the preference. But I think if we can get motions up on the table, if somebody has a substitute we can go that way, but to get them up quickly I think would be helpful. We will have a one-hour lunchbreak.

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We're going to shoot for 12:30, and I have one sequential rearrangement, where we're going to use the rebuild issue and move that up front first, try to address that, and hopefully we can get that done by 12:30. If we get a little bit bogged down, we can delay that until after lunch. We'll go now to a voice that you're all very familiar with, who is participating virtually, Ms. Emilie Franke, to go ahead to introduce this Draft Amendment 7 for Final Approval, final action. Emilie, I am going to turn it over to you.

#### **DRAFT AMENDMENT 7 FOR FINAL APPROVAL**

MS. EMILIE FRANKE: Thank you so much, Mr. Chair, and I'm disappointed I can't be there in person today. But I want to thank you, Mr. Chair, and also the Commission Team, especially Maya, Toni and Katie for all their help preparing for this meeting today. I would also like to thank Maya for all her help compiling all the public comments for this Draft Amendment.

To get us started today I'll review the background and timeline for the Draft Amendment, and then as Mr. Chair stated, I'll review the four issues and the proposed options, including the Public Comment Summary and the AP Recommendations. We'll present issue by issue and pause for Board discussion after each issue.

To review the background here, the last amendment to the striped bass fishery management plan was adopted in 2003, and that was Amendment 6. Since then, the status and understanding of the stock and the fishery has changed quite considerably, and the most recent 2018 benchmark stock assessment indicated the stock is overfished, and experiencing overfishing. These results tripped the management triggers requiring the Board to take action to end overfishing, and to address the overfished status of the stock. In April, 2020, the Board implemented Addendum VI to Amendment 6 to end overfishing, and those Addendum VI measures are designed to achieve at least an 18 percent reduction in coastwide removals.

Then following that Addendum VI action, in August, 2020, the Board initiated development of this Amendment 7. This Amendment is intended to update the management program to better align with current fishery needs and priorities, and to build on that Addendum VI action to initiate stock rebuilding.

In January of this year, the Board approved Draft Amendment 7 for public comment, and the Draft Amendment has proposed options to address four issues. Those are management triggers, recreational release mortality, the stock rebuilding plan, and conservation equivalency. The full Amendment 7 timeline is shown here.

Following the scoping process, that public information document process last year, in May of last year, the Board selected which issues to include in the Draft Amendment. Then in January, 2022, as I mentioned, the Draft Amendment was approved for public comment, and that public comment period was open through April 15th. Today at this May Board meeting, the Board will review that public comment, and consider selecting final measures for the Amendment.

The Board actions for consideration today are selecting the management options, and the implementation dates, and considering approval of the final document. The management options are in the four issue sections listed here. Then the Board will also need to discuss Section 4.10, which is the recommendation to the Secretary of Commerce, and Section 5.2, which is the compliance schedule.

Before moving into the proposed management options, I just want to point out what is staying the same at this time, as far as the measures in the Draft Amendment. Draft Amendment 7 maintains the same recreational size and bag limit requirements as Addendum VI. That is the one-fish at 28 to less than 35 inches for the ocean, and one-fish at an 18-inch minimum for the Bay.

Draft Amendment 7 also maintains the same commercial size limits and the same commercial

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The Board will review the minutes during its next meeting

quota allocations as Addendum VI, which was that 18 percent quota reduction from Addendum IV levels. All approved Addendum VI conservation equivalency programs and state implementation plans are maintained for these measures, until these measures are changed in the future.

For example, these measures might be changed in response to this upcoming stock assessment if needed. If these measures are changed in the future, then new implementation plans and new conservation equivalency proposals would be required. Draft Amendment 7 states that the Chesapeake Bay Spring Trophy Fishery is part of the ocean fishery for management purposes, and so would be subject to the same requirements as the ocean fishery. With that background information I'll get into the proposed options.

#### **REVIEW OPTIONS AND PUBLIC COMMENT SUMMARY**

MS. FRANKE: I'll review the options, the public comment summary and the AP recommendations for each issue. As Mr. Chair stated, we'll also hear from the Law Enforcement Committee on recreational release mortality, and we'll start with the rebuilding plans section here, so that's Section 4.4, and we will pause for discussion after each issue. As far as the public comments that we received, these public comments were accepted through April 15, 2022, and we received 4,689 written comments, 1,149 of those were individual comments, 3,397 of those were received through 25 different form letters.

Then 51 organizations also submitted comments. One of those organization's letters listed 92 supporting businesses and organizations. Then for the public hearings, 12 public hearings were held for 11 jurisdictions in March. Eight of those hearings were conducted via webinar only, three were conducted in person, and one hearing was conducted in a hybrid format.

Four hundred and ninety-three individuals attended those hearings, not including state staff, Commission staff, or Commissioners and Proxies.

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The Board will review the minutes during its next meeting

Some of those individuals did attend and participate in multiple hearings. Then also just a note that live polling or a show of hands vote were used at most of the hearings for some of the proposed options, and the public comment summary memo in the meeting materials indicates when a poll or a vote was used.

#### **ADVISORY PANEL REPORT**

MS. FRANKE: Then as far as the Advisory Panel input, the Striped Bass AP met twice via webinar in April, to discuss the AP input on all of the proposed options. Then the Law Enforcement Committee met via webinar in April as well, to discuss input on the recreational release mortality options.

#### **REBUILDING PLAN**

I will kick us off here, moving into the proposed options section with Section 4.4, which is the stock rebuilding plan.

Starting with the statement of the problem, the stock is overfished, which tripped the current management trigger requiring the Board to rebuild the stock by 2029. Those Addendum VI measures implemented in 2020 are expected to contribute to that stock rebuilding. But there has been some concern about recent low recruitment estimates, and how that low recruitment might impact the stock's ability to rebuild.

A Technical Committee analysis as part of this Draft Amendment 7 process identified 2007 to 2020 as a low recruitment period, or low recruitment regime for the stock. The results of the next stock assessment are expected later this year in October, and this stock assessment will provide stock projections to determine if the stock will reach the rebuilding target by 2029, and again this will include two years of data under the Addendum VI reductions.

The assessment will also calculate what level of fishing mortality is needed to rebuild the stock, and that is referred to as F rebuild. This section in the Draft Amendment includes two sets of options,



specifically related to that 2022 assessment. The first considers which recruitment assumption to apply to the rebuilding calculations, and the second set of options considers how the Board could respond to that assessment, if action is needed to achieve stock rebuilding.

Starting with the recruitment assumption options from the 2022 assessment. Option A would be the status quo. F rebuild is calculated to achieve the SSB target by 2029, so to rebuild the stock by 2029, using the standard recruitment method from the assessment. This means that those stock rebuilding projections would estimate future recruitment based on the entire time period from 1990 forward, so based on all those highs and lows that we've seen over the past 30 years. Then Option B for the recruitment assumption. This is where F rebuild would be calculated to achieve the target by 2029 using the low recruitment regime assumption. This means that the stock rebuilding projections would estimate future recruitment based on the low recruitment period only. This low recruitment assumption is more conservative, and might result in more restrictive management measures as compared to Option A.

The next set of options in this section addresses how the Board could respond to the 2022 assessment if a reduction is needed to rebuild the stock by 2029. Option A, status quo, the Board would go through the typical addendum process to develop new measures to achieve the stock rebuilding target. The addendum process typically takes about six to nine months, so any new measures could be implemented likely in 2024.

Then as far as public comments, the addendum process includes those formal public hearings and a formal draft addendum document to provide public comments on. Then Option B, the alternative here, would allow the Board to change management measures more quickly, by taking action at a Board meeting, so by taking a Board vote. I'm going to read the option here, because it has some specific parameters.

If the 2022 stock assessment results indicate that Amendment 7 measures have less than a 50 percent probability of rebuilding the stock by 2029, as calculated using the recruitment assumption specified in Amendment 7, and if the stock assessment indicates that at least a 5 percent reduction in removals is needed to achieve F rebuild, then the Board may adjust measures to achieve F rebuild via Board action.

If the Board passed a motion with those management changes sometimes later this year following the stock assessment, those new measures could likely be implemented in 2023. Probably not at the beginning of the year, but maybe sometime in the spring or the summer. Then as far as the public comments for this type of response process, this process would include the opportunity for public comments during the Board meeting itself when the Board was considering any new measures. Then any written comments could be submitted before the Board meeting per Commission protocols for submitting comments leading up to Board meetings.

I'll now go into the public comment summary for these two sets of options. For the recruitment assumption, a majority of comments favored Option B, which is the low recruitment assumption for the 2022 assessment. In order to take the most conservative approach, and noting support for a conservative/aggressive rebuilding plan.

Those that noted support for the Option A, standard recruitment method indicated that striped bass recruitment is naturally variable from year to year. Then as far as the Board response to the 2022 assessment. If needed, a majority of public comments favored Option B, which is using that Board action process to respond if a reduction is needed to achieve rebuilding. Commenters noted the importance of taking quick action to address the need to rebuild the stock. There were some comments in support of the status quo addendum process, Option A, and those comments noted the importance of a thorough public comment process and sufficient time for analysis before selecting new measures. Then for the Advisory Panel input on

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The Board will review the minutes during its next meeting

these options. You'll notice for many of the issues and options, the Advisory Panel did not come to consensus. For this recruitment assumption, three AP members support actually using both Options A and B for the recruitment assumption.

They noted it's important to compare the results of both the standard recruitment method and the low recruitment assumption. Then six AP members supported Option B, which is the low recruitment assumption, due to the concern from recent observed low recruitment. Then as far as the process for responding to the assessment, eight AP members supported Option B, which is that faster board action process, so the Board can respond quickly if needed.

But AP members did emphasize the importance of opportunities for public comment and for Advisory Panel input, even during this faster process. With that I am happy to take any questions on this section, or the public comments, so I will turn it back over to you, Mr. Chair.

CHAIR GARY: We'll open this up for questions for staff. Go to John Clark.

MR. JOHN CLARK: Thank you for the great presentation, Emilie. I just had a question on the rebuilding assumptions there. If we go with the recruitment assumption of low recruitment. Since we're doing this before we actually go to the triggers, is this going to lock us in to using the low recruitment assumption for the trigger also, the recruitment trigger?

MS. FRANKE: No. Selecting a recruitment assumption for this particular stock assessment does not impact what the Board decides to choose, as far as what the recruitment trigger should be, and what the response to the recruitment should be.

CHAIR GARY: Other questions for Emilie on the rebuild, the recruitment assumption and the Board response? If there aren't any, as I mentioned before, I think our best strategy to go forward is to

see if we can get a motion up on this, if the Board has one. Dr. Armstrong.

DR. MICHAEL ARMSTRONG: I am going to make one motion for both pieces of this. If the Board Chair thinks that might complicate things we can break them apart, but let me put it out there, and we'll see how it goes. For the recruitment assumption for the 2022 assessment.

**Move to approve Option B for the low recruitment assumption to be used in the 2022 stock assessment's calculation of the F rebuild needed to achieve the SSB target, no later than 2029, and for the process of responding to the 2022 assessment, move to approve Option B, to allow the Board to adjust measures to achieve F rebuild via Board action.**

CHAIR GARY: Thank you, Mike, do we have a second to that motion? John McMurray. Okay, we'll go ahead and open this up. Actually, we'll go back to you, Mike, for any justification you want to add to this.

DR. ARMSTRONG: Yes, I mean I think it's fairly self-explanatory, and certainly this goes with the public's will. To be honest, the low recruitment assumption, I'm not sure how much it's going to matter in this particular rebuilding, because the recent low recruitment is not going to be part of SSB for a number of years, but it's going to make a big difference for longer term recruitments. We're all very troubled by the last three years of recruitment in Chesapeake Bay, and for the response.

I made that motion at the last meeting to include this, and I was very surprised that the public supports, sort of taking out the public hearing process in order to expedite. It's clear the public wants us to expedite things and eliminate the addendum process, just for this time.

CHAIR GARY: John, did you want to add any comments as a seconder?

MR. McMURRAY: Yes, I'll try to be brief here. For one, the low recruitment scenario seems like the more prudent, cautious way to move forward, although it probably will result in more difficulty in rebuilding. But as for the second part, I think we're already pretty late in initiating a rebuilding plan, and this would certainly help us expedite things.

I think the public has been very clear they want less delay, they want us to act expediently, and I know that there has been some concern about public comment and general engagement. But I think the document makes it clear that we will be able to submit comment via writing letters or even at the meeting if time allows. It just makes sense.

CHAIR GARY: We'll open it up to the Board for discussion on the motion. Joe Cimino.

MR. CIMINO: I have to apologize, because I was slow in getting my hand up for questions in the discussion. I'm curious maybe Emilie could answer. I kind of tend to agree with the AP members that said we should be looking at everything. I mean there is no doubt that this low recruitment assumption is probably the most prudent thing.

That's what Dr. Drew and others would be telling us. I am not 100 percent sure why we would tie their hands and not allow the experts to paint the best picture possible for us. I'm curious, would status quo still allow us to look at a low recruitment assumption. Maybe, Katie, that's a question for you, and not just force this issue.

MS. FRANKE: Thanks, Joe, and Mr. Chair, I can start here before turning it over to Katie. If the Board did select Option A for the recruitment assumption, status quo, standard recruitment method. That doesn't prevent the stock assessment from looking at the low recruitment assumption also.

But the TC would need specific guidance from the Board stating that they wanted the assessment to look at that low recruitment assumption also. Also, in terms of just the number of different projections, you know looking at both the standard recruitment method and the low recruitment assumption,

would be a lot more projections that would need to be developed. I'll turn it over to Katie for that.

DR. DREW: Yes, I think Emilie covered it for sure. We could look at it, but it does increase the amount of work on the TC in a compressed amount of time. I think the other issue is it does come down more on the side of risk tolerance for the Board, rather than a specific scientific question. In the sense that if we could predict what recruitment is going to be in the next few years, we would be in a different scenario. I don't think the Stock Assessment Committee can tell you, this is the right answer or this is the wrong answer. We can give you both of them, and then you'll just have to come back and have that discussion again after you've seen the results.

CHAIR GARY: Does that answer your question, Joe? All right, thank you. Next up we have Chris Wright, NOAA Fisheries.

MR. CHRISTOPHER WRIGHT: I don't know who this would go to, but if this was to be approved, would we vote concurrent with the 2022 assessment in October or November, or would it be a later date. Second part is, will there be any guidance on viable measures?

MS. FRANKE: Thanks, Chris. To your first question. The exact timeline of how this faster Option B Board process would ensue is something that would have to be discussed over the next couple of months. If this option were approved, then the TC would have to present, along with the stock assessment results in October.

The TC would also provide potential options for the Board to consider to achieve any sort of reduction indicated by the assessment. As far as when the Board would discuss and vote on those options, that is something that would need to be worked out over the next couple of months. Then, can you repeat the second part of your question, please?

MR. WRIGHT: Sure, and thanks for the first answer. Will there be any guidance on the viable measures?

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The Board will review the minutes during its next meeting

Draft Proceedings of the Atlantic Striped Bass Management Board Webinar  
May 2022

MS. FRANKE: Yes. At the August meeting, so the next Board meeting. If this Option B, faster Board process was approved, then the TC would come back seeking guidance from the Board on what types of options the TC should look at. Katie will provide a little bit more detail after the Draft Amendment discussions on the stock assessment process, which is Agenda Item Number 5. If the Board approved this faster Board option, the Board would need to provide some guidance to the TC in August, as to what types of measures the TC should be looking at.

CHAIR GARY: Chris, does that answer all of your questions?

MR. WRIGHT: Yes, thank you.

CHAIR GARY: Additional questions for staff on the motion. Bill Hyatt, Connecticut.

MR. WILLIAM HYATT: Good morning, it is not so much a question, maybe, just sort of thinking aloud. I generally support this motion in its entirety, and I recognize that it certainly represents the overwhelming will of the public comment that we received. But I have to admit that I've got some angst with Option B, the Board action, or the second part of the motion.

I realize that the public has said, really and spoken kind of loud and clear, that they want fast action taken. I guess what I don't entirely trust is that when the time comes that the shortened timeframe for providing, and shortened options for providing public comment, are going to be at that point in time deemed satisfactory by the public. I guess I'm saying I support the motion, but I was hoping that I would hear some more conversation, some more discussion, some more folks opinions on the second half of this, and whether or not they think that it's going to play out to the satisfaction of the public, the way they are indicating at this point in time.

CHAIR GARY: I guess we're still on questions, but it looks like we may pivot into comments. But Tom Fote.

MR. THOMAS P. FOTE: I'll wait until comments.

CHAIR GARY: Are there additional questions for staff? Well, Tom, I think we're ready for comments. You're up.

MR. FOTE: We said that the public came out to basically say this, but I look at the numbers. We had 493 people attend all the public hearings online, and we polled those people. We've got a representation of the people that were online basically at these hearings. But when I look at the number of 493, the last time we did a public, Amendment 6, I had about half of that just in the state of New Jersey.

Then I realized that also, when I look at my old meeting, I used to have 500 people at a striped bass hearing. Now a lot of people have gotten turned off about going, because they figure they don't listen to what we have to say. I don't look at this the same way some of you people look at it. I look at it as we're not reaching out to the public, or the public get involved.

Also, we weren't putting any restrictions that they knew of in this thing, because everything was going to be status quo until the new stock assessment, so maybe they didn't show up to the public hearings. But when I look at that number, 493 people attending all the public hearings. I mean I look at New Jersey and Pennsylvania, we had a joint hearing.

Then I looked who was on the hearing. There were 15 members of staff, between Pennsylvania and New Jersey, and there was 50 members of the public. I said, what am I doing, and we're polling those people as if they represent the 800,000 anglers in New Jersey, and I don't know how many anglers you have that saltwater fish on the Delaware River.

But I know it must be between the two states we have a little more than a million and a half, or it's close to that. All we're doing is basically looking at 50 people. I have a real problem with that, I think we're not doing our job of communicating, or I think

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The Board will review the minutes during its next meeting

people are Zoomed out. I mean we all are Zoomed out. We don't really want to go to meetings as much as we're going, and the public just got turned off from the whole process, I don't know. I don't see this as a representation that other people see.

CHAIR GARY: Thank you, Tom. I know I listened to every single one of the hearings. I saw a lot of the same names. I saw the staff that you were talking about for the respective jurisdictions present. But I don't know, and at least from my observations, if technology was a huge impediment. It seems like those folks that I cross paths with understood how to access it. We've always struggled with getting folks to engage. I honestly found the technology was an asset, from a coastwide basis, and I got a chance to really understand some of the perspectives in different geographic areas. It had its pros and it had its cons. Additional discussion from the Board. We're going to go to Ritchie White and then John Clark.

MR. G. RITCHIE WHITE: I strongly support the motion, definitely concern about the public not having their normal amount of input, but for the last few years I've heard no comment in any way, shape, or form that said you're going too fast, that the fishing needs to slow down. All we hear is, what is wrong with the Commission?

You guys don't act fast enough. We're in this situation, if you had acted faster, we might not be in this situation. I think the public has been extremely clear about us taking a fast response to the results of the 2022 stock assessment. That would be my take, and again I support this motion.

CHAIR GARY: We go to John Clark.

MR. CLARK: I don't oppose the motion, but I just wonder if we're creating unrealistic expectations here. I mean the whole implication of this motion is that fishing is the only problem that striped bass have. We cut the harvest 25 percent in 2015, then another 18 percent in 2019. The stock really hasn't responded that well yet. I see that, I understand the frustration.

Then, because we're not looking at the reference points here, if we're going to rebuild to the target of SSB, we've never hit the target according to the latest assessment, even when the stock was at a historical high. You know again, it's not that I oppose this, I'm just saying I think it builds up unreal expectations, and it puts too much emphasis that the only problem facing striped bass is that we're fishing too many of them. I think you know there is just a lot of other things going on.

CHAIR GARY: Dennis Abbott.

MR. DENNIS ABBOTT: I support the motion, and to comment to Mr. Clark's comment that we're creating unrealistic expectations. I don't think that we have been achieving expectations of the public in the past, and I think this is a chance for us to at least have an opportunity to achieve some expectations, whatever they may be. As we move down the road, we can always change things, but we need to go in this direction, and I would suggest that we move this towards a vote as quickly as possible to move this along.

CHAIR GARY: We'll take a couple more comments before we call the question. Tom, I would like to go to you, but I want to make sure we spread the love around a little bit. Does anybody else on the Board who hasn't spoken yet that would like to offer comment? All right, Tom, I think you're going to have the last say, and then we're going to call the question.

MR. FOTE: Yes. If I thought if we cut back the catch even further, we would do something about the recruitment I would support it 100 percent. My problem is, we're setting up, as John pointed out, expectations. We've done that, and really if you look at the stock assessment and you look at the guidance from the stock assessment. It doesn't depend on spawning stock biomass, the same way with summer flounder and other species, and yet that's the only tools we have. What we really have a problem here is with catch and release mortality, and this plan is not dealing with that. I'll just leave it at that as my comment, thank you very much.

CHAIR GARY: Thank you, Tom, I appreciate the comment. We'll go ahead and call the question.

MS. FRANKE: Mr. Chair, sorry to interrupt, this is Emilie. I just wanted to ask the maker and seconder of the motion. Staff would recommend adding into the motion the text from the options themselves, to make it abundantly clear, as up on the screen. I just wanted to check with Dr. Armstrong and Mr. McMurray if they are okay with that specification, and to ask Mr. Chair or Dr. Armstrong to read the full motion into the record.

CHAIR GARY: Mike, I'll yield to you.

DR. ARMSTRONG: Yes, I'm fine with that except for the reading part. All right, do you want me to read the whole thing? **Move to approve Option B in Section 4.4.1 such that for the 2022 stock assessment: F rebuild is calculated to achieve the SSB target by no later than 2029 using the low recruitment regime assumption as identified by the change point analysis.**

**Move to approve Option B in Section 4.4.2, such that: if the 2022 stock assessment results indicate the Amendment 7 measures have less than a 50 percent probability of rebuilding the stock by 2029 (as calculated using the recruitment assumption specified in Amendment 7) and if the stock assessment indicates at least a 5 percent reduction in removals is needed to achieve F rebuild, the Board may adjust measures to achieve F rebuild via Board action.**

CHAIR GARY: Just to be sure, John, are you comfortable as a seconder with what Emilie mentioned?

MR. McMURRAY: Yes, Mr. Chairman.

CHAIR GARY: All right, is there a need to caucus? We would like a one-minute caucus. Okay, we'll go ahead and call the question. It's been read into the record. I'll look to staff to correct me. I'm sorry, go ahead, Dennis, do you have a question?

MR. ABBOTT: Could I request a roll call vote?

CHAIR GARY: Good question. I think, let me see if this satisfies that desire, Dennis. The way we've been conducting this, because we have participants that are attending virtually, is to go ahead and get a show of hands. But Toni is going to read those, correct? It's sort of, you're getting the roll call. Will that suffice, Dennis?

MR. ABBOTT: That's satisfactory, entirely.

CHAIR GARY: Just to be clear, we're going to call the question in just a moment. I'll ask who is in favor, we'll do a show of hands, and then Toni is going to get the show of hands for the virtual participants' affirmation, and then we'll do the nays the same way, but Toni will read those all out, so we know who voted accordingly. All those in favor of the motion, please raise your hands.

MS. TONI KERNS: I have Rhode Island, Massachusetts, Connecticut, New York, U.S. Fish and Wildlife Service, Pennsylvania, it's tricky on this side. I'm going to have to go to the front. North Carolina, Virginia, Maryland, District of Columbia, Delaware, Maine, New Hampshire, Potomac River Fisheries Commission and now I'm not in front of my computer, NOAA Fisheries. Thank you, Katie.

CHAIR GARY: All those opposed please raise your hands. It appears none, or none in the room, and any on line? None opposed. Are there any abstentions? Any null votes? New Jersey.

**MS. FRANKE: Mr. Chair, I have 15 in favor, 0 against, and 1 null.**

CHAIR GARY: **Okay, the motion passes.** All right, then in accordance with what we had laid out in terms of our plan, the Striped Bass Management Board will now break for lunch, and do we want to adjust that time schedule or keep it at an hour, stay at an hour, okay. We're going to break now, and let's say 1:20 acceptable? We'll be back and reconvene the Striped Bass Board at 1:20 p.m. Thank you.

(Whereupon the Board convened for lunch at 11:30 a.m. and reconvened at 1:20 p.m.)

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The Board will review the minutes during its next meeting

CHAIR GARY: Atlantic States Marine Fisheries Commission's Atlantic Striped Bass Management Board meeting for May 4, 2022, reconvening after our lunch break. We are going to now pick up with Section, I'm going to check off with Emilie, our Fishery Management Plan Coordinator, and make sure we're in sync here.

But Emilie, correct me if I'm wrong, we're going to pick up with your presentation for Section 4.1, and you're going to go through each of the tiers collectively, so we're going to go through all four tiers, and then you're going to go back to the public feedback, AP feedback and the questions. Do I have that kind of right?

MS. FRANKE: Yes, thank you, Mr. Chair, I'll present on all four tiers, including the public comments and AP feedback, and then I can take any questions.

CHAIR GARY: Thank you, Emilie, I'll turn it over to you then if you're ready.

### **MANAGEMENT TRIGGERS**

MS. FRANKE: This next section today is Section 4.1, which is Management Triggers. As far as the statement of the problem for these management triggers, there have been a number of shortfalls and concerns about the current management triggers. The first is because fishing mortality can be variable from year to year, especially when spawning stock biomass is below the target. There has been some concern that these triggers could result in a continued need for management action.

There has also been some concern that the short time for taking action in response to these triggers is in conflict with management stability, and the Board has previously been criticized for changing management before the stock has had a chance to respond to past management changes. There is also some concern about the uncertainty around point estimates, and there are also some questions about the recruitment trigger, since it has only tripped one time, but there have been some long periods of low recruitment.

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The Board will review the minutes during its next meeting

To address these concerns, the proposed options in Draft Amendment 7, Section 4.1, consider whether to change any of the status quo triggers. There are four tiers of options to consider. Tier 1 is the fishing mortality triggers; Tier 2 is the female spawning stock biomass triggers. Tier 3 is the recruitment trigger, and Tier 4 considers deferred management action. When considering these options, it's important to note how often these triggers are evaluated.

Fishing mortality and spawning stock biomass triggers are evaluated every two to three years, following stock assessments, while the recruitment trigger, Tier 3, is evaluated every year. Then the Tier 4 deferred management options consider whether the Board needs to respond immediately if a trigger is tripped.

We'll start with Tier 1, which is the fishing mortality triggers. The first question is, how quickly does the Board need to act to reduce F to the target if a trigger is tripped? A1 is the status quo, where management must be adjusted to reduce F to the target within one year. A2 would extend that timeline to reduce F to the target within two years.

Option B in Tier 1 defines the F threshold trigger. B1 is the status quo, where the trigger is tripped if fishing mortality exceeds the threshold in the most recent year, so if overfishing is occurring. The alternative B2 would trip if the two-year average of fishing mortality exceeds that threshold. This option was developed to help address variability, concerns about variability and the data by using an average of multiple years.

Option C defines the F target trigger. The status quo, C1 trips if fishing mortality exceeds the target for two consecutive years, and if spawning stock biomass is below the target in either year. The alternative C2 would only look at fishing mortality alone, so would trip if F is above the target for three consecutive years, and then C3 would eliminate the F target trigger in favor of just focusing on the F threshold trigger.

As far as public comments on the fishing mortality triggers, most comments supported the status quo Option A1, reducing F to the target within one year, noting that the Board should respond promptly to triggers. Then as far as the Advisory Panel input on this first part of the fishing mortality triggers, 10 AP members supported Option A1 that is status quo, reducing F to the target within one year, noting the public support for that option and the public's desire for conservative management.

On the other hand, 5 AP members supported Option A2, reducing F to the target within two years, noting that flexibility to reach the target is acceptable, and that F is partly based on MRIP data, so having more time to make adjustments would make sense considering the uncertainty there. Also noting that it can be difficult to implement regulations in one year for some states, and then finally noting that management stability is important, and allowing two years would avoid that kneejerk reaction the Board has been criticized for in the past. As far as the fishing mortality trigger definitions, most comments favored the status quo B1 and C1 F triggers, noting that those status quo triggers are adequate, and action should not be delayed.

Then as far as the Advisory Panel on the F trigger definition, 10 AP members support the status quo B1, noting that as soon as overfishing is occurring the Board should take action, and the public's desire for conservative management. On the other hand, 5 AP members support Option B2 using that two-year average, noting that F is partly based on MRIP data, so using an average would help address concerns about MRIP uncertainty and the fluctuation of F from year to year.

As far as the F target trigger, there was unanimous support on the AP call for the status quo C1 target trigger, and there was also a general AP recommendation that the target trigger should be maintained and not eliminated, and that the Board should keep both a target and a threshold triggers, because the gap between the fishing mortality target and threshold might increase in the future, and we should be managing to the F target, to avoid

any unintended consequences from variations in the MRIP data.

Moving on to Tier 2, which are the female spawning stock biomass triggers. If a female spawning stock biomass trigger is tripped, management must be adjusted to rebuild the stock to the spawning stock biomass target within ten years. The first set of options asks, should there be a deadline for getting a plan in place to rebuild the stock. The status quo option A1 is no deadline for when a rebuilding plan must be implemented.

The alternative A2 would require the Board to implement a rebuilding plan within two years from when the trigger is tripped. Then Options B and C for the Tier 2 are the SSB trigger definitions. For the spawning stock biomass threshold trigger, the status quo B1 is tripped if the stock is overfished. The Alternative B2 would eliminate this threshold trigger in favor of just focusing on the target trigger, and for that SSB target trigger the status quo C1 trips if SSB is below the target for two consecutive years, and if F exceeds the target in either year.

The alternative C2 would just look at spawning stock biomass alone, and trip if SSB is below the target for three consecutive years, and then the alternative C3 would eliminate the target trigger in favor of just focusing on the threshold trigger. Just a note that there has to be at least one SSB trigger, so the Board cannot eliminate both SSB triggers.

As far as the public comments on the SSB triggers, most comments support Option A2, which is that two-year deadline for a rebuilding plan, noting that the Board should have designated a formal rebuilding plan more quickly after the last assessment. Then for the trigger definitions, most comments favored the status quo trigger definitions, B1 and C1, noting that the status quo triggers are adequate and both the target and threshold triggers should be maintained.

There were some comments in support of either changing the target trigger to just look at SSB alone, which would be C2, or eliminating the target trigger, which would be C3. Then from the Advisory Panel

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The Board will review the minutes during its next meeting



there was unanimous support for Option A2, that two-year deadline to implement a rebuilding plan to take action as quickly as possible to rebuild the stock. For the SSB threshold trigger there was unanimous AP support for the status quo, B1. The trigger trips if SSB is below the threshold, where the stock is overfished. The AP noted the need to take action if the stock is overfished, and again the public's desire for conservative management. Then for the SSB target trigger. All except one AP member supported the status quo trigger C1.

The AP noted that both the target and threshold triggers are important, since SSB could decline below the target, due to factors besides fishing mortality such as environmental conditions or recruitment. Then on the other hand there was one AP member that supported Option C3, which would eliminate the SSB target trigger, because fishing mortality is the only thing we can directly control, so the focus should be on those F triggers.

Moving on to Tier 3, the recruitment trigger. Option A for the recruitment trigger considers the definition of the trigger, and Option B considers options for responding to the recruitment trigger. That recruitment trigger again is evaluated every year based on those juvenile abundance indices.

As was brought up at the last Board meeting, Draft Amendment 7 states that during years when stock assessments are conducted, the recruitment trigger should be evaluated concurrently, when possible, with the F and SSB triggers when assessment results are presented to the Board. For example, since there is an assessment this year the recruitment trigger would be evaluated in October, alongside the stock assessment.

Option A for the recruitment trigger defines that trigger. The question here is how sensitive should the recruitment trigger be to alert the Board to periods of low recruitment? A1 is the status quo option, which is designed to identify recruitment failure. This option is the low sensitivity option that only tripped one time since 2003.

This A1 trigger trips if any of the six juvenile abundance indices are below the 25th percentile of their defined reference period for three consecutive years. The alternative options A2 and A3 are designed to be more sensitive. A2 is the moderate sensitivity option, which would have tripped three times since 2003, and A2 would trip if any of the four JAIs used in the stock assessment, so those are the JAIs from New York, New Jersey, Maryland and Virginia if any of those four are below the 25th percentile of a defined high recruitment period.

Then A3 is the high sensitivity option. That would have tripped six times since 2003, and A3 would trip if any of the four JAIs used in the stock assessment is below the median of that defined high recruitment period. Then Option B here considers that management response to that recruitment trigger. If the recruitment trigger is tripped, should there be a prescribed management response, and if so, how conservative should that response be?

The status quo Option B1 is the most flexible response, where the Board decides the appropriate management action. Then both alternative options here, B2 and B3, may require action to reduce fishing mortality if the recruitment trigger is tripped. B2 would be the most conservative response and may require action to reduce fishing mortality more often. This B2 option would calculate an interim F target based on a low recruitment assumption, and if F is greater than that interim F target, then the Board must reduce fishing mortality to that interim F target within one year. This comparison of F to the interim F target is more conservative than the existing management triggers. Option B3 would be the moderately conservative option. This might also require reducing F, but it uses the existing management trigger definitions. B3 would calculate an interim F target and interim F threshold using the low recruitment assumption.

Those F triggers would be reevaluated using those interim F reference points based on the low recruitment assumption, and if one of those F triggers is tripped, when those triggers are

reevaluated, the Board must then reduce F to that interim F target.

As far as the public comments on the recruitment trigger, most public comments supported Option A3, which is that high sensitivity trigger.

Then the second highest supported was Option A2, which is that moderate sensitivity trigger. Many comments noted the importance of a more sensitive trigger, and noted that responding to low recruitment could help mitigate future stock declines by responding early. Then from the Advisory Panel, the Advisory Panel was pretty split across the three different recruitment trigger options here.

Five AP members supported A1, the status quo low sensitivity trigger, noting that trigger has worked effectively to identify true recruitment failure. Seven AP members supported A2 that moderate sensitivity trigger, based on the public support for a moderate trigger that is more sensitive than the status quo, but would not trip too often.

Then three AP members support A3, which is that high sensitivity trigger, noting that there needs to be a focus on recruitment, and the young of year data are a reliable predictor for the stock. Then as far as the public comments on the response to the recruitment trigger. Most of the public comments supported Option B2, which is that most conservative management response to the recruitment trigger.

Again, this would require reducing F if F is greater than an interim F target based on that low recruitment assumption. I will note here that some organizations supported a modified B2 option, where the Board would still make that comparison of F compared to that interim F target.

But the Board would make that comparison during the next stock assessment instead of making that comparison immediately after the recruitment trigger trips. Those organizations noted that that would be to avoid responding to the recruitment trigger in between stock assessments. Then as far

as the Advisory Panel input on the recruitment trigger response, six AP members supported the status quo B1 response, where the Board has flexibility to determine that response.

AP members noted that flexibility is important for the management program, especially considering the weak stock recruit relationship for striped bass. Then nine AP members supported that conservative B2 option, noting that if we don't react to low recruitment right away, then management will end up at the same point of a poor stock status in the future.

Then the final tier for management triggers here is Tier 4 deferred management action. The question here is, should there be flexibility to defer action in certain situations to address concerns about frequent management changes. If no flexibility is preferred Option A is the status quo, and this does not allow deferred management action. If a trigger is tripped at any time the Board must take the required action. But if flexibility is preferred, the Board could defer action until the next stock assessment in certain situations. The Board could choose one or more of the following options. Option B would allow differing action if it's been less than three years since the last action was implemented.

This would allow management to be in place for three years before changes are made. Option C would defer action if the F target trigger is tripped, and the SSB is above the target. Option D would defer if the F target trips, but SSB is projected to increase or remain stable over five years. Option E would defer if the F target trigger is tripped, and there is a 75 percent probability that SSB will be above the threshold over the next five years.

Then finally Option F could defer action if the Board has already initiated action in response to a different management trigger. For example, the Board could be in the process of developing an addendum in response to a fishing mortality trigger when the recruitment trigger might trip between assessments.

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The Board will review the minutes during its next meeting

This option would allow the Board to defer action on the recruitment trigger in this scenario, because the Board is already working on a different action to address the F trigger.

As far as the public comments on the deferred management action, most comments support Option A, no deferred management action.

These comments noted accountability and not delaying action in response to triggers. Those that supported deferring action through Options B through F noted the importance of flexibility and considering factors like how long management measures have been in place. As far as the Advisory Panel recommendations, 11 AP members supported Option A that status quo, no different action, noting the public's desire for immediate action and no delays. They noted that even if SSB is above the target, there should still be no delay in taking action.

But there were 3 AP members that supported Option C and D, to defer action if the F target trigger is tripped and SSB is above the target or projected to increase or remain stable. The AP members noted that these options would provide more stability for management and action would only be deferred if SSB is on a good trajectory. With that I am happy to take any questions.

CHAIR GARY: Thank you very much, Emilie, for your presentation. We'll now go to questions for the entirety of Section 4.1. John, you're the only hand. You have it.

MR. CLARK: Thank you for the presentation, Emilie. I'm just curious if in all the comments with the current reference points, seeing that the public opinion was overwhelmingly in favor of having both target and threshold triggers. The SSB has never, based on the current assessment and reference points, the SSB has never reached the target, and the fishing mortality has been above the target fishing mortality since 1994. This would seem to put us in a situation if those triggers are in a constant state of being tripped, of what, constant management action?

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The Board will review the minutes during its next meeting

MS. FRANKE: There were a handful of comments noting that concern about the reference points being too high, and that not able to attain that spawning stock biomass target. I'll turn to Katie if she has any insight, in terms of the triggers constantly being tripped.

DR. DREW: I guess it would, in theory we can make this work, but I don't know if we can make it work with a fishery that reflects what the Board and the public desire, in terms of regulations for striped bass management. I think that's kind of something for the Board to think about, is what would be required to maintain these targets and threshold going forward, and how much success we've had with that in the past.

CHAIR GARY: Did that answer your question, John?

MR. CLARK: Yes, thank you, Mr. Chair. I mean I suspected as much, but I just mean I complain about it every meeting, the reference points are just right now they are essentially unattainable, and if we have these triggers set where they are, we're constantly going to be having to take management action. I mean I don't see how can we rebuild to this SSB target? We've never hit it even when the stock was at a historic high.

CHAIR GARY: Jason McNamee.

DR. JASON McNAMEE: On this topic. I'll pose it as a question, because it is legitimate a question, but it sort of relates to what John was just talking about. In some of these options there is a notion of changing the recruitment assumption, and I believe the reference points are proxy reference points.

By nature of changing the recruitment assumption, in fact it may change those reference points as a result of that, if the recruitment assumptions get applied in that context. I just wanted to offer, it's not necessarily the case that these reference points are set in stone. They may change based on some of the things we may or may not do today, maybe, that's a question.

DR. DREW: Yes. The reference points are proxy reference points, so we're not using MSY, we're not using an SPR target or threshold. We are using the value of spawning stock biomass at a fixed point in time that 1995 value. Then the F reference point is sort of calculated from that, so that we look at what is the value of F that will get us to that SSB target in the long term.

That is dependent on the recruitment assumption, so that if you assumed that long term average recruitment, you're going to get a certain value of F to get you there in the long term. But if you think that recruitment is going to sort of fall into this lower recruitment regime for the foreseeable future or for a long stretch of time, that will actually bring the F reference point down.

Whether or not it will be a significant of noticeable change relative to where F is coming out of the assessment, maybe there is not difference. You would be above the target either way. That's something we'll have to look into for this assessment, but that is how these things would work out.

CHAIR GARY: Thanks, Jason, thanks Katie, additional questions for staff. Jim Gilmore.

MR. JAMES J. GILMORE: It's mainly for Emilie. When we get a Tier 3 and Tier 4, most of what I remember from the public hearings were that we're going very conservative on this, you know which is fine if we go in that direction. At the same time, we're dealing with some other species, summer flounder, scup, black sea bass, and we're doing a Harvest Control Rule.

We want to try to stabilize things over a longer period of time, but we're expanding on those fisheries while we're contracting on this. Just an anecdote. Last week I was getting screamed at, because we have to change our rules on summer flounder, and I just got them in before the fishery opened on Sunday.

A lot of what is being proposed here, if it goes through, we'll be into that mode where we will be

changing rules, as John had indicated that every year, we're going to be doing file regulations. The question to Emilie was, during any of those public meetings, is that going to be okay or did they understand that we may have delayed openings, because we have to go through our processes to file these rules every year.

We're always doing this by the skin of our teeth, because some of them, in fact I think South Carolina, they have to do a lot of it legislatively. That is something they need to consider that, yes well maybe we'll come up with a trigger, and we have to adjust something, but the fishery may be delayed opening, because we have to file our rules. Did we get any feedback on that or were there any comments on that, Emilie?

MS. FRANKE: You know one thing that I made sure to point out in my public hearing presentation is that this recruitment trigger is evaluated every year, right. If you have this response to the recruitment trigger, this recruitment trigger could potentially be tripping every year. You know we got a handful of comments noting support for management stability, but as you indicated, most comments were still focused on that most conservative response in reacting to low recruitment if that recruitment trigger trips.

CHAIR GARY: I think there has been a lot of discussions about these multiple iterations of this repetitive, and the closures the way you characterized it, and making sure the public was aware that may be part of this, if this is adopted. Any questions online, Katie? Nobody with hands raised? Any other questions among the Board members for Emilie or Katie? We have one more, Robert T. Brown.

MR. ROBERT T. BROWN: Yes, I was just wondering if the staff had looked into the predator fish, the invasive species the blue catfish may have something to do with this recruitment, as we have a large number of them in all our rivers now. They seem to be going unchecked back on the Potomac, and the Potomac is a unique river, because the principal part of the river itself is all that's in this

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The Board will review the minutes during its next meeting

report that I have, the amount of catfish that have been caught.

None of the creeks, bays or rivers that break off of it are in it. Back in 2003 there was 23,000 pounds of these blue catfish that were caught. In 2021 there were 2,412,887,000 pounds caught. It's probably in the state of Maryland probably close to 8 million pounds caught. I don't have a direct figure on that.

But anyhow, these figures are straight, now we've got close to 2.5 million pounds of catfish that is being caught out of the Potomac River, the proper river itself. With this amount of catfish in there, where we are getting our young of the year index numbers from, where we do a certain seine haul certain time of year and same place. It makes no difference if the tide is high or low. With this amount of catfish coming in there, they could move the young of the year index off.

Later on in the summer they maybe they are moved off down the shore some, they may move down the river some. We are seeing in the lower mid river, where I live at, more of the younger fingerlings or a little bigger, say 4, 5, 6 inches, more of them showing up. That is saying that look, they are surviving some kind of way with these catfish, but are we not getting a correct number because of this influx of blue catfish we have, which is going unchecked?

MS. FRANKE: Thanks for that question. We did hear a couple comments about the invasive catfish and predation on young of the year, particularly at the Chesapeake Bay public hearings. I think that would be something that could potentially be explored during the next benchmark stock assessment, in terms of the natural mortality that is taken into account for striped bass.

CHAIR GARY: Thanks Robert T, and thanks Emilie, and Katie is there anything you would add to that? I mean I guess the concern Robert T is expressing is, is predation of invasive catfish or other species considered?

DR. DREW: We don't explicitly consider it within the model. We know blue catfish are a concern for a lot of our young of year species, as an extra source of mortality. That is definitely something that we can pursue further. Obviously, there is a lot of different factors that drive recruitment, including predation, but also environmental factors.

I think from the model's perspective it doesn't matter why there has been a low recruitment event, the model just propagates that through. The model is also looking at not just those young of year indices, but also things like the age structure of the catch, so can we track those year classes through the catch? Do they show up in other indices, in the age structure of other indices?

It's possible that if your concern is that the blue catfish are changing the catchability of those young of year fish, so that maybe the index is artificially low. The model does have other sources of information on those Age 0, Age 1 fish to track them through the population, and get a better estimate of recruitment. But from the perspective of are the blue catfish causing the low recruitment or contributing to low recruitment, and thus are something that we need to change in some way or react to, we don't have the information on that right now.

CHAIR GARY: Thanks, Katie. Additional questions for staff. John McMurray.

MR. McMURRAY: I understand John Clark's concerns, and to some extent I share them. But my question is on the science side of thing. Does the science currently right now indicate that we can hit that target under the current recruitment scenario?

DR. DREW: You can get there if you reduce fishing mortality.

MR. McMURRAY: Follow up, Mr. Chairman. Okay, that's understood. I don't have the time series in front of me, but there were a number of years where we did come close and we did certainly hit the threshold a number of years. Is that correct?

DR. DREW: Yes. We came very close to the target in some years at the peak of abundance, and were above the threshold for a long part of the time series.

MR. McMURRAY: Thank you.

CHAIR GARY: Additional questions for staff, and then we'll try to pivot this to getting a motion up on the table. Any other questions? Okay, so in the spirit of focused and efficient discussion on these tiers, as Emilie suggested there is a lot of interlinkages. What I would like to do is see if we can't get then tier by tier a motion up, so we can have a starting point for discussion. I'll start out with Section 4.1, Tier 1, if anybody has a motion. Dr. McNamee.

**DR. McNAMEE: I've got a motion for this one that I will read here for you. For Tier 1 Fishing Mortality Triggers in Section 4.1, move to approve Options A1, B1, and C1, such that if an F trigger is tripped, reduce F to a level that is at or below the target within 1 year. For the next part, if F exceeds the F threshold, the striped bass management program must be adjusted to reduce F to a level that is at or below the target within the timeframe selected under Option A, which for this motion is 1 year.**

**Finally, if F exceeds the F target for two consecutive years and female SSB falls below the SSB target in either of those years, the striped bass management program must be adjusted to reduce F to a level that is at or below the target within the timeframe selected under sub-option A, which again is 1 year.** If I get a second, I have some reasoning to offer for that.

CHAIR GARY: Is there a second to Dr. McNamee's motion? Megan Ware, Maine. Jason, go ahead with your support for that.

DR. McNAMEE: I won't make this too long. What I've offered here is basically a current state or status quo. I think with some of the alternatives the idea was to incorporate some stability into the system, and that was mentioned a couple times,

both in the presentation and in some of the public comments.

There was a notion here of introducing stability, because there are large swings in F through time. That part is true. I was thinking about that and wondered if there was a way to kind of test that a little bit. Just as a quick kind of analysis, I took a vector of the year-to-year changes in F, and then a vector of a two-year average of the changes in F, and just kind of looked at the standard deviations of those two vectors. They are the same, they are roughly 0.08, I think is the number that I came up with. The way that I interpret that is you are not actually going to achieve that stability that you're looking for, at least with a two-year averaging approach. In other words, you're likely not going to achieve that stability benefit that you're looking for. Then if you take that and couple it with the risk that you incorporate with an averaging approach, which is that you're going to delay your action, or not take as much action as you might need to, and that is in both directions, going up or going down.

You've got this inherent risk from averaging, where you're sort of watering down the actual change. Just kind of thinking about it, in tradeoffs you're potentially not going to get the benefit you're looking for, and you're adding in a level of risk to your decision process. That is my reasoning behind kind of sticking with status quo, which I think reacts quicker to the output from the stock assessment.

CHAIR GARY: Megan, as the seconder do you want to add some comments to the motion?

MS. MEGAN WARE: Sure. I don't think I can beat an analysis of the different options, but I support the status quo options that Jason has put forward here, in particular for the F threshold trigger. Again, I heard comments about seeking management stability on that two-year average. But our goal is to manage to the F target.

If we're already at the F threshold, we've passed our goal. I'm comfortable with one year on the F threshold there. I also think I heard pretty clearly from the public that if the goal is management

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The Board will review the minutes during its next meeting

stability, the way to achieve that is with a rebuilt, healthy stock not the other way around. I'm comfortable keeping our status quo triggers for this.

CHAIR GARY: All right, we have a motion on the board and we have discussion, opening up on it. I'll open it up to the Board for discussion. Anybody online, Katie? John McMurray.

MR. McMURRAY: I support the motion, 99 percent of the public came back and told us they wanted to keep the status quo triggers. Absolutely they've been loud and clear that they want less delay, not more. As far as management stability goes, I have a hard time understanding that argument, because those triggers were tripped twice in the last 20 years, and both times within the space of a year the Board was able to get F under control, or F at target or below target. Really, I don't see any compelling reason at this point to change the management triggers that we have.

CHAIR GARY: Additional discussion. John Clark.

MR. CLARK: Just my concerns again about the current reference points. **I would just like to, I doubt it will go anywhere, but let me just make a motion to amend, just to remove the last section that has the F target trigger in there.** You know as I said, I'm just very concerned about where these reference points are right now. I just think that it is going to put us in a continuous state of very restrictive fishing for years and decades to come. I'll leave it at that if I can get, I'll see if there is any second on that.

CHAIR GARY: We have a motion to amend to remove the F target trigger in the main motion, is there a second to that motion? Tom Fote. John, any additional comments?

MR. CLARK: Like I said, I'm for the threshold trigger, just because of the situation we're in now. As we all know, this Amendment is not looking at the reference points again. The reference points over the years are the stock keeps getting bigger, and yet at the same time the stock keeps getting further away from the reference points.

It's hard to understand how that can keep happening. But as I said, I just think we've got a trigger here. We've been above the threshold F now for years. We almost got back to it three years ago, four years ago. You know the threshold trigger is going to be plenty with these reference points, the way I see it.

CHAIR GARY: Tom, as the seconder.

MR. FOTE: I agree with John. My concern is basically, sometimes over the years wonder why we didn't do something is because a new stock assessment said we weren't in the trouble that we thought that we were the year before when we made changes in all the rules and regulations. I've gone through that. I put a slot limit in one year because we changed it, then next year they told me I had to take it out, because it wasn't as bad a shape as they thought it was. That's what I get concerns over, jumping through hoops over one year's data.

CHAIR GARY: Any discussion on this amended motion? Megan.

MS. WARE: I'm going to oppose the amended motion, but I'll just quickly note. There was unanimous support from the AP for keeping the F target trigger that is in the original motion, and given the diversity of folks that sit on that AP, whenever there is a unanimous decision from that AP, I consider it pretty strongly. I'll put that out there.

CHAIR GARY: Any other comments or discussion? I'll go ahead and call the question on the amended motion, if everyone is ready. All those in favor. Oh, caucus, I'm sorry, my fault. Go with a two-minute caucus. Okay, we'll go ahead and call the question then, and same process. Katie will take care of the hands online, and Toni will get those and we'll read them out. All those in favor of the amended motion, please raise your hands.

MS. KERNS: I have Delaware and New Jersey, and Pennsylvania.

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The Board will review the minutes during its next meeting

CHAIR GARY: All those not in favor of the motion, opposed to the motion, raise your hand.

MS. KERNS: New Hampshire, Maine, Maryland, District of Columbia, Virginia, North Carolina, New York, Connecticut, Massachusetts, Rhode Island, and Potomac River Fisheries Commission and NOAA Fisheries.

CHAIR GARY: All right the motion failed, I don't know if we have the metrics. Oh, I'm sorry, I'll catch this. Are there any null votes?

MS. KERNS: No nulls.

CHAIR GARY: Are there any abstentions?

MS. KERNS: No abstentions.

CHAIR GARY: No abstentions, now we can calculate.

**MS. FRANKE: Mr. Chair, I have 3 in favor and 12 opposed.**

**CHAIR GARY: All right, the motion fails, and we are back to the main motion.** I'll ask again, is there any other discussion on this main motion before we call the question? Seeing none; we'll go ahead and call the question on the main motion. Is there a need to caucus before this? I will call the main motion, all those in favor please raise your hands.

MS. KERNS: Rhode Island, Massachusetts, Connecticut, New York, New Jersey, Fish and Wildlife Service, Pennsylvania, North Carolina, Virginia, District of Columbia, Maryland, Maine, New Hampshire, Potomac River Fisheries Commission, and NOAA Fisheries.

CHAIR GARY: That is all the votes, there are no nulls, there are no abstentions there, and the final tally should be 16. I'll get better, John, I promise. That is opposed, thank you, John.

MS. KERNS: Delaware in opposition for the record.

**CHAIR GARY: The motion passes 15 to 1.** All right, so we're now moving on to Section 4.1 Tier 2, same process. We'll look for a motion to get the discussion started. Megan Ware of Maine.

**MS. WARE: My motion is move to approve Tier 2 Options A2, B1, and C1 (within Section 4.2), such that the SSB triggers are:**

- **The Board must implement a rebuilding plan within two years of the SSB management trigger being tripped.**
- **If female SSB falls below the threshold, the striped bass management program must be adjusted to rebuild the biomass to the target level within an established timeframe (not to exceed 10-years).**
- **If female SSB falls below the target for two consecutive years and F exceeds the target in either year, the striped bass management program must be adjusted to rebuild the biomass to a level that is at or above the target within an established timeframe (not to exceed 10-years).**

CHAIR GARY: Thank you, Megan, do we have a second to this motion? By Cheri Patterson, and Megan, if you want to go ahead with your justification.

MS. WARE: Sure, so for the two-year rebuilding plan I think the lack of a prescribed schedule has been detrimental to the Board so far. I think as you delay implementation of a rebuilding plan it means you need more restrictive measures to rebuild in fewer years. I also think that this is important for public confidence in the Board right now, for the Board to spell out how we plan to rebuild the stock in the 10-year timeframe. In terms of B1, if SSB falls below the threshold and we're overfished, we should take action.

To me that is status quo and good to maintain. Then C1 is also status quo, in regards to the SSB target trigger. Our goal for management as it says in this draft amendment is to rebuild and maintain the stock size at or above target SSB levels. I think a



Draft Proceedings of the Atlantic Striped Bass Management Board Webinar  
May 2022

target trigger does support that goal, because it encourages the Board to take early indicators seriously and prioritize modest action early on, as opposed to more drastic action later.

I did see that there were some comments in our public comment about maybe the SSB target trigger being duplicative, I'll say, for the F target trigger and the recruitment trigger we'll talk about next. But I'm not sure that's a bad thing, given the status of the stock that we're at now. Again, I think it supports the Board achieving the goals we've laid out in this document.

CHAIR GARY: Cheri, as a seconder any thoughts?

MS. CHERI PATTERSON: No, I would essentially echo what Megan just said, thank you.

CHAIR GARY: All right, so we have a motion on the table and discussion goes to the Board. Any discussion on this motion? John.

MR. CLARK: No, I'm not going to make a motion this time, Mr. Chair. I just once again, my concerns are just in the Delaware, as I've stated many times, these stock levels that we are trying to rebuild to are just enormous. I mean when we were at the highest level here, when we did not hit the SSB target, the Bay that was all that was there.

I mean it's great to see a lot of striped bass, but I'm just saying it's putting a lot of pressure on the states that are really the producer nursery areas for the species. As long as we have these extremely conservative reference points, I just think we're going to be in a constant state of rebuilding. It's extreme.

CHAIR GARY: Mike Luisi.

MR. MICHAEL LUISI: I'll add on to John's point. I've been trying to figure out kind of when to say what I'm about to say, but I think it applies here. I'm going to support the motion. I think the options are strong and will help us try to get to the spawning stock biomass target. However, with the

considerable changes that we've seen in our environment, in our climate change.

We may not be able to get to that target, and I hope the Board will take that under consideration at some period of time. You know if we agree that the differences that are happening, or the changes that are occurring in the habitat, the Chesapeake Bay. Robert T. brought it up about the blue catfish. You know we just might not be able to achieve the target that recruitment, if we don't have successful recruitment, and it has to do with a lot of different factors. I just wanted to put that out there on the record that we just need to keep this in mind down the road.

CHAIR GARY: In our baselines it's been a changed Bay over the years, significantly from a lot of perspectives. Jason McNamee.

DR. McNAMEE: I in essence don't disagree with the concerns that were expressed so far. I just want to check something, because it's come up a couple times. In the case of SSB, and the target is set at a 1993 level of SSB, correct?

DR. DREW: It's 1995, but yes.

DR. McNAMEE: We have hit it.

DR. DREW: No, I'm sorry, the threshold it says 1995, the target is 25 percent above that.

DR. McNAMEE: Ah, okay. Now I understand, thank you.

CHAIR GARY: Thank you, Jason, I'll go to Mike Armstrong.

DR. ARMSTRONG: I agree with John on this one. I think we manage by F so we should have a trigger and a threshold for F, a target and threshold. I don't think we need an SSB target trigger, for all the points that have come up before. I think it's bad policy to set triggers we can't achieve, and being in a constant state of overfished.

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The Board will review the minutes during its next meeting

That's all, I think we probably should have addressed that SSB target in this Amendment, but we didn't for whatever reason. We will have to one day come back to it, because you can see the problems that are generating right now, trying to hit triggers and things for things we're not sure we can even get to.

But it will come out in the wash in the next couple of years with poor recruitment and however things come down the road. I'm not necessarily going to oppose this, but I don't think it's necessary. I think it's okay for us to operate in the SSB between threshold and target, because we're dealing with F, and F is the only way to get it back. I'll leave it at that.

CHAIR GARY: Additional discussion. Jim Gilmore.

MR. GILMORE: I'll just add my voice to the choir, because I think we're all in the same place. You know we've got an SSB we've never hit, and we've all agreed. I think Mike is right, we probably need to look at the reference points, and again we'll automatically get beat up that we're saying oh, we're trying to change the numbers so we can hit the stuff.

No, we're trying to, this should have been done with this so we could have had a real target that made sense. You know and it is affecting other things, because you know there are a bunch of species that aren't doing well. We don't know, some of it is climate change, some of it is probably interaction, and maybe this is too high.

Why maybe we don't have weakfish or something right now, and we really need to address that. Again, I'll support the motion, but we're being very conservative right now to maybe rebuild this, but we have to take a harder look as we move forward so we manage all of our species better.

CHAIR GARY: Chris Batsavage.

MR. CHRIS BATSAVAGE: I support the motion. I won't be too repetitive from the other comments, because I do agree with a lot of them, in terms of any kind of management expectations. However, I

think my support for this motion kind of goes back to past history of the striped bass stock, when they were at their highest availability in abundance in North Carolina.

It was at that time where in the stock assessment the stock was at its highest amount, regardless of what the reference points are. It's going to take a robust stock to get the fish back down to North Carolina, assuming other environmental factors that have changed in the last 20 years don't change the distribution. But I just know that we are not moving forward with a motion like this makes it really challenging, you know to see those fish expand throughout their entire range. That's why I'm supporting this.

CHAIR GARY: Do we have anybody online, Katie, that has raised their hands?

DR. DREW: No, I don't see any.

CHAIR GARY: All right, we'll continue additional discussion. We'll go John McMurray and then Tom Fote.

MR. McMURRAY: Believe me it's not lost on me that we couldn't achieve SSB target, even under a good recruitment scenario. Maybe we can't get there. That is not lost on me either, but maybe we can get there also, if we do control F. The science right now does say that we can, and the public is very clearly asking us to try. I think we need to make a good faith effort here to try, and I think worse case if we shoot for that target, we certainly are going to stay above threshold, or hopefully not certainly. That is the way I'm looking at it now.

CHAIR GARY: Tom.

MR. FOTE: We keep talking about the environmental factors that affect this fishery, but let's really talk about what has affected this fishery. In '95 there were very few striped bass fishermen, we were coming off a moratorium and there were quite a few people not fishing for striped bass, because you could fish for summer flounder, black sea bass, scup, and the only other regulations that

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The Board will review the minutes during its next meeting

were put on those species over the year that drove those fishermen to fish for striped bass.

The hook and release mortality were probably one-tenth of what it is nowadays, so you're basically not addressing the real problems going out of here. Maybe we will never be able to reach that '95 figure again, because the whole world has changed. Besides the environmental factors is the fishing practices of individuals. I mean I used to go out fishing at Thanksgiving time and I would be the only person out there in a boat. That no longer happens. As a matter of fact, the fishery starts at Thanksgiving now down in New Jersey, so it's changed completely from what it was in '95, and people are out there fishing in January that were fishing before. Boats stay in the water longer, they put the boats in the water earlier. Even though we have the bays closed in January and February, people are still fishing out in the bays catch and releasing fish in New Jersey. It's a different fishery and all that has got to affect it. Again, the hook and release mortality are probably 10 times, and I'm probably being conservative about the estimate, the increase.

CHAIR GARY: We've heard some concerns but no hard opposition. Is there any burning desire to continue discussion or can we call the question? We'll call the question. If we're ready, Toni. All right, so is there a need for a caucus, anybody with a show of hands to caucus, then we'll call the question. I'm sorry, Matt, go ahead. We'll caucus for one minute that's fine. Okay, I think we're ready. I'm going to try to see if we can get this passed by consent. Is there any opposition to this motion, by a show of hands? None online, Katie? Wait a minute. Joe.

MR. CIMINO: Yes, New Jersey would have ended up as a null on this vote.

CHAIR GARY: Okay, so we'll formally call the question. All those in favor of the motion raise your hands.

MS. KERNS: New Hampshire, Maine, Delaware, Maryland, District of Columbia, Virginia, North

Carolina, Pennsylvania, U.S. Fish and Wildlife Service, New York, Connecticut, Massachusetts, Rhode Island, Potomac River Fisheries Commission and NOAA Fisheries.

CHAIR GARY: Any opposed. Null votes, New Jersey. Abstentions, none.

**MS. FRANKE: Mr. Chair, I have 15 in favor 0 opposed and 1 null.**

**CHAIR GARY: All right, thank you, Emilie, so this motion passes.** We are on to Section 4.1 Tier 3, recruitment triggers. Again, same process. I would be looking for a motion to get up on the table. Dr. Armstrong.

**DR. ARMSTRONG: Okay, move to approve Tier 3 Option A2 and B3, those are the moderate options within Section 4.1, such that the recruitment trigger is: if any of the four JAIs used in the stock assessment model to estimate recruitment (NY, NJ, MD, VA) shows an index value that is below 75% of all values (the 25th percentile) in the respective JAI from 1992 to 2006.**

**The period of high recruitment, for three consecutive years, and then an interim F target and interim F threshold calculated using the low recruitment assumption will be implemented, and the F-based management triggers defined in Section 4.1 will be reevaluated using those interim reference points if an F-based trigger is stripped upon reevaluation, the striped bass management program must be adjusted to reduce F to the interim F target within one year.**

CHAIR GARY: Do we have a second to this motion? Dennis Abbott second. Mike, I don't want you to lose your voice, but can you go ahead and add any comment?

DR. ARMSTRONG: Sure. I think a medium value, sorry, medium is the wrong word. I think medium the most conservative one. Median is pretty, that's pretty high recruitment. I think that is too conservative. I think we would be tripping it all the time. This is considerably more conserved than

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The Board will review the minutes during its next meeting

what we're using now, and I think it would be a better trigger than what we have now.

CHAIR GARY: Dennis Abbott, would you like to add to that? No, okay. All right, we have a motion on the table. We'll open it up to the Board for discussion. Any discussion on this motion? Anyone on line, Katie that is interested? Jim Gilmore.

MR. GILMORE: I would support the motion, but Mike, did you have help writing that, or did you actually come up with that yourself?

DR. ARMSTRONG: The person who will be sitting in this chair in two years, Nichola Meserve, writes everything I say.

CHAIR GARY: All right, thank you, Jim, additional discussion on the motion. This is too easy. Okay, well no, Mike Luisi, Maryland.

MR. LUISI: Yes, just really quickly, Mr. Chairman. I'll definitely support the motion. I agree with Mike and the comments he made regarding a moderate approach here, rather than taking a large leap. Let's consider that moderate sensitivity and conservation response. I just wanted everyone to know I'll support the motion.

CHAIR GARY: Last call for any other comments, discussion on this motion. All right, is there a need to caucus? Yes, okay we'll go with a two-minute caucus. All right, well back to the motion. We'll go ahead and call the question. All of those in favor please raise your hands.

MS. KERNS: Rhode Island, Mass, Connecticut, New York, New Jersey, Fish and Wildlife Service, Pennsylvania, North Carolina, Virginia, District of Columbia, Maryland, Delaware, Maine, New Hampshire, Potomac River Fisheries Commission and NOAA Fisheries.

CHAIR GARY: Our count seems to be 16, so there wouldn't be any nulls, any abstentions or any opposed. That's what you have, Emilie?

**MS. FRANKE: Yes, Mr. Chair, I have 16 in favor.**

**CHAIR GARY: Thanks, Emilie, the motion passes unanimously.** All right, moving along, we are to Section 4.1 Tier 4, deferred management action. Would somebody be kind enough to offer up a motion on Tier 4? Anyone. Surely, we must have somebody that can get us started. Nobody online, Katie? Well, we can start with a discussion if you would like. Jim, do you want to get us out of the starting block here on this one?

**MR. GILMORE: Yes, I would move to, and it was the status quo option.** If you can Wordsmith it, folks, I would appreciate it.

CHAIR GARY: Jim, were you think Option A status quo? Is that what you were thinking, under Tier 4? It's no deferred management action. If a management trigger is tripped the Board must take the corresponding action. Is that your intent, Jim?

MR. GILMORE: Yes, next time I'll get Mike's ghost writer to help me beforehand though.

CHAIR GARY: Do we have a second to that motion? Cheri Patterson, New Hampshire has a second, and Jim, do you want to justify your motion?

MR. GILMORE: Sure, again it was primarily what we heard from the public at public hearings, and this was something that has worked. I mean it is the best part of management I think we've done over the years for striped bass, so we want to keep, when we have issues, we need to address them, so the one year makes sense.

CHAIR GARY: Thanks, Jim, anything, Cheri?

MS. PATTERSON: Yes, I agree with Jim. I think we need to have responsibility for not deferring any management action in our future. We need to address it.

CHAIR GARY: Any discussion on the motion? John.

MR. CLARK: Just a question. I mean one of the options says if a trigger trips, defer action until the next assessment if the Board has already initiated action in response to a different trigger. I'm just

curious under this. As we are in perpetual trigger trip on some of these things, what happens? Let's say we've tripped the target for fishing mortality, we've tripped the target for spawning stock biomass, and now recruitment is bad. What are we going to do? I mean, it's kind of like we need the spinal tap amplifier that goes to 11 almost in this case.

CHAIR GARY: That was rhetorical, or you're looking for a staff response?

MR. CLARK: Well, I'm asking just because we're piling action on top of action here. I'm just asking, give me a practical example of what we would do if we've already taken action for one or more triggers being tripped, and then another one trips.

DR. DREW: Yes, this is Katie, I can try to answer that. I think one scenario for example would be this most recent, the 2020 recruitment trigger tripped. North Carolina's value tripped; this is the first time that status quo recruitment trigger had ever tripped was in 2021 the 2020 value was below that threshold. Of course, we had just taken management action, and 2020 was the implementation year for that response to a previous trigger.

The trigger that tripped in this case was just the Board thinks about it and doesn't do anything. But if we implemented now this more rigorous recruitment trigger and we had tripped, then the Board would be required to reevaluate that F trigger and respond to it, which would mean going back, figuring out if we need to reduce F further than what we had done with 2020, and put that into management practice. Obviously, that would be a little bit tricky, because you would be responding to it between assessment periods. But there are options on the table to basically if the trigger trips, the mandated action is to reduce F further. The Board would have to take action to reduce F to address that trigger, regardless of what had recently happened or not.

MS. FRANKE: This is Emilie, just to add on to that, and John also to your question about, you know you

referred to that Option F, which would defer management if the Board had already initiated action on another trigger, so that you know could come into play if we have. Let's say we have this assessment this year and the Board takes action after the assessment, and is maybe still working on the management response next year, and the recruitment trigger trips next year while the Board is still working on a management response.

I think that's the question is, does the Board finish out the action that already started, or does the Board now switch gears to address the recruitment trigger that just tripped. You know that is the question from the PDTs perspective, in terms of developing these options is, this complexity of addressing triggers, potentially every year if you might already be working on another action.

MR. GARY: John.

MR. CLARK: Right, I just wanted to follow up there, just again getting to the unrealistic expectations that would be had of what management could do here. I mean we can't have negative fishing mortality. We get to zero, we close everything, and you know that's the end of the game.

I mean are we seriously contemplating that right now we get three triggers in a row, and we go to a closed fishery. I don't know, I mean I'm just asking again semi rhetorically here, just because it just seems like we're straight jacketing the management process here, where there is an option that would allow us to defer if we had already taken action to address other triggers.

MS. FRANKE: Mr. Chair, I just wanted to jump in again, sorry to interrupt, just to clarify. That Option F would defer action if the Board had initiated action in another trigger. If the Board was in the process of working on an addendum, for example, in response to another trigger. Option B would allow the Board to defer if management action had been taken less than three years ago. They are two slightly different options.

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The Board will review the minutes during its next meeting

CHAIR GARY: All right, well thank you, John, thank you Emilie and Katie for clarifying as best we can. Any additional discussion on this motion? John.

MR. CLARK: In that case, in light of the discussion, if it's all right, Mr. Chair, **I would like to offer a substitute then, and I would substitute Option F, which is if a trigger trips, defer action until the next assessment if the Board has already initiated action in response to a different trigger.**

CHAIR GARY: Okay, we have a motion to substitute Option F. The Board has already initiated action, sample developing addendum, in response to a different trigger. The motion is by Mr. Clark. Is there a second to the motion? Joe Cimino. John, do you want to go ahead and expand on that?

MR. CLARK: Yes, I'm the designated crazy old man today, so I'll just keep going. As I said, I think we're getting into some very unrealistic expectations here. You know I haven't seen a negative fishing mortality rate yet. I think if we're already taking an action, I think the public deserves to know that we're not going to take another action until we get an action in place, and then we can move on from there.

CHAIR GARY: Joe, would you like to add to that?

MR. CIMINO: Yes, I just worry. I mean we have an incredible team that works on striped bass from the TC to the Stock Assessment Subcommittee, and the PDTs that we've put together over the years. But I think we're playing with a management experience that is going to put them in a place where they are not going to know what to tell us, you know if we're going from one to the other. It concerns me, so I think we at least need to have a discussion on this motion.

CHAIR GARY: We have a substitute motion now. Mike Luisi, go ahead.

MR. LUISI: I'm going to support the substitute for some of the reasons why that were already mentioned. But given the considerable struggle that we find ourselves in when we have to make

management changes on striped bass in Maryland, and the amount of time and effort that goes into it.

I just don't want to bind myself in a position to have to compound those changes each and every time, if we're already working on a particular change. Let's get that in place, get that in play, evaluate it, and then make a follow up decision at another time. I'm going to support the motion.

CHAIR GARY: Any other discussion on this motion? Mike Armstrong, and then Jason McNamee.

DR. ARMSTRONG: Yes, I can support this, but mainly because Mr. Gilmore's motion was way too short. No, I think this does give us flexibility, and it doesn't mean we can't take action. If we see something that is very dire. I have trouble wrapping my head around the options here, and I don't know how it will play out in various scenarios. But the main thing is we can react, it doesn't prohibit us from doing that and it gives us a little buffer.

CHAIR GARY: Jason.

DR. McNAMEE: I'm having a little trouble with this one. Coming in I liked both A, and I thought B would be okay too, for all of the reasons that John has brought up, you know this kind of notion of perpetual action here, I think is a fair kind of prognostication here. But it's conceivable that you initiate an action and its sort of going, and then you get additional information that says, potentially, oh, you weren't going far enough with that previous action, you need to actually take deeper cuts.

You know I can see one of these more flexible options providing a little too much flexibility potentially. I'm still really struggling with this one, because I do, I think it's fair to kind of think about this idea of, man we're in an action, we just keep going and snowballing here. I'm also fearful of that, but it is my hope, we don't know that is going to happen, first and foremost. I think if that starts to occur, then I think this is an adaptive process. We can sort of adjust. Just based on a lot of the public comment, you know I think there was a lot of people that were looking for quicker, more refined

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The Board will review the minutes during its next meeting

action for striped bass, because it's so important to people. I think the original motion kind of gets at that. I just wanted to offer my interim thoughts at this point, so thank you, Mr. Chair.

CHAIR GARY: We'll go to Megan and then back to Jim Gilmore and then Cheri.

MS. WARE: I actually have a question; I think for Emilie about this one. I'm trying to think about it. I think based on what we just took with action in terms of the management triggers. The only trigger that trips in off assessment years is the recruitment trigger. I'm thinking this is the only trigger that could fall under Option F, because it is the only one where you would be taking action outside of an assessment that has been prompting you to take action. I'm wondering if that is correct, if I'm thinking about this correctly, Emilie.

MS. FRANKE: Yes, that is correct. The PDT developed this option specifically to address the fact that if the Board, you know it has a required response to the recruitment trigger. That required response could happen in between stock assessments. Due to the fact that developing an addendum, for example, takes several months.

There could be the scenario where, let's say the recruitment trigger trips and the Board starts an action in response to that recruitment trigger, and they are in the process of developing an addendum. But during the process of developing that addendum we get a new stock assessment that trips the F trigger.

In this case, because the Board is in the process of developing an addendum to the recruitment trigger that tripped, the Board could defer action on the assessment F trigger, because the Board has already started developing that addendum for the recruitment trigger, or it could be the reverse in that we get an assessment, trips an F trigger and the Board starts an addendum to address that F trigger.

While the Board is still developing the addendum for that F trigger, the recruitment trigger suddenly

trips the next year. In that case you could defer on the recruitment trigger, because you were already working on that addendum for the F trigger. Yes, to be clear, this option addresses that potential for the Board to be working on developing an action, so in that development process, while another trigger trips.

This Option F does not apply to the situation where you implemented a measure in January 1, and then the recruitment trigger trips six months later. This option does not apply there, because the Board wasn't in the process of responding. The Board had already responded, so the Board would still have to respond to that next recruitment trigger. Does that make sense?

MS. WARE: Yes, that does. If I could have a follow up. Let's take the first example, where we are responding to the recruitment trigger outside an assessment, and then we have to respond to that F target or threshold trigger during an assessment. Based on what we just passed for the recruitment trigger, that would be looking at an intermediate F, I think is what we called it, with a low recruitment assumption, based on the F targets we already have. If the F targets would then trip a trigger, I think we're maybe already reacting to that with a low recruitment assumption. Is that correct?

MS. FRANKE: Yes, so I'm going to turn to Katie and see if maybe she can jump in.

DR. DREW: Sure. Yes, I think it kind of matters what order things happen in. Let's say the recruitment trigger, let's say recruitment trigger tripped in 2021, and under the new scenario we would look at the F target, and we are, obviously we look back at that last assessment and we would say, woops, we were below the F target with the standard recruitment assumption, but now we are above the new interim F target, based on the lower recruitment.

We need to react and bring that F down to that new interim target, which is lower and more conservative. We would need to take action. Then we do the assessment, or start that process rolling,

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The Board will review the minutes during its next meeting

and then because we usually evaluate that during the summer, the assessment comes in, and in this case, we would probably still say, here is the newest information on F, and based on the recruitment trigger we would probably use that new low recruitment in the assessment, etcetera.

Maybe yes, you're already like, well we just have a better grasp now of where F is relative to that F target. Maybe it doesn't matter. But I think the flip side is probably where you get yourself into a little more trouble, where we do the assessment and it says we are at or below the target in the terminal year, using the standard recruitment assumption, or it says we're above that standard F target, so we need to take a 10 percent reduction.

You start the management ball rolling. The recruitment trigger comes in, and it says actually we've tripped the recruitment trigger, we need to lower F even further. We have a new lower target, now you need a 12 percent reduction. In that situation, according to Option F, we would say, if we went with Option F we could say, look we've already kicked off this addendum reducing harvest by 10 percent to get us back to our standard F target. We're going to wait and see how that plays out, before we respond to the recruitment trigger.

If that happened the year after, we would still have to respond to that recruitment trigger. I'm not sure if that actually helps clarify anything or not, but I think there are a lot of moving parts that can play off of each other. But in some scenarios, it will trip either way, and you would just be responding to the same information.

MS. WARE: Thank you much, I appreciate the indulgence on those questions.

CHAIR GARY: I think we have Jim and then Cheri.

MR. GILMORE: Just Option F was my second choice, but why I liked Option A better was, because I still thought, John, you said it a few times this morning, you're not an attorney. I'm not an attorney, but I've dealt with enough of them that my first thing, well, if a second thing triggered it according to what

you thought, the argument as a technicality. We did start an action. Again, that is not being completely facetious, I wasn't trying to get around it or a loophole. But I think that gives us more latitude, because we could still do additional measures under that Option A, but now we're saying with the Option F it's like, well we're not going to do anything until we get through those first triggers.

Again, I'm not opposed to Option F, because it was my second choice, but I did think that Option A not only was in response to what the public said, but also gave us latitude that we could do multiple things if we hit one of the triggers, or multiple triggers.

CHAIR GARY: Cheri and then John Clark.

MS. PATTERSON: I was with Jay there for a while, going back and forth with this. The thing I would never want to see, and this is putting it simplistically, is if we're dealing with an issue with the spawning stock biomass, and then all of a sudden recruitment gets triggered, and now we might be contracting, or fisheries are in F trigger.

You might be now contracting the population from both ends, while we're waiting to deal with one or the other. I think we're just not able to respond quick enough under those sorts of dire circumstances. I'm not saying we're going to get there, but I agree with Jim that Option A still allows us to think through it, and react quickly if need be.

CHAIR GARY: I'm trying to think who we had on deck there, John, I'm sorry, John Clark.

MR. CLARK: I just wanted to point out that Option A doesn't say we may take action, it says we must take action, so I'm going lawyer on you again, Jim. When something says you must take action, that means if a second one tripped, we would have to take a second action, whereas Option F gives us more flexibility. That is my interpretation.

CHAIR GARY: Thank you, John, and we have Bill Hyatt.

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The Board will review the minutes during its next meeting



MR. HYATT: I think my question may have just been answered. I just needed a little bit of clarification on Option F. I just want to make sure that Option F doesn't require that you defer action until the next assessment, it gives you the latitude to if you choose. Are we certain that I'm thinking of that correctly?

MS. FRANKE: Thanks, Bill for that question, that is correct. These deferred management options give the Board the ability to defer action, but the Board does not have to.

CHAIR GARY: Thank you, Bill, Tom Fote.

MR. FOTE: I just think of what we're going through with black sea bass and scup right now, and because we're dealing with the Mid-Atlantic Council it has no flexibility and cannot do anything, we're just screwing the recreational anglers again this year. I don't want to be put in the position where we needlessly do something just because the triggers say this. That is why I'm supporting F, because it gives us more flexibility.

CHAIR GARY: Well, you can tell there is a bit of trepidation, I guess, between these two, and I want to make sure we have adequate discussion. I'll keep this open, and make sure everybody has had their opportunity to say their piece. Is there any more discussion? We're on the substitution. John McMurray.

MR. McMURRAY: It just struck me that last comment, ability to defer, but the Board does not have to. My gut is telling me that approving any option that would allow the management board to do nothing when the management triggers are tripped, probably isn't a great idea given public perception in the Board's history. I'm not really understanding how the original motion would constrain us into simply. Well, I don't understand how having more flexibility here is a good idea, and I'll just leave it at that.

CHAIR GARY: We'll take one more comment and then we'll go ahead and call the question. We have David Borden on the webinar.

MR. DAVID V. BORDEN: I still support Option A. I mean the sentence in there does not say we're going to have to take immediate action. The Board and the Commission will have to evaluate all the other priorities if we get to that point, and decide on a timeline to take action. I just view it as embedded in that some flexibility.

MS. FRANKE: Mr. Chair, if I could just, David, just to clarify. For Option A, no deferred management action. For that option, if any of the management triggers are tripped, the Board is required to respond to that trigger.

MS. KERNS: Emilie, if I'm correct, the way the Board has voted on some of the options, there are timeframes identified that the Board must follow then, and some of those are within a year.

MS. FRANKE: Right.

CHAIR GARY: David, did that clarify?

MR. BORDEN: Yes, but my point is still the same. If there is going to be a discussion about all of the other Commission commitments at that point, and then we're going to figure out what the appropriate timeline is.

CHAIR GARY: We're getting a different perspective from staff. Toni, can you clarify?

MS. KERNS: Well, David, the plan would require the Board to act within that timeframe, and we wouldn't have that flexibility of what's going on with other management plans, we would have to build that into this Board's actions for the year.

CHAIR GARY: Jason McNamee.

DR. McNAMEE: Kind of keeping along this thread, I'll kind of talk in examples not to it. It's made it easier for me when we've been doing that. If you, so we took an action based on the stock assessment, and then the out year we tripped a recruitment trigger. Is it conceivable that we could look at the action we're already taking and say, that management that we've initiated meets what we

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The Board will review the minutes during its next meeting

would have to do for the recruitment trigger anyway? We're going for the same goal of F, and therefore that would meet this Option A?

DR. DREW: It's possible that the numbers could work out that way. I think you would, so you could roll the dice and hope for the best. I think we usually craft these measures, and this response to get to a very specific probability of achieving that F target. If that F target is lowered that is going to ripple back through all of our calculations.

Where before we could get away with a 10 percent reduction, with a lower F target maybe we need a 12 percent reduction. Maybe the answer is you can't actually get the difference between the 10 and the 12 percent, so the measures we chose would have given you a 12 percent anyway, and that is the best that we could do.

In which case, great, high fives all around. But you know I think that is one outcome. But the other potential outcome of this is that we would go through trying to achieve a specific F target that our measurements and our regulations define are options for that specific F target, and that specific reduction. Then when the interim recruitment trigger lowered that F target to a more conservative low recruitment F, then as I said those calculations would all have to be redone, and it may require a larger reduction and a different set of measures.

CHAIR GARY: All right, thank you, Katie, thank you, Jason. Any burning desire to continue the discussion or we can call the question. Let's call the question. Yes, you may caucus. I was going to ask. Let's take a two-minute caucus. Okay, we'll go ahead and call the question. This is a motion to substitute Option F. The Board has already initiated action, an example of developing an addendum, in response to a different trigger. The motion was by John Clark, seconded by Joe Cimino. We'll go ahead and ask all those in favor to raise their hand.

MS. KERNS: Massachusetts, Connecticut, New Jersey, Pennsylvania, Virginia, District of Columbia, Maryland, Delaware, Potomac River Fisheries Commission.

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The Board will review the minutes during its next meeting

CHAIR GARY: All of those opposed to this motion.

MS. KERNS: Rhode Island, New York, North Carolina, Maine, New Hampshire.

CHAIR GARY: Any abstentions?

MS. KERNS: Fish and Wildlife Service and NOAA Fisheries.

CHAIR GARY: Any null votes? No nulls.

**MS. FRANKE: Mr. Chair, I have 9 in favor, 5 opposed, and 2 abstentions.**

**CHAIR GARY: Okay, move to substitute carries and becomes the main motion.** All right, we'll give it a try. This is now the main motion; we'll go ahead and make this main motion and get it up on the screen. Okay, we'll try this the easy way. Is there any opposition to this motion? Again, for the record, is there any opposition to this motion? Any abstention, any null votes?

**MS. KERNS: Just for the record there was one abstention, NOAA Fisheries.**

**CHAIR GARY: All right Emilie, you, have it?**

**MS. FRANKE: Yes, Mr. Chair, so that would be 15 in favor 0 opposed and 1 abstention.**

CHAIR GARY: Our next section is going to be recreational release mortality, but I would like to take a ten-minute break. We have some cookies in the back, so Maya, if you could set the timer for ten minutes, then we'll reconvene.

(Whereupon a recess was taken.)

#### **RECREATIONAL RELEASE MORTALITY**

CHAIR GARY: We'll transition into the next section of the document; this is Section 4.2.2 Recreational Release Mortality. Per the usual sections of how we've processed through this, Emilie is going to go ahead and provide a presentation. We'll also have a presentation by Deputy Chief Kurt Blanchard from

Rhode Island from the Law Enforcement Committee, and then we'll go into questions after that. Emilie, I'll turn it over to you at this point.

MS. FRANKE: Thank you, Mr. Chair, and thank you, Kurt, for being with us. I will go through my presentation and then I will turn it over for the Law Enforcement Committee input. This is Section 4.2.2, measures to address recreational release mortality. For the statement of the problem, recreational release mortality is a large component of overall fishing mortality, because the striped bass fishery is predominantly recreational, and most of the catch is released alive.

Since 1990, about 90 percent of all striped bass caught recreationally were released alive, and 9 percent of those striped bass caught and released alive are assumed to die from that fishing interaction. The current recreational management program primarily uses bag limits and size limits, which constrains harvest, but this is not designed to control effort, which makes it difficult to control the overall fishing mortality.

Addendum VI did start to address recreational release mortality by requiring the circle hooks when fishing recreationally with bait. Before I get into the options, I just wanted to note a correction that was made to the Draft Amendment in this Recreational Release Mortality Section. The correction was to Figure 4, which summarizes the current recreational seasons that are in place, and New York's current seasonal closure in the tidal Hudson from December through March is a no-targeting closure.

That figure had previously noted that closure was a no-harvest closure, but it is in fact a no-targeting closure. Moving into the options in Draft Amendment 7. These options consider ways to reduce recreational release mortality via effort controls to reduce the number of trips interacting with striped bass, additional gear restrictions to help increase the chance of survival after a striped bass is released, and options for outreach and education. Option A is the status quo, which is only having that circle hook requirement in place. In addition to that current requirement, the Board

could consider adding seasonal closures under Option B, adding gear restrictions under Option C, and/or adding outreach and education under Option D. The status quo is Option A. Again, where we have the circle hook requirement as the only requirement in place to specifically address Recreational Release Mortality. This requires the use of circle hooks when fishing recreationally for striped bass with bait, and there is an exemption for artificial lures with bait attached.

Currently it is recommended that striped bass caught incidentally on any unapproved method of take must be returned to the water immediately, without unnecessary injury. As far as public comments. Just to start off, there were 4 organizations that indicated they only support Option A, so they indicated they would not support any of the additional measures or options to address Recreational Release Mortality, due to the inability to quantify the benefit of those measures.

But otherwise, all the other public comments that commented on this section noted support for one or more additional measures. We'll start with the next slide, which starts with Option B, which is the Seasonal Closure Options. Option B1 would be state-specific closures, during which all recreational targeting of striped bass would be prohibited for a minimum two-week period in each state.

Determining when these closures would occur is based on MRIP data on striped bass directed trips. The intent is to have a closure during a time when the fishery is active, either during a wave with at least 15 percent of striped bass directed trips, which is B1-a, or during a wave with at least 25 percent of striped bass directed trips, which is B1-b.

If the Board selects one of these closure options under B1, the Board must also consider Tier 1, to determine whether the existing no-targeting closures implemented by Maryland and the Potomac River would meet the new closure requirement. Moving on, Option B2 considers spawning closures to protect spawning fish.

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The Board will review the minutes during its next meeting

Option B2-a would prohibit recreational harvest during Wave 1, and Wave 2, so January through April in spawning areas, which are the Chesapeake Bay, the Delaware River or Bay, the Hudson River, and the Kennebec River. The states that border those spawning areas will determine the boundaries of those closures. Option B2-b would prohibit all recreational targeting for at least 2 weeks during Wave 2 or Wave 3 on the spawning grounds, which may not necessarily be the entire spawning area.

Again, as determined by the states to determine when that closure would occur based on peak spawning. Again, states will determine the boundaries of those spawning ground closures. Just a couple notes for these spawning closure options. Existing closures would be applied toward meeting these requirements, and any new or existing spawning closure boundaries would be reviewed by the Technical Committee, and included in state implementation plans.

For the public comments on these closure options. Of these proposed seasonal closure options, the spawning area closures prohibiting harvest for January through April, which is B2-a, was the most supported closure option. Some commenters noted that spawning closures should include closures in staging areas to protect pre-spawned fish. Then of the closure options, Option B1, the statewide seasonal closures prohibiting targeting for two weeks was the least supported option. Some commenters noted they would support these closures if they were no harvest closures, and some noted that if closures were implemented that these closures should occur during the summer.

In addition to some comments in support of these seasonal closures, there were also comments that noted specific opposition to seasonal closures, including over 100 comments at the public hearings that indicated no support for any seasonal closure option. Comments we heard at the hearings and some of the written comments that noted opposition to some or all of the closure options, noted particular opposition to no targeting closures due to enforcement concerns.

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The Board will review the minutes during its next meeting

Also note a concern about the negative economic impacts of closure, and also concern about the inability to quantify the reduction achieved from implementing closures. There are also several comments noting specific opposition to closures in the Hudson River. Then some comments also noted that closures could be considered in the future, but there is not enough information or data to inform that consideration right now.

Then as far as the Advisory Panel input, there was no AP support for B1, the no targeting closures for two weeks. The AP members noted that the benefits of these closures are unclear, and management issues like having different closures in each state may outweigh the potential benefits, and again that closures could be a future tool, but there is not enough information to discuss this now.

Then 3 AP members supported Option B2-a, no harvest in spawning areas for January through April, as this would decrease effort to help address concern about fishing pressure on spawning fish. Then 3 members also supported B2-b that no targeting on spawning grounds for two weeks. But 1 AP member noted the difficulty of identifying all those specific spawning grounds for closures.

Moving on to Option C, which would be the additional gear restrictions. Option C1 would prohibit the use of any device other than a non-lethal device to remove striped bass from the water, or to assist in releasing a striped bass. The example presented at all the public hearings is this option would prohibit the use of gaffs. Option C2 would require that striped bass caught on any unapproved method of take would be returned to the water immediately without unnecessary injury.

Again, this is currently a recommendation, but selecting this Option C2 would make this a requirement coastwide. For example, if you're fishing for something else with a J hook with bait, and you incidentally catch a striped bass. You would need to release that striped bass, because you weren't using a circle hook. Then as far as the public comments on gear restrictions.

There was general support for both gear restriction options and at the public hearings in particular there were relatively more comments in support of gear restrictions, as compared to comments in support of seasonal closures. Then for the Advisory Panel input. Eight AP members supported that Option C1, prohibit any device other than a non-lethal device. Four AP members supported Option C2 that incidental catch requirement. AP members noted that that is a commonsense provision that aligns with existing gear restrictions. But there were also 2 AP members that specifically were opposed to this incidental catch requirement Option C2. They noted concern about the impacts of this type of provision, like requiring children and young anglers to have to release striped bass if caught incidentally, and also noted that striped bass fisheries are diverse, with many different gear types.

It might be difficult to implement, because there are so many different types of approved and unapproved methods of take. Then Option D, to wrap up, is the outreach and education options to promote best handling and release practices. D1 would require outreach and education, which would be included in annual state compliance reports, and D2 would recommend outreach and education, which many states are already doing.

Then as far as the public comments, there was general support for outreach and education, with most comments supporting D1, the required outreach. Again, noting that outreach and education is one of the most important strategies that should be prioritized. Then as far as the Advisory Panel recommendation, there was a unanimous recommendation that the Board reconsider requiring outreach and education at a later date, after the Board can more clearly define what the required elements of state outreach will be.

The AP recognized that outreach and education is critically important, and support those efforts. But the Draft Amendment doesn't provide enough information on what exactly those requirements

would be. The AP recommends the Board reconsider this at a later time, after the Board has identified those required elements.

Then finally, there were some other comments, both at the hearings and the written comments related to Recreational Release Mortality. Some comments noted concern about MRIP data and high uncertainty, and concern about the 9 percent release mortality estimate. Some recommended new recreational release mortality studies to include state or region-specific and sector-specific release mortality estimates.

Some AP members supported that recommendation. Additionally, there were some comments supporting other types of gear restrictions, including requiring barbless hooks and banning treble hooks.

With that I will turn it over to Deputy Chief Kurt Blanchard to give the Law Enforcement Committee report.

#### **LAW ENFORCEMENT COMMITTEE REPORT**

DEPUTY CHIEF KURT BLANCHARD: Law Enforcement Committee met via webinar April 18, 2022 to provide input on the Striped Bass Draft Amendment 7 options addressing recreational release mortality. The LECs input and recommendations are summarized below for each of the proposed options. These options are being considered for implementation, in addition to the status quo circle hook requirements.

Option B, Effort Controls, Seasonal Closures. The Law Enforcement Committee emphasized previously discussed concerns that no targeting closures would be unenforceable, particularly considering striped bass often overlap with other recreationally targeted species, for example bluefish, and enforcement cannot prove targeting intent. On the other hand, no harvest closures would be enforceable. For spawning closures, the LEC noted the closure area should be clearly defined for implementation. Determine specific boundaries and/or rivers for the closures. Option C,

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The Board will review the minutes during its next meeting

Additional Gear Restrictions. For Option C1, which proposes prohibiting any device other than a non-lethal device to remove a striped bass from the water, or to assist in releasing a striped bass.

The LEC is concerned that the provided definition of a non-lethal device is too broad. With such a broad definition, implementing this option as written would be difficult to enforce, and could be confusing to anglers who use methods like spearfishing to target striped bass. Some states permit this activity.

To improve enforceability, the LEC recommends being more specific, either by identifying which lethal device are prohibited or by identifying which non-lethal device are permitted for use. If the Board's intent with this option is to prohibit gaffing specifically, the LEC recommends using the following language instead of the non-lethal device language.

It shall be unlawful for any person to gaff or attempt to gaff any striped bass at any time when fishing recreationally. The above recommended language is based on Virginia's striped bass regulations regarding gaffs. Other examples of state regulations regarding gaffs and striped bass are included at the end of this memo for reference.

Regarding the approach of listing non-lethal devices that would be permitted to use, the LEC discussed an example of language in federal regulation for bringing sea turtles onboard, net or hoist required. However, the LEC concluded it may be difficult to sufficiently capture all non-lethal devices in such a list. The LEC supports Option C2, which would require striped bass caught on any unapproved method of take to be returned to the water immediately without unnecessary injury.

The LEC noted that making this requirement for incidentally caught striped bass aligns with and strengthens gear restrictions. Option D, Outreach and Education. The LEC supports outreach and education efforts to help increase compliance with these regulations. However, the LEC noted the outreach options in Draft Amendment 7 do not

provide specific details on how or what type of outreach would be conducted.

Related to circle hooks, at a previous meeting, December 2021, the LEC recommended conducting outreach to manufacturers, to address questions about what qualifies as a circle hook. We also recognize, I'm adlibbing here a little bit, that a lot of states and jurisdictions have implemented education programs that are pretty effective and well received. Shared Waterbodies or Neighboring States. The LEC highlighted the importance of consistent regulations in shared waterbodies among neighboring states.

Different regulations between two neighboring states presents special enforcement challenges, and are often confusing to the angler. The following is some examples of the existing state regulations regarding striped bass and the use of gaffs. Maine, it is unlawful to use a gaff to land any striped bass. New Hampshire, the taking of striped bass by gaffing shall be prohibited. Connecticut, striped bass may only be taken by angling, spearfishing is prohibited, and the use of a gaff in the taking of striped bass is prohibited. Virginia, it shall be unlawful for any person to gaff or attempt to gaff any striped bass at any time. Mr. Chair, these are the LEC comments for this proposal. I'm here for questions if anybody has any, thank you.

CHAIR GARY: Thank you very much, Kurt, for your presentation, and thank you, Emilie. I'll open it up to the Board. If it suits the Board, because there is an interlinkage here, it might be good to have Emilie and Kurt handle this section in tandem. I'll open it up to questions now, and we'll start with Senator Miramant.

SENATOR DAVID MIRAMANT: Was there any way to judge whether the people who thought that the mortality number for catch and release was too low or too high, since there was a lot of objections to it, and wanted it redefined?

MS. FRANKE: Thanks, Senator, for that question. I think most comments were that the estimate is too high, and that you know when they are on the water, they are not seeing that the release

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The Board will review the minutes during its next meeting

mortality would be that high as the 9 percent estimate.

CHAIR GARY: Chris Batsavage.

MR. BATSAVAGE: Just out of curiosity, how many states allow spearfishing for striped bass, or which states allow spearfishing for striped bass?

MS. FRANKE: I'm going to turn to the Board members if they could answer that question for their state.

CHAIR GARY: Eric, could you answer that, so Rhode Island. Tom, are you responding for New Jersey?

MR. FOTE: Yes, New Jersey.

CHAIR GARY: Delaware as well and Virginia.

MR. CLARK: We don't specifically disallow it, so it is allowed.

CHAIR GARY: Does that answer the question, Chris? Okay, additional questions for Emilie and Kurt. John.

MR. CLARK: Yes, I have a question for Mr. Blanchard. Kurt, what was the reason you said you didn't want to list non-lethal methods of taking striped bass out of the water? How many different methods do you guys see? I mean, I'm thinking of course dip nets, or nets to take the fish on, but are there other things out there these days that people are using?

DEPUTY CHIEF BLANCHARD: The discussion around what would be lethal/non-lethal and listing of that was generated basically of what other techniques are out there and available to folks. If we got into a situation of, there is a new device out there and how does that fit in? Does that meet the regulation/not meet the regulation? We were going back and forth on the lethal/non-lethal, and trying to list those, similar, probably where your mind is right now on it is there is not a lot out there, but what could come new down the road. That really kind of generated right back around with a discussion and it was pretty candidly stated, it

appears that we want to prohibit gaffing. This is what it appears that the industry wants, and so why don't we just say that?

CHAIR GARY: Tom Fote and then John McMurray.

MR. FOTE: When I look at area closures or time of year closures, and I always look, they say well the most trips are this period of time, so maybe that's where we look at it. But shouldn't we look at it on when the most mortality takes place? I wonder if the TC actually looked at it, because you think about it. If we're fishing in the spawning time the water temperature is 48 degrees, 50 degrees, it's cold.

You are not putting a lot of stress on it; the fish gets out and the air temperature is about 40 degrees or 50 degrees. We've all been out fishing, we know it's cold at that period of time. But, and so the hook and release mortality might, since this is an average, might be 3 percent. Now we take that same hook and release mortality, we look at it according to Maryland studies, it's basically, what is it 30 or 40 percent depending on the water temperature?

We're actually doing 10 times the hook and release mortality at different periods of time. If we're looking to reduce the hook and release mortality, should we be looking at when it would basically allow more of the fish to be released alive, and not on what time of the year, whether it was a spawning season or not, but when the water is warm. Now if you're going to talk about this, now I'm not saying we should be doing it.

But if you're going to do this you've got to look at the right time to do this, and when you're doing 2 percent hook and release mortality that is not the time to do a closure. When you're doing 40 percent hook and release mortality and those fish are going, and especially usually that time of year using heavier gear. When you go into summertime, people out there, freshwater, everything looking at light tackle, and it is more stressful. If you're looking at, how do we basically do that, shouldn't we be looking at that? That's a question I'm asking for Katie.

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The Board will review the minutes during its next meeting

Draft Proceedings of the Atlantic Striped Bass Management Board Webinar  
May 2022

MS. FRANKE: Thanks. Katie, I can jump in real quick first, and just note that the PDT did develop an option when the Board first reviewed Draft Amendment 7 that would have required a closure during Wave 4, because of those high-water temperatures. But the Board removed that option in favor of keeping the options in that would provide a little bit more flexibility as to when those state closures would occur.

DR. DREW: Yes, and just to follow up from the Technical Committee side. I think we have in the past tried to sort of figure out what mortality would be, based on when and where these fish are caught. But we've sort of struggled with getting detailed enough information. You know we get this at the wave level, and that's sort of the general inland offshore area.

We found that we had a hard time sort of figuring out where those breaks would occur, in terms of higher mortality/lower mortality et cetera. But that's definitely something I think we're interested in pursuing in the future. But as Emilie said, that was an option that was on the table for exactly the reasons that you laid out.

CHAIR GARY: John McMurray.

MR. McMURRAY: I have a question for Mr. Blanchard regarding the no target closures. Kurt, on the water is there any way to determine what it actually is people are targeting? I mean I understand intuitively you know when someone is in Raritan Bay in April, they are targeting striped bass. If they say they are targeting bluefish, I think it won't hold up in court that they were targeting striped bass if there is no fish onboard. Maybe you could clarify that for me.

DEPUTY CHIEF BLANCHARD: The targeting versus harvest concept, and we've been on record with this even with circle hooks, as far as targeting. It's just next to impossible. When you get these types of enforcement actions and you're bringing them back home, you're bringing them to state courts or even administrative hearings and things like that.

The proof is on us to present and say, we've got to prove beyond a reasonable doubt that these folks were targeting striped bass. We all know the dynamics of fishing out there, and whether you're fishing on striped bass, bluefish, you could be fishing summer flounder and still pick up striped bass. For us to say they are specifically targeting either striped bass or specifically targeting bluefish, it's just next to impossible for us to do that.

CHAIR GARY: Online we have Roy Miller and then we're going to go to Tom Fote and then John Clark.

MR. ROY W. MILLER: I just wanted to point out that historically in Delaware we've had spawning ground closures. Those closures are in effect for the months of April and May, when actual spawning is predicted to occur. Now there is also a couple of requirements for the use of circle hooks when fishing with bait. There are other fisheries that are present that time of year, catfish, (faded out) white perch.

What I'm wondering is, if we do not select any of these additional spawning ground closures, then B2-a would encompass all of Waves 1 and 2, instead of just April and May in our case. If we reject spawning ground closures, are states required to maintain their existing spawning ground closures? That is one question. The second question is, what if wanted to only have a spawning ground closure during the period when the spawning is expected? Is that allowable within the confines of what went to public hearings?

MS. FRANKE: This is Emilie, so just to repeat your first question. If the Board did not select any of the spawning closure options, so anything under B2, would states that already have spawning closures in place be required to keep their current closures, and no. Spawning closures have always been recommended as part of the striped bass FMP. If the Board didn't select any required closures, then spawning closures would continue to be recommended.

To your second question about, would a spawning closure during the time at which spawning is

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The Board will review the minutes during its next meeting



actually anticipated to occur, would that be within the options presented? B2-a, which is the spawning area closure for January to April, specifies the time period of January to April. The Board could work within that timeframe of January to April. Then as far as B2-b, that two-week no targeting closure on the spawning grounds, you know that is up to the state anytime within Wave 2 or Wave 3.

CHAIR GARY: Roy, did that answer your question?

MR. MILLER: Mostly. I guess that for instance, if B2-b, well, I assume we would adopt either B2-a or B2-b, so it doesn't encompass, neither option encompasses our existing spawning ground closure. We would have to make a change, and that change might be too restrictive or not restrictive enough.

CHAIR GARY: Thank you, Roy, so we'll go to Tom Fote and then John Clark.

MR. FOTE: I noticed when New York clarified that it was a non-targeting closure up in the Hudson River, and I think Maryland used to have a non. How did you enforce both of those, so we get an idea what you did to enforce those?

MR. LUISI: Yes, thanks, Mr. Chairman. The way that our enforcement officers handled the non-targeting in our summer two-week period is that they told me that, well, first of all it's in our regulations. The terminology is there. But they need to see a fisherman catching striped bass during that period of time.

If he or she continues to catch striped bass they can consider that to be the targeting of it. If you're under the Bay bridge and you're fishing for something else and you start catching stripers one after another, and you don't move or change location or method of fishing. But they have to visually watch it and see it.

MR. GILMORE: Yes, it was similar to what Mike said. It was law enforcement discretion, and they would have methods to look at. They couldn't just do it by what gear they were using, they had to essentially look at some sort of fishing effort that

was going on. You know, in law enforcement, Kurt's right. This is a very difficult thing to enforce.

But I think the other part of this too is when you put in a rule like this, it's the rule of 80/15/5, 80 percent of the fishermen are going to abide by it, 15 percent may not, because they don't know about it, and 5 are going to actively ignore it. You are getting a significant benefit from it, even with this targeting rule, because I mean the more conscientious guys will.

Again, Kurt, I've heard it from my guys. This is like very difficult to enforce, and it doesn't hold up in court I guess is the bigger problem, because they bring it in, and a lot of the judges whatever just don't really. But again, that's pretty much what we do, what Maryland does.

MR. FOTE: Thank you.

CHAIR GARY: Tom, that answered your question, so we'll go over to John, you're good? Okay, so I believe Roy Miller is online, he had his hand up. It's down. Steve Train.

MR. STEPHEN TRAIN: Dennis, I want you to listen carefully to this. I agree with Tom Fote. You don't hear that very often, I know. We are looking at closures, and we eliminated what I think is the most effective time period. I mean Tom, you spoke very well earlier when you said the problem with mortality here is numbers of people.

The numbers of people fish harder when the weather is good, and when the weather is good the water is warmer, and the mortality levels increase on the release. Of all the species we manage, you would think my mailbox would fill up on lobsters or menhaden. It fills up on this, because people want this fishery saved.

They don't want to actually be the ones that have to do something to save it, they want to keep catching fish. But they want it saved. I think that the time period we're killing these fish is when most people are active, and that's what we need to be looking at. The mortality rate on catch and release will go from the 9 percent they don't believe to 30 or 40

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percent when that water gets warm. We shouldn't be bringing those fish out of the water then, period.

CHAIR GARY: It seems like we're almost on the cusp of transitioning to a discussion, but are there any additional questions for Kurt or Emilie specifically? Okay, so working off what has been successful so far, which is to get something on the floor in a motion to put forward discussion, rather than debate, an array of different options here.

We have circle hooks. We have that tool that's an option to adopt and stay there. But I guess the question I would have as Chair to this Board is, if there is advocacy for any of these other options or sub-options, is anybody willing to put those up as a motion to kind of help this conversation along, so we can do it effectively? I'll open it up to the Board. We have a number of options and sub-options to consider. Megan Ware of Maine.

MS. WARE: I think it would be helpful for the Board to continue to have this discussion we're having, and specifically about spawning closures, so per your guidance I'll make a motion on that to facilitate a discussion. **I would move to select Option B2-a, no harvest spawning closure required.** If I get a second, I'll at last provide my thoughts on this option, but again, I'm hoping to prompt discussion with this.

CHAIR GARY: Is there a second to Megan's? Dr. Mike Armstrong. Okay, Megan, go ahead and expand on your rationale.

MS. WARE: Yes, thank you. In some ways I kind of feel like the spawning closures are maybe more of the lower hanging fruit in this document. I understand we all have specific TC analysis on these, but it seems like a somewhat, in my opinion, commonsense management tool to be protecting the spawning striped bass.

I think, well I acknowledge from the table, I think a lot of jurisdictions or areas are already using spawning protections to some extent. I think there is an advantage of including that in the FMP, because then it becomes compliance criteria for a

state. I think there are some advantages there, in making sure that spawning protections are maintained by the states. As an example, you know Maine has spawning protections. There would be no repercussions at the Board level if Maine were to remove those, so I see some advantages in including this in the FMP. I've leaned more towards Option B2-a, as opposed to the two-week no targeting for a couple of reasons. Obviously, we've heard from the Law Enforcement Committee their concerns about no targeting closures, so B2-a is a no harvest closure.

Then I also have some concerns with the two-week timeframe in the no targeting closure. I think the effectiveness of the two-week closure may vary year to year, spawning doesn't happen the same week every year. If you're not right on the money with those two weeks, I'm not sure how strong the benefit would be.

CHAIR GARY: Mike, did you want to add to that?

DR. ARMSTRONG: No, I think Megan covered most of it. But I will say we've done studies that show various species change their behavior after they've been hooked, so actually I would prefer non-targeting, but I defer to Law Enforcement that it's probably unenforceable. Lack of harvest will keep probably people targeting. The catch and release people will do it, but it will take some of the pressure off. But you can change behavior of fish on a spawning ground when you're catching them and releasing them.

CHAIR GARY: We'll open it up for discussion. We have a motion on the floor. Jim Gilmore.

MR. GILMORE: This becomes one of those times when it seems like a great idea, but let me give you the reality check on this. Right now, we have a spawning closure on the Hudson. Well, actually we have a slot, 18-28, and that fishery pretty much is prosecuted in the month of April. It's all males, it's a very small fishery, and essentially, we also eliminated the trophy, because we want to stay off of the breeding females. This accounts for maybe 2 percent of New York's striped bass mortality.

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This really isn't getting at it for New York, in terms of reducing catch and release mortality. It's not really doing anything. We had a very large turnout at our hearings. Essentially that was saying this essentially will kill the fishery, plus it will have other consequences to it. It will take that fishery and the people that prosecute it.

It's going to drive them into the coastal limit. Now, what we did was we eliminated female harvest, keep those spawners alive. This would turn it into the slot for the coast, and now we'll be targeting large females during part of the year, and we'll be doing exactly what we worked on for the last few years not to do.

Again, we took the trophy fish out so we would take no females. On top of that remember we're closing the spawning areas, but all those fish are lining up in the ocean in Raritan Bay. That's not being closed, we're still going to be hitting those fish. This thing sounds like maybe it does something positive, but it's doing the exact opposite in the Hudson River. **For that reason, I would move to substitute to Option B1-a.**

**CHAIR GARY:** All right, we have a motion to substitute Option B1-a, by Mr. Gilmore. Is there a second to that motion? Anybody on line Katie that wants to second it? Last call to a second. This is a move to substitute Option B1-a, 15 percent of the striped bass directed trips.

MS. FRANKE: Maya, you could to clarify B1-a, all recreational targeting would be prohibited for at least two weeks during a wave.

CHAIR GARY: Thank you, Emilie. Okay, so it reads correctly now, Emilie?

MS. FRANKE: A 2-week no targeting closures during a wave. Yes, perfect, thank you, Maya.

CHAIR GARY: Jim that's what you have, right? Okay, another call for this. **It's a move to substitute Option B1-a. All recreational targeting prohibited for a minimum 2 weeks during a wave with at least 15% of striped bass directed trips with MRIP data,**

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**motion by Mr. Gilmore.** Is there a second to this motion? Mike Luisi.

MR. LUISI: Yes, I'll second for discussion purposes.

CHAIR GARY: Jim, back to you to expand on your motion.

MR. GILMORE: Okay again, we're trying to rebuild the stock essentially by preserving the large females. Again, that was when we got to the last measures that we put in in 2020. It was essentially that is when we cut back on, we essentially took out our trophy fish. We put the slot in, and I think we provided quite a lot of data at the time to show our harvest. It documented very clearly that this fishery is prosecuted primarily in April, very small fish, all male.

If you read any of the document, those small fish are all male. Again, the whole idea of this was to, in the Hudson River, at least for that area, we were going to protect the spawn and get the maximum benefit out of it. After this motion came up again, we had, Tom Fote was saying we had a poor turnout.

In the Hudson River we've never had a turnout like this. In fact, I think if you adjusted the numbers, we probably had 4,000, relative to what we had on our coastal fishery turn out. Again, they were very clear, and they have been very gracious about it. I mean some of the hearings we had on Long Island got kind of nasty.

These guys are very much, even two years ago, very much into taking sacrifices, because the fishery is that important to them. That you've got a group that is willing to take cuts, in fact when they threw away the trophy fish, I was shocked that they were willing to do that. But again, it was just to preserve that small part of the year.

Again, they are trying to do the right thing. We've already got this closure in place. If we get into this, we're going to be forced into, okay fine, then they get the coastal limits. Starting on May 1, they are going to start fishing on the slot limit, 28-35, which

are now larger females that are females that are going up to spawn, and we're taking the spawning population out of the Hudson River. But again, leading up to that, we're not doing anything down in Raritan Bay. We're going to open that fishery, and they're going to be taking large females out of the stock that is going to try to come up the river. The original motion doesn't really, you know help out with catch and release for the Hudson River. It does the opposite of that. It's going in the direction where it's going to reduce the amount of spawning stock biomass you have. In any event, why I really think B1-a is the better way to go, because it gives all the states latitude to come up with tailoring their closure to their specific issue.

CHAIR GARY: Mike, I know you seconded it, you didn't want to add comment to that, right?

MR. LUISI: Well, I can, Mr. Chairman. I do agree with the concept of taking some action to address what I feel is the largest issue that we have, which is the dead discards in the recreational fishery. Requiring states to take this closure during a period of time when there is a reasonable amount of effort being place on it is something I certainly support.

Jim, I wonder if you would be willing to consider, so B1-a with a Sub-option a, so existing no targeting closures would fulfill the requirement. That would be something that I would be interested in, since we already have a two-week closure. We might not need to add to that and make it four weeks.

MR. GILMORE: Say that again, Mike.

MR. LUISI: B1-a and then in my notes here in the abbreviated options reference, there is a little section under there referring to Maryland and Potomac River Fisheries Commission, and the sub-option under that is the existing no targeting closures would fulfill B-1 requirements, or existing no targeting closures would not fulfill B1 requirements, and I would be interested in the first one.

MR. GILMORE: I'm not sure it gets us there, Mike. At this point, the trouble with this Addendum, there

are so many options to it. I don't know. At this point I'll say no, because I don't know if that is going to get us to where we need to get to. Again, I'm losing this fishery in the Hudson, and I think that still doesn't get us to where we need to be. Again, the impact of it is not only losing that fishery, it's then targeting large females, and that makes no sense to me.

CHAIR GARY: All right, so we've got Roy Miller online, then John McMurray, then John Clark.

MR. MILLER: I'm looking at Jim and Mike's substitute motion, and I'm not even sure that they address the same thing as the original motion. The original motion was specifically for spawning ground closures. This is something that Mike in particular is referencing their summer no targeting closure, which is designed to eliminate fishing mortality during the time of year when catch and release mortality can be expected to be at its highest, because of water temperature.

But they are doing the two different things. In my mind I can't substitute the one motion for the other motion, because this is not targeting the same thing. I appreciate Jim's problem, but I wish it wasn't a substitute position, I wish it was just a motion on its own.

CHAIR GARY: We'll go to John McMurray.

MR. McMURRAY: The original motion as Jim said, is something that will really affect New York specifically. The upper Hudson Valley is really their only access to striped bass as well, when they're spawning. I think the intent is good, but like Jim, I have to question whether or not any closure up there does much, given that they clearly get hammered before they go up there, and also on the way back.

But maybe before we go down this rabbit hole. I can't help but think that the larger question here is whether or not this type of seasonal closure even belongs in an amendment which is going to be around for 20 years, probably, if it's anything like Amendment 6 was, 90 percent of the fishery is

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catch and release, and it's pretty clear that effort not landings create the greatest social and economic benefits.

In view of that, reducing recreational effort should probably be a last resort and not a policy incorporated into an amendment. Closures could probably be better treated as a transient measure, better suited for an addendum that addresses a particular management issue, not a full amendment, which addresses a range of things.

I think I could even make the case that if we're going to consider no target closures or any closures, they should be considered in the rebuilding plan, not here. A rebuilding plan, well the intent is for it to have a relatively short life, and be superseded by more relaxed management measures once the stock has been rebuilt. But they probably don't belong in an amendment that may be in place for the next two decades.

MR. GARY: We're going to go to John Clark and then Matt Gates.

MR. CLARK: My question is more procedural. I was just wondering, we have a similar, not as severe problem as Jim has on the Hudson, but we already have a spawning closure on the Delaware and on the Nanticoke for April and May, which is not fitting with what the main motion is asking there.

I was just wondering, I mean I think at this point the Board could amend the main motion if it gets back to that to exempt existing spawning area closure programs, such as the ones that New York has on the Hudson and we have on the Delaware and the Nanticoke. Obviously, there are other ones up and down the coast, as seen in the Draft Amendment. Just wondering if that procedurally is possible, and if so if we could do something like that to amend, you know go back and amend the main motion if the substitute does not pass.

MS. FRANKE: Thanks, John, this is Emilie, and then I might turn to Toni. Yes, the Board could exempt certain areas from the B2-a requirement of no harvest in spawning areas for January through April,

or could adjust the timeframe, you know within the range of the option, which is January to April, so could adjust what the required timeframe is. But I'll turn to Toni if she has any thoughts on that.

MS. KERNS: It's the will of the Board of how you want to craft your motions. If the Board feels as though the crafting of the motion is within the scope of what went out for public comment, but the B2-a does specify it is Waves 1 and 2, which the Board would then have to decide if that is a two-week closure is providing the same, I guess positive impacts for spawning as the closures of Waves 1 and 2.

CHAIR GARY: John, did that help you?

MR. CLARK: Yes, I just think that you know I understand what Jim is getting at there, but I don't think that one works for most states, the substitute. If we can do something to encompass the programs that are already in effect right now, without affecting them, I think that would be the best way to go.

CHAIR GARY: Okay, we may come back to revisit that. We have, if I get this right. Well, we've got Matt Gates, then we've got Chris, and then Chris Wright. That's the queue, so go ahead, Matt.

MR. MATTHEW GATES: I can appreciate what Jim is trying to get at here, and to address his issue there in the Hudson. I think it is good to try to address the discard mortality issue. I think there may be sort of limited places where a two-week targeted closure might work. But I think in a lot of states and a lot of times, Connecticut for instance. I think if we tried to implement a two-week targeting closure, there would be no time of year I think that we could do that and still meet these requirements and have it be enforceable. I think just because it's not enforceable, I don't think I can support this substitute.

CHAIR GARY: We'll go to Chris Batsavage, then we have Chris Wright online, and then Pat Geer.

MR. BATSAVAGE: I don't support either the main or substitute motion. I have to agree with John

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The Board will review the minutes during its next meeting

McMurray. This is a pretty complicated issue when you look at the nature of the striped bass fishery along the entire coast. It's probably better addressed in a separate action later on, especially when we have a rebuilding plan and an updated stock assessment to get a better idea of what we need to do regarding fishing mortality.

I think in the not-so-distant future we may have some better information on what is the release mortality of striped bass with studies that are ongoing that could shed some more light, as far as what could be done. That way we can maybe develop the options in a different way, I guess, if need be. But I just don't know if what we have in this Amendment is ready for primetime yet.

CHAIR GARY: Over to Chris Wright on the webinar.

MR. WRIGHT: Yes, I don't know if the substitute is practical, and then I just wanted to mention that Option B2-a doesn't preclude the states from extending closures beyond April. I'm more in favor of the primary motion than the substitute. The substitute just doesn't seem like it would work across the board.

CHAIR GARY: We have Pat Geer.

MR. PAT GEER: I'm kind of torn between these two motions, because the first motion, the original motion would have zero effect on Virginia. We did away with our trophy fishery in 2019, as a result of Addendum VI. We were very proactive. We actually passed regulations prior to that being passed, and had them in place six months before the Addendum was passed.

Our spring season does not begin until May 16, so it has no impact on us at all. The alternative motion would have an impact, because about 90 percent of our harvest is in the fall, from October 4 through the end of the year, so that would have an impact on us. But if we're going to do something, if we want to have some real change, to me that would have some impact at least to my state.

CHAIR GARY: We have Ritchie White on the webinar, and then we'll go to Loren Lustig.

MR. G. RITCHIE WHITE: I guess I don't understand after we got the Law Enforcement report why we're looking at a targeting. If targeting is not enforceable, when would we ever put in something that we know will not work? I'm totally against the substitute, even though I understand the situation Jim is in, and that is a difficult one. But I'm against banning targeting, because it doesn't work.

CHAIR GARY: Loren.

MR. LOREN W. LUSTIG: I'm still thinking about what Jim Gilmore said about five minutes ago, and I believe Jim, you used the euphemistic term, common sense or lack thereof. It had the ring of truth as you described it, and I'm wondering how many of the anglers out there in the Hudson would come to your conclusion, and scratch their head and say what in the world is going on? I'm trying to find a way to support what you were speaking about there, Jim. I thank you for that.

CHAIR GARY: We have Joe Cimino, Jim Gilmore, and then John McMurray.

MR. CIMINO: Yes, I think Jim said something else that was pretty important, that if there is a regulation in place there is some amount of individuals, even if it's 50 percent not 80 percent that once they know about this they are going to comply. Isn't that important? I mean Law Enforcement gave us their opinion on what they can do about it.

But if we're trying to change angler behavior, then that is an entirely different question. I don't see how that can be myth. But with all that said, perhaps unfortunately, I think I'm in the same boat as Chris Batsavage, and I think with all that we've gone through with this, we still may need to take more time and do this at another time.

CHAIR GARY: Okay, I've got three people in queue, and I feel like we're starting to hear some repetition. But I know it's a serious subject, so I'm

going to make sure, especially Jim and John, who are New York folks who have the substitute up get their say in. David Borden is queued, so that's three. Is there somebody else who has not spoken to this that would like to speak to it? Thank you, Mike. We're going to wrap with Mike, so we've got four speakers. Go ahead, Jim Gilmore.

MR. GILMORE: To respond to Ritchie White's comment on the phone. The only reason this, we didn't have other options, so this was probably the best of the other options we had, so that's why I put this up. The understanding, you know what Pat said, it's got impacts in other places. If there is an option, and I'm not sure Toni said this all right.

But if we could go back to the main motion, and we could put in a qualifier that spawning areas that already have some sort of protection existing, that we could put that caveat in. I think that would fix the problem, if that is allowable. But then now we're into this option of maybe we'll table this whole thing. I think we've got two things, so B1-a again was not a thriller for me either, but it was one of the few options I had, so that's why it's up there. If we can go to one of those other alternatives maybe we can get out of this.

CHAIR GARY: Go ahead, John McMurray.

MR. McMURRAY: I seriously doubt we're going to see anything close to an 80 percent compliance rate with no target closures. People are going to fish, period. That is not why I raised my hand. I wanted to comment on Chris's comments about this not being ready for prime time, the closer section anyway.

We still don't even have spawning area maps. The public doesn't know what this is going to look like. I don't know what it's going to look like. Second, how on earth are we expected to time these two weeks? We don't know when stripers are going to be up there spawning. I mean I'm not familiar with the science.

But I'm pretty sure it has more to do with water temperatures and environmental factors than you

know a specific time of the year. I don't really see the utility here, and frankly, I don't see the need to have this entire section on closures in the document at this point. It's a last resort, I think. It's not something that we need to consider now.

CHAIR GARY: Okay, so, I think I've got this straight. We have the last three speakers, Mike Armstrong, David Borden and Kris Kuhn wanted to talk, so we're going to leave it there. That's where we're going to wrap. Mike, you're up.

DR. ARMSTRONG: I just want to speak because I was the seconder. I certainly don't support the substitute. There was no public support whatsoever for that kind of thing. I'm having doubts about the main motion also. Having listened to Jim. I came in not really understanding what closures were in place, and restrictions that we have. As Chris said, I don't think this is ready for prime time, I think we should move on from closures right now, seasonal closures.

CHAIR GARY: We'll go to David Borden then finish with Kris Kuhn.

MR. BORDEN: I totally support the concept of taking action to reduce discard, so I don't want anybody to misinterpret what I'm about to say. I think it is critical to do that to rebuild the striped bass stock. That said, I'm basically fall into the camp where I'm opposed to the substitute motion and the more this discussion has gone on, I'm finding myself in opposition to B2, because I just don't have a feeling that we're going to resolve the issue and come up with a serious alternative that's going to have meaningful impacts on the problem. My thinking is kind of in line with what Chris said. I think we would be better off keeping status quo, keep the circle hook regulation in place, but then commit in the form of forming a subcommittee to work on this with the intent of enfolding this into the rebuilding amendment, as a specific action. But I think we need some really serious, well thought out, enforceable provisions if we're going to do that. That would be my preference.

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The Board will review the minutes during its next meeting

CHAIR GARY: Kris, you have the last word.

MR. KRIS KUHN: I've had my hand up a couple times, so I'm going to apologize if I'm making some repetitive comments here. I just want to say, you know I've gone back and forth with this in my mind, as well as some of the others are, as we discuss these two options before us. I wanted to point out that there is a lot of similarities with the Pennsylvania fishery in the Delaware estuary and river as to what Jim Gilmore is describing.

Pennsylvania has taken measures to protect the large fish in the system, and the nuances of the fishery in Pennsylvania may be even more produced than New York's in that it's a very tight window for when those fish are available to recreational anglers, and that is April and May. Pennsylvania under Addendum VI to Amendment 6, had enacted a conservation equivalency proposal that restricted harvest from 21 to less than 24 inches.

That is such a narrow window, and focuses the harvest on the small males, and I fail to see how a closure in that area, a harvest closure in Pennsylvania waters would have any type of significant effect. I like what John Clark had mentioned and Jim Gilmore and some others around the room, potentially. If we could get back to the main motion where we could exempt certain areas that have those unique characteristics, I would be supportive of that.

CHAIR GARY: Thank you, Chris, I think Bob would like to add some comments.

EXECUTIVE DIRECTOR ROBERT E. BEAL: Just a process question, not commenting in favor or in opposition of either motion. But just so everyone is aware. If the Board chose to vote down both of these motions, and we get to October or November and the stock assessment indicates additional reductions are needed.

The fact that these were voted down today does not preclude the Board from considering seasonal closures as part of the reaction to the stock assessment later this year. I wanted to make sure

everyone knew; you know voting these down doesn't hamstring them later for reduced flexibility later.

CHAIR GARY: Thank you, Bob, I think that might be actually pretty helpful to this conversation. Thanks to everyone for a pretty spirited discussion on this. We'll go ahead and call the question. We have the substitute on the board right now, go ahead and caucus, is there a need for a caucus? I'm thinking there might be. We'll make it a two-minute caucus. Jim, did you have a question?

MR. GILMORE: Just a quick comment. Just so everyone is clear on the Board that I am not turning into Pat Augustine when I vote against my own motion.

CHAIR GARY: Okay. Having caucused, let's go ahead and call the question. This is move to substitute Option B1-a, all recreational targeting prohibited for a minimum two weeks during a wave with at least 15 % of striped bass directed trips. Motion by Mr. Gilmore, seconded by Mr. Luisi. All in favor, please raise your hands. Nobody on the webinar. All opposed raise your hands.

**MS. KERNS: Can I just say on the record that of the full Board, all 16 are opposed.**

**CHAIR GARY: Emilie, it looks like the vote is 16 opposed, there are no nulls, no abstentions.**

We're back to the main motion. Are we ready? **We're back to the main motion in Section 4.2.2, move to approve Option B2, a no-harvest spawning closure required. Motion by Ms. Ware, a second by Dr. Armstrong.** Is there a need to caucus, anybody? No hands up. We'll call the question. All those in favor, please raise your hand.

MS. KERNS: I have Maine, U.S. Fish and Wildlife Service, Rhode Island and NOAA Fisheries.

CHAIR GARY: All those opposed, please raise your hand.

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The Board will review the minutes during its next meeting



MS. KERNS: Massachusetts, Connecticut, New York, New Jersey, Pennsylvania, North Carolina, Virginia, Maryland, Delaware, Potomac River Fisheries Commission, and New Hampshire.

CHAIR GARY: Any abstentions?

MS. KERNS: District of Columbia.

CHAIR GARY: Any null votes? None.

**MS. FRANKE: Mr. Chairman, we have 4 in favor, 11 opposed and 1 abstention.**

**CHAIR GARY: Motion fails.** We are back to the discussion of Section 4.2.2 having that spirited debate. I guess I would ask if there is any additional advocacy for any of the other options. Emilie, question. We have in place Option A. We don't necessarily have to adopt that or vote for it, right?

MS. FRANKE: I would turn to Toni on that.

MS. KERNS: You do not have to approve an option that is already within the management plan.

CHAIR GARY: Just asking. Is there advocacy for anything else? I see John Clark's hand up. Go ahead, John.

MR. CLARK: Yes, now hopefully this will be a low hanging fruit. Move to prohibit gaffs as a method for handling striped bass. What would the proper wording be here? Let's see, move to prohibit gaffs. I just want to make sure it's worded the way that Law Enforcement. Oh, there we go. That makes life so much easier. **In Section 4.2.2, move to approve a modified option C1: It shall be unlawful for any person to gaff or attempt to gaff any striped bass any time when fishing recreationally.**

CHAIR GARY: All right, so we have a motion by John Clark, and Dennis Abbott has the second on that. All right, any discussion on that? Okay, that was quick, the exact opposite. I guess we can go ahead and call that question. Does anybody need to caucus? I've learned I need to ask that question, because it happened a couple times. All right, we'll go ahead and call the question. John read that into

the record, all in favor of this motion raise your hand.

MS. KERNS: All right, Rhode Island, Massachusetts, Connecticut, New York, New Jersey, U.S. Fish and Wildlife Service, Pennsylvania, North Carolina, Virginia, District of Columbia, Maryland, Delaware, Maine, New Hampshire, NOAA Fisheries and Potomac River Fisheries Commission.

**CHAIR GARY: I believe that is 16, so there are no nulls no abstentions.**

**MS. FRANKE: Yes, Mr. Chair, that is 16 in favor.**

CHAIR GARY: Thank you, Emilie. All right, still in Section 4.2.2. I'll ask the Board again, any of the other options in this section of the document? Does anyone wish to put a motion on the floor? John.

MR. CLARK: Not so much make a motion. Just based on the discussion before, can we bring back seasonal closures at a later time? Is that something? I believe Bob was saying that it's possible.

CHAIR GARY: Go ahead, Bob.

EXECUTIVE DIRECTOR BEAL: John, are you asking about during this meeting for the final approval of the Amendment, or at a later time such as once the new stock assessment is available?

MR. CLARK: I would think the latter, just because based on the previous discussion, it sounds like the options we gave ourselves here are causing a lot of heartburn.

EXECUTIVE DIRECTOR BEAL: Yes, then the short answer is yes. You can bring those back once we get the new stock assessment information.

MR. CLARK: Do we need to make a motion to that effect, or can we just?

EXECUTIVE DIRECTOR BEAL: No, I think the record is very clear on the intent to do that. The interest in

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The Board will review the minutes during its next meeting

perfecting those was pretty clear over the last 45 minutes or so.

CHAIR GARY: I guess one last call for this section of the document 4.2.2. Any of these other options would anybody like to see? Okay, we have Roy Miller on the webinar. Go ahead, Roy.

**MR. MILLER: Mr. Chair, I would like to move to accept Option D2 for outreach and education that is recommended outreach.**

CHAIR GARY: Roy, you said Option D2, is that correct?

MR. MILLER: Yes.

CHAIR GARY: Okay, we're just getting that up on the screen now. All right everybody, I'll go ahead and read this in, since you're over the webinar. It's move to accept Option D2 from Section 4.2.2, Recommended Outreach and Education. Motion by Mr. Miller. Is there a second to this motion? Loren Lustig. Roy, do you want to comment on your motion?

MR. MILLER: I'm not a big fan of required outreach. I think we all know what our capabilities are and what the best things we can do. I think it's mostly hard to define if we had a requirement for that (faded).

CHAIR GARY: Okay, thank you, Roy. Loren, did you want to add to that?

MR. LUSTIG: Yes, Mr. Chair. I certainly appreciate the implications of enhanced education. I don't know exactly how that could be achieved, but it's worth trying, so that is the reason for my second.

CHAIR GARY: All right, thank you, Loren. All right, so let's try this this way. **Is there anyone in opposition of this motion? Anyone Katie on the webinar? I wouldn't think. No opposition, so this motion passes by consent.** Thank you, Roy and Loren. I will just to do due diligence, since Roy put that up. I'll ask one more time, Section 4.2.2 before we move out of this section of the document, is

there any other items. We have Jim Gilmore's hand up.

MR. GILMORE: Actually, not a new item, but just a recommendation for that last thing, and completely support it. But if all the states are going to go back and do some sort of effort on this, it might be really efficient. Recently we've done some videos on how to use tautog tagging or whatever. It might be something that we could do collectively, and make it a little bit easier to implement and less work for each state. I would be more than willing to help out with that.

CHAIR GARY: Okay, I appreciate that, Jim, that's a nice overture. Chris Batsavage, go ahead.

**MR. BATSAVAGE: I have one more. Move to approve Option C2, Striped bass caught on any unapproved method of take would be returned to the water immediately without unnecessary injury.**

CHAIR GARY: Thank you, Chris, we'll get that up on the board and then look for a second. All right, so we have the motion up. It's a motion by Chris Batsavage. Do we have a second to this motion? Matt Gates. Go ahead, Chris, you wanted to speak to your motion.

MR. BATSAVAGE: Yes, I think we heard from the Law Enforcement Committee that this helps the enforcement of the existing circle hook regulations for using natural bait. We have these measures already in place in North Carolina for our circle hook regulations. It just makes it a little clearer, as far as what's allowed and what's not, when it comes to using natural bait and you catch a striped bass.

CHAIR GARY: Matt, did you want to expand on that?

MR. GATES: I don't have anything to add to that.

CHAIR GARY: We have a motion on the floor, any discussion on this motion? Not seeing any hands raised, Katie, anybody on the webinar? Tom Fote.

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Draft Proceedings of the Atlantic Striped Bass Management Board Webinar  
May 2022

MR. FOTE: I was going to try and keep quiet on it. I always think, I've got a Governor's Surf Fishing Tournament coming up May 15, and it's going to have 4 or 500 kids on the beach fishing for things. I think they're fishing mullet rigs; they're fishing for summer flounder; they're fishing for striped bass. Fishing for anything they can catch, and those rigs are all differently.

I've got a ten-year-old kid that catches a 10-pound striped bass or a 15-pound striped bass, and I'm going to tell him he's got to release it. Now we have judges on the beach that do catch and release, so we're riding up and down. I have 25 judges going up in Island Beach State Park I'm running up and down. But the kid has got to hold the fish until we get there to judge it, then put it back in the water. I don't know. I have a problem with this, because if you're going fishing for striped bass, you are only allowed to keep one fish anyway.

Even if you're fishing for one fish from the beach, you are catching one fish, and then you basically do it. Does it really make that much difference whether it's on a J-hook or the fish is going to be kept? I'm saying that is your one fish you're going to keep, so you can't keep any more fish.

I think we're getting too particular here. We allowed for all kinds of crazy rigs that I never heard of to be exempted from this fish, because they were worm rigs or something else like that which we don't use in New Jersey. But I know we use mullet rigs, and we've used that historically for 20 years, where we put a mullet on a thing with two hooks, two hooks like this and not a circle hook, and it's the way it works effectively. Anyway, I have a concern over that.

CHAIR GARY: Dan Ryan.

MR. DANIEL RYAN: Thank you, Marty. I was over here cringing like Tom was. I wasn't going to say anything. But I actually can't support this, just because of the unique situation that we find ourselves in, in the district. We voluntarily protect the spawning stock; we don't open our season until

May 16. When we do, it's targeting small males, because that is all that's left.

This would effectively prevent a young urban youth fishing with a bobber and a night crawler from potentially keeping a 19-inch striped bass. I can't see the benefit of that for us. I understand that it's different for other jurisdictions, but because of our unique situation I won't be able to support this.

CHAIR GARY: Thank you, Danny. Any other discussion on this? We have Bill Hyatt on the webinar. Go ahead, Bill.

MR. HYATT: Just a question. Am I recollecting correctly that previously the Commission has endorsed this as a recommendation as it pertains to circle hooks? That is my question. Then secondarily, I mean angler education programs, one of their missions is to try to educate young anglers about the conservation consequences of the rules that apply to the sport.

While I recognize that there is some angst in having a youth have to release a fish that they have caught, simply because of the gear that they have caught it on. I tend to look at it as a learning experience, and I think in our state, our years of experience with angler education programs bear that out.

MS. FRANKE: This is Emilie. To answer your question, Bill, yes. This language is currently a recommendation as part of Addendum VI.

MR. HYATT: Given that, I think it's a logical step to, given the striped bass stock and given the support for this amongst the public to move it from a recommendation to a requirement.

CHAIR GARY: I see Tom has his hand up again. Before we go any further, I was kind of struck by what Danny Ryan said, and I wanted to ask Kurt Blanchard if he had any thoughts. I mean, I just want to make sure you are in concurrence.

DEPUTY CHIEF BLANCHARD: The discussion we're having right now is identical to the discussion we had on circle hooks. Tom's comments are almost

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The Board will review the minutes during its next meeting

identical to that, a little different scenario but very similar. Law Enforcement spoke to that at that time. We have implemented a mandatory compliance measure of circle hooks.

What you're saying is you're endorsing somebody taking a fish outside the bounds of a compliance measure. This is a perfect, in my opinion, this is law enforcement speaking, not managers, perfect, perfect teachable moment for a young kid about why you're returning that fish back to the water.

CHAIR GARY: Tom Fote.

MR. FOTE: Well, let me talk about the old kid, the old guy fishing from a dock and pier that has been fishing for blackfish because it was something else to take home to eat that day, and he hooks a striped bass and he hooks it on a blackfish hook. This is what I call environmental justice. We put these people out of the fishery, because we raised the size limit, where they are basically eliminated from fisheries unless you have a boat or something.

Now we're telling that guy that's maybe sat there every day trying to bring a fish home to eat, finally catches a striped bass, and we're going to tell him to release it. I understand the problems, but I also understand, I mean NOAA just put out a release today, and I've been yelling about MAFAC, what are we going to do about environmental justice, because that is supposed to be NOAA's new look. We basically make regulations all the time that disadvantage the poor, disadvantage the people that fish from docks and piers.

I've said this, and it's not getting anything new. I've been saying that for 35 years that I've been sitting around this table, and this is one of the perfect examples still. You know the guy throwing out a plug that had 6 treble hooks on it, is he doing more damage on the fish than the guy that is basically fishing for black fish and actually hits it from a J-hook?

Now we think we're doing great things, but let's be honest. All you're basically trolling an umbrella rig that's got all these hooks, and then you're dragging

it through the water, because you don't want to slow the boat down, because you're afraid that it's going to tangle on the bottom or something, so you're dragging them against the current and everything else. Sometimes you've got to use commonsense.

CHAIR GARY: Dennis Abbott.

MR. ABBOTT: I don't really, let's say I don't care about this a whole lot. I'm not concerned whether it passes or not. But a question for Kurt. Do you have a list of approved and unapproved methods of take for striped bass?

DEPUTY CHIEF BLANCHARD: I would say we do, in the respect of what we've identified, as far as circle hooks and those provisions. Outside of that I'm not aware of any.

CHAIR GARY: Any last thoughts before we call the question? Danny.

MR. RYAN: Just a follow up. I really appreciate the comments from Law Enforcement representative. But again, the situation that I find myself in as a bass tournament angler can be in the district using a bass lure, and that is a legal lure for catching rockfish during the season. The only impact that this would have for me in my jurisdiction would be to challenge an underserved community to potentially release a good catch.

I don't think this is circumventing the intent of the law. I think I need to try to stick up for those folks who are underserved, and those anglers that wouldn't lose the messaging of conservation, but they might be attracted to something that they would participate in for years to come.

CHAIR GARY: I would like to go ahead and call the question, if that's okay with the Board, but I would also like to have a two-minute caucus. Okay, we're going to go ahead and call the question. Toni, if you're ready. All those in favor please raise your hand.

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The Board will review the minutes during its next meeting

MS. KERNS: New Hampshire, Maine, Delaware, Virginia, North Carolina, Pennsylvania, U.S. Fish and Wildlife Service, New York, Connecticut, Massachusetts, Rhode Island and NOAA Fisheries.

CHAIR GARY: All those opposed raise your hand.

MS. KERNS: Maryland, District of Columbia, Potomac River Fisheries Commission.

CHAIR GARY: Are there any abstentions? Null votes.

MS. KERNS: New Jersey.

**MS. FRANKE: Thank you, Mr. Chair, I have 12 in favor, 3 opposed and 1 null.**

**CHAIR GARY: Thank you, Emilie, the motion carries.** We're back to the document, and we keep getting hands to go up, which is fine, so we're in Section 4.2.2 and we're not going to leave until we don't see hands up any more. I'll ask again, any other options that Board members would like to put out on the floor for a motion?

That might be it. Anybody on the webinar, Katie? No, okay. All right then, I think we have finished and completed 4.2.2. Our next section is going to be Conservation Equivalency. Section 4.6.2. What I would like to do is take a short five-minute break, but before you all get up and leave, I just want to set some expectations for how we would like to handle this going forward.

The day is getting later, we've done a pretty good job, I think moving through this. But this could be a difficult section, so I'm going to employ some of our typical strategies for and against, some things to kind of channel this discussion as productively as we possibly can. Go ahead and take a five-minute break. Maya, if you could set the clock we'll come back and start our Conservation Equivalency discussion. Thank you.

(Whereupon a recess was taken.)

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The Board will review the minutes during its next meeting

CHAIR GARY: All right, thank you everyone for your patience. We're going to go ahead and reconvene the Striped Bass Management Board. We are now into Section 4.6.2, Management Program Equivalency Conservation Equivalency, and Emilie, per our usual strategy, I'm going to go ahead and turn this over to you for your presentation.

### CONSERVATION EQUIVALENCY

MS. FRANKE: This is the final section with proposed management options, Section 4.6.2 Conservation Equivalency. For the statement of the problem, there is value in allowing states to implement alternative regulations based on the needs of their fisheries, but there are some challenges that have been identified.

This does create regulatory inconsistency among states and within shared waterbodies, and it's also difficult to evaluate the effectiveness of CE programs after they are implemented. There have been some concerns that some alternative measures implemented through CE could potentially undermine management objectives, and finally there has been limited guidance on how and when CE should be pursued, and how equivalency is defined.

The options in this section consider whether to adopt new default restrictions or requirements for the use of conservation equivalency. Option A is the status quo, which is Board discretion on how to use CE, and then Options B through E consider different types of restrictions or requirements. The Board can select sub-options under some, all or none of the option categories B through E for these potential restrictions or requirements. If a sub-option is not selected under an option category, then status quo for discretion remains in place for that particular issue. For example, if the Board doesn't select a specific PSE limit under Option C, then the PSE limit remains at the Board's discretion going forward.

I'll start out with Option A. Again, this is the status quo, where the Board has final discretion regarding the use of CE and the approval of CE programs. The

Board can decide to restrict the use of CE at any time for any FMP requirement. Moving into Option B. Option B considers default restrictions on the use of CE for certain fisheries, depending on stock status.

The Board could choose either B1-a or B1-b. B1-a would not allow CE if the stock is overfished, or B1-b would now allow CE if the stock is below the spawning stock biomass target. The Board could also or instead select Option B1-c, which would not allow CE if overfishing is occurring.

At a minimum, any of these restrictions selected under B1 would by default apply to non-quota managed recreational fisheries, except for the Hudson River, the Delaware River, and the Delaware Bay recreational fisheries. As a reminder, currently existing CE programs would remain in place until the Board takes action to change those FMP standards.

Currently existing CE programs from Addendum VI would remain in place until measures are changed. This next set of sub-options, B2 considers which fisheries those B1 stock status restrictions would apply to. Again, at a minimum the B1 stock status restrictions would by default apply to non-quota managed recreational fisheries, except for the Hudson River, the Delaware River and the Delaware Bay recreational fisheries.

Under this Option B2, the Board could also choose to extend those CE restrictions to one or more of the following. The Board could choose to extend those restrictions to the Hudson River, the Delaware Bay, and the Delaware River fisheries. The Board could choose to extend those restrictions to quota managed recreational fisheries, which would be the recreational bonus programs, and/or the Board could choose to extend restrictions to apply to the commercial fisheries.

The next set of sub-options, Option C would establish default precision standards for MRIP data used in CE proposals. These options are based on the PSE, the percent standard error associated with MRIP estimates. The higher PSE means that the MRIP data are less precise. These options would

not allow MRIP data to be used if they have a PSE over 50 for C1, over 40 for C2, or over 30 for C3. Thirty here would be the most restrictive option.

The next set of sub-options, Option D would establish a default uncertainty buffer for CE proposals for non-quota managed fisheries. An uncertainty buffer is intended to increase the probability that CE measures would achieve equivalency with the coastwide measure. Option D1 would require an uncertainty buffer of 10 percent for non-quota managed fisheries.

D2 would require a buffer of 25 percent, and D3 would require a buffer of 50 percent. For example, if a 20 percent reduction is required and there is a 10 percent uncertainty buffer, CE proposals would need to add on that buffer of 2 percent in this case, to demonstrate a total 22 percent reduction.

Then finally, Option E in this section considers establishing a default definition of what equivalency means for CE proposals for non-quota managed fisheries. Proposed CE programs would have to demonstrate equivalency to either E1, which is the percent reduction or liberalization projected at the coastwide level.

For example, this was the requirement for Addendum VI that each state was required to demonstrate equivalency to that 18 percent reduction, or under Option E2, proposals would have to show equivalency to the percent reduction projected at the state level, which would be that states piece of the overall reductions.

For a hypothetical example for Option E. Let's say we have management measure X, that is projected to achieve a 20 percent reduction coastwide. State A's piece of that reduction might be 25 percent and State B's piece might be 10 percent. Under Option E1, states submitting CE would have to show equivalency to that coastwide projected reduction of 20 percent, and under E2, states would have to use their state-specific projection. State A would have to show a 25 percent reduction for their CE proposal, and State B would have to show a 10 percent reduction.

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The Board will review the minutes during its next meeting

Moving into the public comments, most comments supported the category Option B, which is restricting the use of CE based on stock status. There were also comments in support of Option C, D, and E restrictions, and those in favor of restricting CE noted concerns about how CE has been used in the past, and the high uncertainty.

Some comments supported removing CE entirely from the management plan. Then those in favor of Board discretion, which is Option A, noted the importance of CE to address the unique needs of different states and regions and sectors to make management feasible. Moving in to the Advisory Panel input. Eight AP members supported Option A, which is that Board discretion, noting that maintaining that flexibility for states to address unique conditions is important, and that CE is essential to make management feasible with those different and unique conditions.

Those AP members also noted that CE in the Bay has been successful in increasing protection through the summer closures when the striped bass habitat is limited, and that some CE programs can reduce recreational release mortality by allowing for different size limits and fewer discards. Moving into the Option B comments specifically. There was most support for Option B1-a, not allowing CE if the stock is overfished, and some comments also favored B1-c, not allowing CE if the stock is experiencing overfishing.

Again, those types of restrictions would apply to non-quota managed recreational fisheries, except for the Hudson River, the Delaware River and the Delaware Bay. There were relatively few comments overall that supported extending those restrictions. Of those that did comment on that, most of those comments supported extending restrictions to recreational bonus programs, Option B2-b. As far as the Advisory Panel input, 3 AP members support B1-a, no CE if the stock is overfished. Two AP members support B1-c, no CE if overfishing is occurring. They noted the risk of CE should not be taken when the stock is in poor condition. One AP member commented specifically against B1-c,

noting that the overfishing threshold should not be used as a basis for restricting CE, due to the uncertainty with MRIP data.

The two AP members noted support for extending stock status restrictions to the Hudson River, Delaware Bay and Delaware River fisheries. For the PSE standard for MRIP data used in CE proposals, most comments favored the most restrictive PSE limit of 30, and many commenters noted the need to align with NOAA guidance on MRIP PSE levels.

For Option D, which is the uncertainty buffers for non-quota managed recreational fisheries, most comments favored the 25 percent buffer, B2. There were also some comments supporting either the 10 percent or the 50 percent buffers. Then for the definition of equivalency for non-quota managed recreational fisheries.

Most comments favored using the state-specific projection for CE proposals E2, noting the importance of accountability and concern about Addendum VI programs that were based off the coastwide projected reduction. Then finally, Advisory Panel input. Two AP members supported Option C2, which would be a PSE limit of 40. Noting that although MRIP data have some level of imprecision, they are the only data available to use, so the restrictive 30 PSE limit would be too restrictive.

Three AP members support Option C3, that PSE limit of 30, noting that that uncertainty should be minimized, and to align with NOAA's guidance. For uncertainty buffers, 3 AP members support Option B2, the uncertainty buffer of 25 percent, noting that the middle 25 percent is the right option, 50 percent would be unnecessary, but 10 percent would not be enough.

Two AP members support Option D1, which is that 10 percent buffer, noting that ideally the buffer would be somewhere between 10 and 25, but 10 would be the supported option here. Then for defining equivalency, 2 AP members support Option E2. CE proposals would have to demonstrate equivalency to the state-specific projection, noting

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The Board will review the minutes during its next meeting

that states should be responsible for their state-specific projected reduction. Mr. Chair, that's all I have. I am happy to take questions.

CHAIR GARY: Thank you, Emily, for your presentation. We'll turn it back to the Board for questions for Emilie on Section 4.6.2. Jason McNamee.

DR. McNAMEE: I think it's pretty explicit, but I just want to make sure. For Option E, I'll just kind of state this in potentially an unkind way. But this sort of gets away from the "choose your own adventure" version of, I pick the coastwide or I can pick something different, sort of like what we did during, I guess it was Addendum VI. Both of these would not allow that in either direction. I'll just leave it there. Hopefully my question makes some sense. I think it's to Emilie.

MS. FRANKE: Thanks for that question. Right, so Option E would put in a default requirement of which projected reduction states would need to use for their proposal. They wouldn't be able to choose. They would either have to go with the coastwide projection, as was used for Addendum VI, for example, or they would have to use the state-specific projected reduction. There is no choice. It would be either or.

CHAIR GARY: John Clark.

MR. CLARK: Thank you for the presentation, Emilie. I just wanted to check again, this is on B2, applicability. If something is chosen with B1, does anything need to be chosen for B2, or could a motion just include the restriction would be, for example, no CE if stock is overfished for example, but in terms of applicability the existing CE programs would continue as is, unless one of those applicability options is chosen. Correct?

MS. FRANKE: Right, so the Board does not need to select. You know if they select an option under B1, stock status restrictions, the Board does not need to select an option under B2, unless they wanted to extend those restrictions beyond the non-quota managed recreational fisheries, except for the

Hudson, Delaware River and Delaware Bay. The Board can select an option under B1, and not choose to extend those restrictions any further than the default.

CHAIR GARY: Does that answer your question, John, thank you. Thanks, Emilie. Next, we have Joe Cimino.

MR. CIMINO: I know a tremendous amount of work went into this. I'm curious about the precision standards, I've been looking into it a bit, and paying attention to MRIP for a long time. Did you look into it all like, I guess how much of the harvest is impacted by this, because not surprisingly, you get better precision in really high harvest times, where there is a lot of intercepts.

It's not hard for Maryland, Massachusetts or New Jersey to have waves that will be well within these precision standards. It would be prohibitive for smaller harvest times, when this may be most appropriate to try CE stuff. Was it looked at all and like kind of where and when the precision standards would impact management?

MS. FRANKE: No, there was no specific analysis as to what parts of management would be most affected by the precision standard limits.

CHAIR GARY: Any other questions for Emilie? Jason.

DR. McNAMEE: Just a quick math question. For the buffers, I think the way in the example that was offered, the 10 percent buffer is applied to the 20 percent reduction, so it's 0.2 times 0.1 is where the extra 2 percent comes from. Is that how that works?

MS. FRANKE: Yes, exactly.

DR. McNAMEE: Okay, thank you.

CHAIR GARY: All right, any additional questions for Emilie? Any online, Katie that are asking? No hands up there. Okay, so thank you, Emilie. Similar to the last section, the Board doesn't have to choose any



of these, or they could choose multiple options. We have Option A, the status quo.

I guess I would be looking again to the Board to see if we could advance advocacy for an option and get it out there for discussion, and go from there. If anybody has, Mike, you have your hand up. All right, Mike Armstrong.

DR. ARMSTRONG: Yes, I would love to do an omnibus one that gets it all done at once, but I think we need to do it piecemeal. This just deals with the first part. **Move to approve in Section 4.6.2 Options B1-a and B1-c: CE programs would not be approved when the stock is overfished and CE programs would not be approved when overfishing is occurring. These restrictions apply to non-quota managed recreational fishery, with the exception of the Hudson River, Delaware River, and Delaware Bay recreational fisheries.** If I get a second, I'll explain a little bit of it.

CHAIR GARY: Is there a second to Dr. Armstrong's motion? I have John McMurray. Go ahead, Mike, you want to expand on your rationale.

DR. ARMSTRONG: Actually, I don't really need to explain. I think it stands on its own. I think there isn't an awful lot of uncertainty, no matter how we craft it with CE, and our rules potentially become less effective. When things are dire and overfished or in an overfishing state, I think we should all be held to the same standard and move forward until the stock gets healthy.

CHAIR GARY: John, did you want to add to that?

MR. McMURRAY: Just that it's good policy to assume the sort of risk involved when you have a stock that is clearly in trouble. I think we've heard more than enough about how conservation equivalency and MRIP when it's used in such a small level is less precise, and we're assuming more risk.

CHAIR GARY: We have a motion on the floor, and I'll open it up to the Board for discussion. Joe Cimino.

MR. CIMINO: You know I don't necessarily disagree with what John just said. I mean there is a difference between risk and uncertainty, and we're dealing with uncertainty and probably the most prudent way is to treat it as risk. I support this B1-a with not allowing CE when the stock is overfished, but I think overfishing is a little bit of a stretch.

I think also that you know we're going to see a failure in overall reductions where we're preventing harvest but increasing dead discards to the extent that we're not achieving the reductions that we're attempting. Perhaps, you know it's been said here that we can't change angler behavior. One of the only things that we may be able to do then is possible CE programs that figure out a way to deal with it. I would prefer to leave that option open. I'm curious to see if something else comes up. But I think I would have to vote against this.

CHAIR GARY: I think I mentioned this. But I think given we're getting later in the day, I want to try to optimize our efficiency as best we can, and so one of those tools of course is for and against, alternating. Joe just spoke, I think against that so I would like to hear an option if somebody is in support of this, they have the comment. Go ahead, Megan.

MS. WARE: Yes, I'm going to support the motion. I think just to clarify. I'm understanding that this isn't choosing any of the B2 options, if I'm reading that correct, which I agree with at this point. You know I do think there is a bit of a crisis of confidence in the public's opinion on CE, and I think that this motion will work to improve the public's confidence in our management of striped bass particularly when the stock is not in good condition, so I'm going to support this motion.

CHAIR GARY: I'll switch to the opposition side, any other folks opposed to this motion would like to comment. Mike Luisi.

MR. LUISI: I'm kind of onboard with what Joe said. I think I can support B1-a when the stock is in poor shape, but if the stock is healthier, and we have an assessment that comes out with we're overfishing

in one particular year. I just find that that, in my mind it's a little too restrictive. I'm kind of with Joe. If we took out the B1-c and just left it at B1-a I could support it.

CHAIR GARY: Any other advocates for the motion? Once it starts getting repetitive, I think we need to decide whether we're going to vote for this motion or amend it. If you want to follow Mike's pathway. But any others in favor of this motion that want to speak to it somewhat differently than Megan and Mike have. It seems pretty straightforward. Any other folks opposed to the motion that have a different perspective they want to share? Go ahead, John.

**MR. CLARK: Well, just for the sake of discussion, and after hearing Joe and Mike, I think what they said makes a lot of sense, so I would just move to amend it to remove B1-c. Wait, is that the right one? Yes, B1-c from the motion.**

CHAIR GARY: The motion is to amend to remove B1-c by John Clark, is there a second to this motion? Tom Fote. John, do you want to expand the rationale?

MR. CLARK: Well, I think Joe and Mike explained it pretty well, and I agree with them. I think that the overfished definitely there, but the overfishing because of the way the data comes in, at times could make this very difficult for states that have relied on CE in the past.

CHAIR GARY: Tom, did you want to add to that? Fine, okay. Open this amended motion to the floor. Any comments, any discussion from the Board on this amended motion? Katie, is there anybody online? No, okay we're good. No too much comment on this. Well, we can call the question then. How about a two-minute caucus.

All right, folks, we'll go ahead and call this question. Before I do that though, I want to make sure we read this into the record. The motion on the table right now is move to amend to remove B1-c and CE programs would not be approved when overfishing is occurring. Motion is by Mr. Clark and it was

seconded by Mr. Fote. We'll go ahead and call the question. All those in favor please raise your hands.

MS. KERNS: New Jersey, Pennsylvania, North Carolina, Virginia, District of Columbia, Maryland, Delaware, Potomac River Fisheries Commission.

CHAIR GARY: All those opposed raise their hands.

MS. KERNS: Rhode Island, Massachusetts, Connecticut, New York, NOAA Fisheries, Maine, and New Hampshire.

CHAIR GARY: Any null votes? Any abstentions?

EXECUTIVE DIRECTOR BEAL: I got 8 in favor, 7 in opposition. But I think the total votes around the table are 16, so some jurisdiction may not have voted.

MS. KERNS: That is correct.

CHAIR GARY: Okay, the vote is 8 in favor 7 opposed. The Amendment passes and we modify the main motion, right? Take your time, Maya.

DR. ARMSTRONG: Point of order.

MS. KERNS: Yes.

DR. ARMSTRONG: Could we do a roll call? We seem to be missing a vote, right?

MS. KERNS: Fish and Wildlife Service did not vote.

CHAIR GARY: While we're waiting for Maya, go ahead, Senator Miramant.

SENATOR MIRAMANT: Just checking, because I haven't run into this yet here that if you're at the table you have the option not to vote, as opposed to being part of the categories that are noted at every vote?

CHAIR GARY: Go to Bob.

EXECUTIVE DIRECTOR BEAL: You know that has happened in the past. Jurisdictions are at the table and they decide not to vote or register an

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The Board will review the minutes during its next meeting

abstention or anything. We haven't obligated anyone to take action. We don't have a procedure on it, I could just talk about how the practice has occurred in the past.

CHAIR GARY: Okay, so we have the modified motion. Move to approve in Section 4.6.2 Option B1-a: CE programs would not be approved when the stock is overfished. These restrictions apply to non-quota managed recreational fisheries, with the exception of the Hudson River, Delaware River, and Delaware Bay recreational fisheries. We'll call the question. All in favor.

MS. KERNS: New Hampshire, Maine, Delaware, Maryland, District of Columbia, Virginia, North Carolina, Pennsylvania, Fish and Wildlife Service, NOAA Fisheries, New Jersey, New York, Connecticut, Massachusetts, Rhode Island.

CHAIR GARY: All those opposed. That's the full Board. Okay, that was 16.

MS. FRANKE: Mr. Chair, I had 15 in favor.

CHAIR GARY: Toni, did you get PRFC on that vote?

**MS. FRANKE: Oh, PRFC was the one I was missing, so I would have 16 in favor.**

**CHAIR GARY: Thank you, Emilie. Okay so that motion passes.** We're still in Section 4.6.2. There are other options similar to the last section we were in, in the document. Are there any other options here that Board members would like to put on the table for the Board's consideration? Dr. Armstrong.

DR. ARMSTRONG: Yes, this one I don't think you have it anywhere, so I'll read it slowly. Move to approve Option C2 such that CE proposals may not use MRIP estimates with an associated PSE exceeding 40 percent. Further, approve D1, a 10 percent uncertainty buffer for CE proposals in non-quota managed fisheries, except that D2 a 25 percent uncertainty buffer will apply when MRIP estimates used in the CE proposal exceed 30 percent.

MS. KERNS: Mike, is that in your e-mail right now?

DR. ARMSTRONG: No.

MS. KERNS: Okay.

MS. FRANKE: Toni, I can send it over to Maya in a second.

MS. KERNS: That would be great, Emilie.

MS. FRANKE: All right, it should be there shortly  
CHAIR GARY: Mike, if you like I'll save your voice. If you just think it's good, I'll read it in for you. It's up to you.

DR. ARMSTRONG: Oops, the only thing that is missing is just before 30 % at the end I think it needs to have a PSE in there. Good.

CHAIR GARY: All right, I'll go ahead and read this into the record, and Mike, correct me if it's wrong.  
**Move to approve in Section 4.6.2 Option C2: CE proposals would not be able to use MRIP estimates associated with a PSE exceeding 40 and move to approve in Section 4.6.2 Option D1: Proposed CE programs for non-quota managed fisheries would be required to include an uncertainty buffer of 10% except D2 a buffer of 25% would be required when MRIP estimates PSE exceeds 30%. This motion is by Dr. Armstrong. Is that correct, Mike?**

DR. ARMSTRONG: Yes.

CHAIR GARY: Okay, do we have a second to this motion? Jason McNamee. Mike, do you want to speak to it?

DR. ARMSTRONG: Yes, I'm going to apologize for relative complexity, but I've used MRIP data for a long time, and above 30 percent it gets messy. But I also realize to someone's point, there are states who are going to have to use data that is messier. I would normally vote to not go above 30 percent, but I would like to go 40 percent, but you have to pay a little extra penalty because of the really much

greater uncertainty going from 30 to 40 percent. That's my rationale.

CHAIR GARY: Jason, would you want to add anything to that?

DR. McNAMEE: Just really quick. I think the proposal is clever. It sort of offers a scaling uncertainty buffer. I like the concept. I'm interested in the discussion around it.

CHAIR GARY: All right, so we'll go ahead and open this up. We have the motion on the floor now. Open this up to the Board discussion. I'm going to go ahead and use our alternating for and against. We'll start with any Board members that are opposed to this. Does anybody want to speak to this? John McMurray.

MR. McMURRAY: I'm not entirely sure I'm opposed yet, but I'm not really clear on the rationale for 40 percent when the Draft Amendment clearly states National Marine Fisheries Service recommendation that MRIP estimates should be viewed with increasing caution as PSEs increase beyond 30.

If NMFS advises that the data with higher PSEs are not considered sufficiently reliable for most purposes, then it's pretty clear that that data should not be considered sufficiently reliable for calculating conservation equivalency. Thirty percent would appear to be the only option, at least from a science standpoint at this point, so I'm not really sure how that works with the later part of this motion, so maybe you could explain that to me.

CHAIR GARY: Mike, could you speak to John's concern?

DR. ARMSTRONG: Sort of. I agree. Scientifically it probably should be 30. I'm trying to add some flexibility for states to take on a little more uncertainty, but pay a penalty for going that route. I can't argue strongly against 30 percent, but if you think we should have a little more flexibility then that is a good motion. If not, then you should vote against it and go with 30.

CHAIR GARY: All right, thank you, John, and thank you, Mike. Would somebody like to speak for this motion, anyone else on the Board? Jason.

DR. McNAMEE: This is a four Mr. Chair, correct? This kind of gets back to John McMurray's question. The way I think this works is, so as Mike offered, it allows the flexibility. There could be circumstances where someone wishes to use conservation equivalency, and through no fault of their own the data that they have to work with has a PSE of 40, which goes against that guidance, which I also agree with isn't a great idea.

However, if you're starting to get up into those higher ranges, again thinking about the state that doesn't have a choice, the PSE is what it is, which they find out after the fact. They have to apply this uncertainty buffer, so you kind of start to ratchet your way back towards that 30 percent anyways. That is kind of the way it adds the flexibility of if you have high PSEs for the data you want to use, but then sort of lumps in an uncertainty buffer that pushes you back towards that 30 percent number. Just wanted to offer, I think that's how it works.

CHAIR GARY: All right, thanks, Jason, so we're back to any Board members that would like to speak against this motion. Chris Batsavage.

MR. BATSAVAGE: Yes, I appreciate what the motion is trying to achieve. I think I'm more in favor of a more simplistic version of, you know just you're using the 30 % PSE as the threshold and 25 percent buffer, just to more directly address the uncertainty in the MRIP data, and possibly incentivize states to try to find ways to improve their MRIP intercepts, to get their harvest estimates to a more acceptable PSE level. I'm not sure if I'm going to make a substitute motion at this point, but I just at least wanted to voice my concerns over the motion right now.

CHAIR GARY: Any other advocates and speak in favor at the Board for the motion? Tom.

MR. FOTE: I see other states, and I also see the problem of trying of trying to raise a budget anymore to basically spend on intercepts, it's really

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tough for any state to do that. In a smaller state there are less figures, because they're not picking up striped bass basically it impacts them. As I said, in New Jersey we have no problem, because we're always below the 30 percent. But other states might feel the problem.

CHAIR GARY: We've had a little bit of back and forth. I'm not sure we'll identify any other. Any other Board members either way who haven't stated anything? We have Roy up. Roy, go ahead, you're up.

MR MILLER: Well, very quickly to the maker of the motion. Was it your intent that Hudson River, Delaware River and Delaware Bay recreational fishery that this would not apply to those fisheries?

CHAIR GARY: Emilie, could you understand that? I couldn't quite get it.

MS. FRANKE: Yes, so Roy was asking if the maker of the motion's intent was for these restrictions not to apply to the Hudson River, Delaware Bay and Delaware River fisheries. What I'll say is, Roy, in the Draft Amendment that exception for the Hudson River, Delaware Bay and Delaware River fisheries only applies to Option B, so that stock status restrictions had that built in exception. But none of the other options have that built in exception for the Hudson, Delaware fisheries.

MR. MILLER: All right, thank you for that clarification.

CHAIR GARY: Thank you, Roy, thank you, Emilie. I'll just go one more time. Are there any perspectives that haven't been shared yet before we call the question? Is the Board ready to call the question? All right. Toni, are we ready? Do we need a caucus? All good, okay. All right, everyone in favor of this motion, please raise your hand.

MS. KERNS: New Hampshire, Maine, Delaware, Maryland, District of Columbia, Virginia, Pennsylvania, New Jersey, New York, Connecticut, Massachusetts, Rhode Island, and PRFC.

CHAIR GARY: All those opposed to this motion please raise your hand.

MS. KERNS: North Carolina.

CHAIR GARY: Abstentions.

MS. KERNS: NOAA Fisheries and Fish and Wildlife Service.

CHAIR GARY: Null votes. None.

**MS. FRANKE: Mr. Chair, I have 13 in favor, 1 opposed and 2 abstentions.**

**CHAIR GARY: Thank you, Emilie, the motion passes. Board members, we are still in Section 4.6.2.** Is it the will of the Board to advocate for another one of these options? Mike.

DR. ARMSTRONG: Who is the crazy old man now? **Motion to approve Option E2 such that proposed CE programs must demonstrate equivalency to the percent reduction/liberalization projected for the FMP standard at the state-specific level.** Anything close is fine.

CHAIR GARY: Does that read right, Mike?

MS. FRANKE: Maya, you could just add after such that CE proposals must demonstrate equivalency to, and you should be good.

CHAIR GARY: Do we need to reread it in? We're good, okay. We have a motion up on the table. Do we have a second to this motion? Jim Gilmore. Go ahead, Mike. Did you want to go ahead and provide your rationale?

DR. ARMSTRONG: No. I think it's self-evident. I think that's the way the calculations should go.

CHAIR GARY: Jim, any thoughts to add?

MR. GILMORE: Mike couldn't have said it any better.

MS. FRANKE: Mr. Chair, can I just ask for a clarification?

CHAIR GARY: Certainly.

MS. FRANKE: Just to the maker of the motion and the seconder, just if we could specify in the motion, such that CE proposals for non-quota managed fisheries must demonstrate equivalency.

DR. ARMSTRONG: Correct.

MS. FRANKE: Thank you so much, and thank you, Maya.

CHAIR GARY: We have the motion and it's out on the floor for discussion with the Board. I'll take any discussion now from the Board members. Jason.

DR. McNAMEE: I like doing something here so that we kind of collapse to one or the other. I'll offer that my preference was for E1, but let me ask a question if that's okay, Mr. Chair. This one, like in the example of the last action that we took, where New Jersey would have had to take a really high reduction relative to, these things aren't distributed equally along the coast.

New Jersey would have had a very high reduction relative to what the coastwide measure would have done, and Maine would have had a very low reduction. This E2 would hold them to those specific. They would have different numbers. New Jersey would have had to do that higher number; Maine would have been okay with a lower number. Am I understanding E2 correctly?

MS. FRANKE: Yes, that is correct. If a state wanted to implement CE, their CE proposal would have to demonstrate equivalency to whatever their state-specific projected reduction would be.

CHAIR GARY: Other discussions among the Board. We have John Clark and then Joe Cimino.

MR. CLARK: Mine is just more of a question. The state-specific level is based on the same MRIP numbers we're just dinging in the previous options, correct? I mean when we're calculating what a

state-specific part of a coastwide reduction would be, isn't that based on the same MRIP numbers, we're just saying above would be problematic in some of these cases?

MS. FRANKE: I might turn to Katie as to how those state-specific projections are calculated. Yes, I'll turn to Katie.

DR. DREW: I think they would be based on state-specific estimates from MRIP. Usually the state-specific length frequency, for example. In that case, if the PSEs were too high then you could not use that for a conservation equivalency plan, and so it wouldn't matter which one you had to match up against.

But there are definitely states that at the state-specific level have adequate PSEs, and thus could submit for a conservation equivalency under what we just passed. There is also, you know it depends on how detailed and how fine-scale you want to diverge from the overall coastwide measures. But generally, for most states, going down to the state-specific, for example length frequency would still have you within that 40 percent PSE that you could submit for.

MR. CLARK: If I could just follow up. I mean it just seems that it's like a double ding on a state that let's say the PSE was 40 percent, yet you're saying okay, when it comes to the state-specific reduction you have to take, we're not considering the uncertainty in the MRIP, but when it comes to your conservation equivalency proposal you come up with, we are taking full account of the uncertainty in the MRIP estimates, and we're making you add a special buffer onto there. I mean it just seems like it's like a double whammy on any state that was in that situation.

CHAIR GARY: Joe.

MR. CIMINO: I think there could be some real unintended consequences. You know I think a lot of us realized last go round that, Jay called it choose your own adventure, you know. You can't have this type of process where states are going after their own targets. In the last go round, at an 18 percent

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coastwide reduction with New Jersey trying to take a 40 percent reduction, and a whole bunch of other states under 10 percent.

There is an obvious motivation for them to just say, well why don't we do 8 instead of 18. On the flip side, you know what if it was us. Between the regulations in place and the availability of fish, how the projections of reductions are going to impact states is always different. We could constantly be seeing states that have a real motivation to go with this smaller number that is coming at them.

CHAIR GARY: Other discussion, John McMurray, and then we have Megan Ware.

MR. McMURRAY: I want to point out that in the public comment materials was a letter by the Attorneys General of Connecticut, Rhode Island and Massachusetts, and that letter points out that Option E1 doesn't comply with the Interstate Fishery Management Program's charter requirements for conservation equivalency programs.

That such programs achieve the same quantified level of conservation for the resource under management. E1 can and will undercut the success of management measures, and we saw that happen with Addendum VI. What we ended up with is a 42 percent chance of the measures achieving an 18 percent reduction, instead of the general 50 percent, which is what most people consider acceptable.

Now, I understand how this might be perceived as unfair to some states. But the way I look at it is if your state has a larger impact then you're going to have to take a larger reduction. You're going to have to assume a larger part of that burden, and that does make sense to me. I support the motion.

CHAIR GARY: Megan.

MS. WARE: Yes, I guess I'm just thinking of what Joe was just saying, in terms of, I'll use Maine as an example. Let's say we had an 8 percent reduction under the last Addendum. I don't think it was a

choice for us about like an 18 percent or an 8 percent reduction. Under coastwide measures we were achieving an 8 percent reduction, and if we had chosen CE, or under E2 it would still be an 8 percent reduction.

It's not like a windfall for Maine to say, oh we were going to take an 18 percent reduction. But now we're going to only have to take an 8 percent. We were taking an 8 percent reduction and we would still have to take an 8 percent reduction. I just wanted to clarify that, because I think that is an important part of this discussion.

CHAIR GARY: Megan, you're looking for clarification?

MS. WARE: No, I'm going to put that in the comment category. Thank you, though.

CHAIR GARY: I know Jason you have your hand up. I just want to see if somebody else that has not commented has had a chance that would like to comment. We can go a little bit further. It's an important topic. Any others that have not yet commented? Seeing none, Jason, you have it.

DR. McNAMEE: Coming back to my original question after the presentation. E1 is not what we did last time. You don't get to choose whether you're going to do the coastwide or a conservation equivalency. This is, I'm going to make it like a comment, but it's sort of a question, because now I'm confused based on the discussion.

E1 would just say, if that coastwide measure was meant to achieve an 18 percent reduction, everyone has to achieve an 18 percent reduction. The law of averages holds and you would meet that 18 percent reduction. E2 is sort of the flipside of the equation, where if you break off and do CE you have to meet your state-specific reduction for that same measure. Both things don't allow you to pick one or the other.

You're all in one way or the other. Either everybody is going to meet the same reduction, or everybody is going to have a unique reduction, but you can't

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pick which bucket you want to pick your regulations from. That is how I'm understanding the nuance between E1 and E2. Both of them are different from what we did last time, and they both should equally achieve the goal, because they're being applied across the board.

MS. FRANKE: Jason, I'll just jump in, since you noted it was sort of a question, just to clarify. Both options under E are if you choose to do CE what do you have to do. Both options specify, if you do CE this is the direction you have to go. For E1, if you do CE then you would need to demonstrate equivalency with your proposal to whatever the coastwide measure is.

In the case of Addendum VI, if states did CE, they had to show an 18 percent reduction. E2 would be if a state chooses to do conservation equivalency, they would have to show equivalency to their state-specific projected reduction. Both are in the category of, if you choose to pursue CE then here is what you have to do.

CHAIR GARY: Follow, Jason?

DR. McNAMEE: Yes. That is a completely different understanding than how I just tried to characterize it. I'm now onboard with the motion, because the important word there is if, so it sounds like there is still an option to not choose CE, and just go by the coastwide. There is choose your own adventure in E1. I guess in either, but at least in the case of E2 that improves consistency, because then you have to meet the original intent of that coastwide measure. Thanks for that.

DR. DREW: To clarify, E1 is what we did last time, where the Board had this specific discussion and chose what is now the Option E1.

MS. FRANKE: But also, to clarify to your point, Jason. Now I understand what you mean by choose your own adventure. States can still choose to take the adventure of the default coastwide measure or they can choose to pursue CE, in which case Option E would dictate what percent reduction they had to show.

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CHAIR GARY: All right, so I'm going to read the motion into the record. Move to approve in Section 4.6.2, Option E2 such that CE proposals for non-quota managed fisheries must demonstrate equivalency to the percent reduction/liberalization projected for the FMP standard at the state-specific level. Motion is by Mr. Armstrong, seconded by Mr. Gilmore. Are you ready to call the question? Any need to caucus? Two minutes. I sense we might be ready to call the question. All of those in favor of the motion please raise your hands.

MS. KERNS: Rhode Island, Massachusetts, Connecticut, New York, New Jersey, Pennsylvania, North Carolina, Virginia, District of Columbia, Maryland, Maine, New Hampshire, Potomac River Fisheries Commission.

CHAIR GARY: All those opposed to the motion.

MS. KERNS: Delaware.

CHAIR GARY: Abstentions.

MS. KERNS: Fish and Wildlife Service and NOAA Fisheries.

CHAIR GARY: Null votes. Okay.

**MS. FRANKE: Mr. Chair, I have 13 in favor, 1 opposed and 2 abstentions.**

**CHAIR GARY: Thank you, Emilie, the motion passes.** Would it be sufficed to say that the Board has completed its work in Section 4.6.2 of this document?

MS. FRANKE: Yes, all the option categories have been discussed.

CHAIR GARY: I think before we move forward in the agenda, is there additional work, Toni, we need to do to complete this process?

MS. KERNS: We need a suggested implementation date, and then after that recommend approval to the Commission as modified today.



MS. FRANKE: Toni, I was just going to ask if you could clarify if there needs to be discussion on the recommendation to the Secretary of Commerce.

EXECUTIVE DIRECTOR BEAL: I'll answer Emilie's question with a question. Are we making any recommendations to Federal Water Management, and through this I think the Federal EEZ is closed, and there is no recommendation here obviously to open that? I don't think we need to make a recommendation to the Secretary.

MS. FRANKE: Thank you.

CHAIR GARY: Megan, are you ready to make that motion?

MS. WARE: No recommendation to the implementation. Yes, well I can speak to that, and then if people agree I'll make the motion. I think, in thinking about what we've done, like management triggers, the rebuilding and the CE I think can all be immediate. I'm not sensing something that states have to do.

The only thing I'm thinking that states may have to do is change gear restrictions under the recreational measures, so maybe have two implementation dates, one that's immediate for everything I just talked about, and then an implementation date for the gear restrictions. My sense is people don't like to do that mid-year, so I'll throw out January 1, 2023. But I'm open to suggestions.

CHAIR GARY: Staff were indicating that has efficacy. Are there any concerns with what Megan just suggested, in terms of implementation dates? We're ready for a motion then, Megan? Okay.

MS. WARE: Yes, I am happy to make a motion. It looks like staff may have something here. I'm just going to give them a moment and then I'll read it in.

CHAIR GARY: Megan, would you do the honor of reading that into the record.

**MS. WARE: Absolutely. Move that all provisions of Amendment 7 be effective immediately except for gear restrictions. States must implement gear restrictions by January 1, 2023.**

CHAIR GARY: Second by Mr. Clark. All right, I don't think we need any discussion on that we just go with it. Any objections to this motion? Question.

MR. GILMORE: Just a practicality. I think I'm all okay with this, but effective immediately is always one of those such a vague term. As long as everybody is going to be reasonable about this, I don't have a problem. But if somebody says I didn't do it immediately, which is Friday or something. Just to be clear, we'll do what we can do under our state rules.

MS. KERNS: Well, I don't think you have any state rules that you have to change for all those provisions except for the gear restrictions, which you get time for. But Matt may have one.

MR. GILMORE: I agree.

CHAIR GARY: Go ahead, Matt.

MR. GATES: Gear restrictions that includes the striped bass caught on any unapproved methods have to be released. Is that part of the gear restriction? That's one part that.

MS. FRANKE: Yes, it was included in the gear restriction section of the Amendment, but we can perhaps be more specific. We could add Option C1 and C2 to the motion if that is helpful.

MS. KERNS: I don't think we have to change the motion, it's on the record for the Board, it's all the gear restriction section you have until January 1.

CHAIR GARY: Jim and Matt, are you okay with that? All good, okay. I'll ask again, is there any objection to this motion? Any abstentions, null votes? **Okay, the motion passes unanimously.** Any other work we need, Toni? Question, Cheri?

**CONSIDER FINAL APPROVAL OF DRAFT  
AMENDMENT 7**

MS. PATTERSON: **Motion. I would like to move to recommend to the Commission the approval of Amendment 7 to the Striped Bass Interstate Fishery Management Plan as amended today.**

CHAIR GARY: Thank you, Cheri, second to that motion, Dave Sikorski. Is there anyone that is opposed to this motion? Any abstention? **The motion passes unanimously.** Thank you, everybody.

**REVIEW OF THE 2022 STOCK ASSESSMENT UPDATE  
PROJECTION SCENARIOS**

CHAIR GARY: Okay, so we're ready to move in to the next part of the agenda item, it's Number 5 in the agenda.

This is the Review of the 2022 Stock Assessment Update Projection Scenarios. Katie is going to provide that for us. Noting that Board guidance is going to be needed. Katie will indicate this, and if the Board can't reach consensus we may need a motion, but hopefully that won't be the case. But Katie, I'll turn it over to you.

DR. DREW: Great, thanks. Hopefully we can cruise through this pretty quickly. Basically, as you all know, the stock assessment update for striped bass is going to be conducted this summer, and the results will be presented to the Board in October at annual meeting. But today I just wanted to review some of the things that we need some guidance from the Board on, in order to keep this on track so that we don't have a lot of back and forth that is going to slow down any implementation.

Basically, the stock assessment is going to tell you guys the stock status, in terms of the time series of F and SSB through 2021. That is going to be the terminal year of the assessment. We're also going to present a set of projections, which will include the probability of SSB in 2029 being at or above the SSB target under the current F, so that is kind of the probability of rebuilding under current F. Then we

will also present projections that will indicate the percent reduction in F and in catch necessary to rebuild by 2029.

If it's different from the current F. Then we will also present the management options for the Board action to reduce to achieve that reduction if necessary, so that we can take that quick Board action that the Board decided on today. The status quo projection scenario is going to tell you what is the probability of SSB in 2029 being at or above the SSB target under current F with the low recruitment assumption, because that is the option that we selected.

As you selected for Amendment 7, if the 2022 stock assessment results indicate that the Amendment 7 measures have less than a 50 percent probability of rebuilding the stock by 2029, as calculated using the recruitment assumptions that you have specified, then that is when you guys can take the Board action. Basically, that 50 percent is sort of linked to this next question.

We're going to tell you what status quo probability is, and then we're going to tell you what level of F is necessary to have a Z percent chance of being at or above the SSB target in 2029 with the low recruitment assumption. We need to know kind of what that rebuilding probability is that the Board has. The probability scenario for Addendum VI was a 50 percent chance of achieving F target. You guys selected in this case the Amendment 7 option that you wanted it to have a 50 percent chance or more of being rebuilt at that target.

I think we wanted to just verify that this is the correct probability that you guys want, and that you're not going to come back and ask for a different probability when we're talking about the rebuilding scenario. Basically, this is sort of, it's implied in the option you chose today. But we just want to verify that you are all good with that assumption, and that you're not looking for a higher or a lower probability of rebuilding down the road.

The other sort of option that we're going to need guidance on further down the road is, if you do

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need to adjust measures via Board action immediately after the assessment, the TC will need to calculate management options to achieve F rebuild to present with the assessment, so that in October you'll have the assessment results and you'll have management options, and you can make a decision at that point if you're ready.

At the August meeting is where we're going to ask you guys for specific guidance on those options. We want to present you with a limited suite of options, because we need to limit kind of what we're going to explore here. But that can be things like the sector reduction split. Do you want the commercial and the recreational fishery to take the reduction equally, or do you want to spread that differently across the sectors?

Are you looking for specific size limits? Are you looking for season limits? What kind of options do you want to see us present to you? We'll need a limited set of options that you think are most appropriate, and that you would have the highest chance of supporting, so that we can present to you a set of options ready to go in October. We just want to highlight this now, because we want you guys to be thinking about this before you come to the August meeting, and then have this have to have this discussion. I mean you also want to keep in mind the restrictions that you have placed on CE, so that when we present you with these options these are the options you are going to get, likely. Those are kind of the two questions or one question. Are you okay with the 50 percent probability of rebuilding as sort of your rebuilding probability target?

Number two, just be aware that we're going to need additional guidance on these options, and so be prepared to talk about that in August. I'm happy to take any questions, and I guess just get the temperature of the Board on that 50 percent probability of rebuilding.

CHAIR GARY: Questions for Katie, feedback to her on probability from the Board. Jason.

DR. McNAMEE: I guess in the absence of any other sort of information to compel us to do something different. I think 50 percent seems like a reasonable target, so I would support that.

CHAIR GARY: Thanks, Jason. Feedback from others. Looks like I'm getting nods and thumbs up. Katie, is that sufficient for you?

DR. DREW: Great, yes. The TC will go forward with using a 50 percent probability of achieving SSB target in 2029 to develop any recommended management options that will be presented in October.

#### **CONSIDER NEXT STEPS FOR DRAFT ADDENDUM VII TO AMENDMENT 6**

CHAIR GARY: Excellent, thank you, Katie. That brings us to Agenda Item Number 6, Consider Next Steps for Draft Addendum VII to Amendment 6, Possible Action. This is a motion from October, 2021. **That motion was *Move to defer until May 2022 consideration by the Atlantic Striped Bass Board of Draft Addendum VII to Amendment to allow further development and review of the transfer options.*** Emilie is going to present an overview of the Draft Addendum and the PDTs concerns, and it's possible that Delaware may have a motion or guidance for the PDT, and the timing for the Board's discussion on this Addendum.

MR. CLARK: I didn't mean to interrupt you, but I was asked if we might postpone this, and knowing that the Commissioners need their nourishment, Delaware has acceded to the request to **postpone until the next meeting**, and we just hope the Commissioners will remember fondly this gesture when this comes back up in August. Thank you.

#### **REVIEW AND POPULATE THE ADVISORY PANEL MEMBERSHIP**

CHAIR GARY: Thank you, John, I appreciate that clarity. All right, well, thank you, John, so that leaves us with two items, actually three. Review and populate the Advisory Panel membership, and

Tina, I think you were in on webinar. Are you ready, Tina?

MS. TINA L. BERGER: Yes, I am. I put forward for your review and approval the nomination of Jamie Lane, an estuarine and ocean gillnetter from North Carolina. Jamie replaces Riley Williams on the Panel. On her nomination form there was a question regarding criminal or federal fisheries violations that was not checked, but the state checked with its Marine Patrol staff, which confirmed that Jamie has no fisheries violations. I put forward this nomination for your review and approval.

CHAIR GARY: Thank you, Tina, do we have a motion, **well we have a motion to move to approve Jamie Lane, representing North Carolina to the Striped Bass Advisory Panel. Do we have somebody that can make that motion? Dave Sikorski, and Chris Batsavage for a second.** Are there any objections to this motion?

**Okay, seeing none, Ms. Lane is approved, and we look forward to her participation on the AP.** Thank you, Tina.

#### ELECT VICE-CHAIR

CHAIR GARY: Number 8 is the Election of a Vice-Chair, and I believe we have for this Board, for the Striped Bass Management Board, and I believe Cheri, you may have a motion.

**MS. PATTERSON: Yes, move to elect Megan Ware as Vice-Chair of the Atlantic Striped Bass Management Board.**

CHAIR GARY: Thank you, Cheri, I think we've got Eric Reid as a second for that motion. I'll ask the Board again, is there any objection to this motion for Megan Ware to be appointed Vice-Chair of the ASMFC Striped Bass Management Board. **Any objection? Seeing none; congratulations, Megan.**

#### OTHER BUSINESS

CHAIR GARY: Number 9, is there any other business to come before this Board today? Megan.

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MS. WARE: I don't know if you were planning to say this, Mr. Chair, but I just wanted to congratulate Emilie on this. This is a huge action for a coordinator to take, and she did an amazing job. She is a fairly new coordinator to take on this level of an amendment. I just wanted to acknowledge her. I'm so sorry, Emilie, you couldn't be here today, because this is kind of the culmination of all of your work. But I wanted to make sure that we recognize that, because this is a huge achievement for her, so congratulations! (Applause)

CHAIR GARY: Yes, thank you, Megan. Emilie, I know you're there listening to us. I've been lucky enough with a number of a couple of other Bay partners at the table to have the working experience with you going back several years ago with the Chesapeake Bay Program. I knew what the Commission got when you came aboard.

Nobody was happier than me in the seat that I'm sitting in, but Megan, great work with the accolades. We just wish you were here in person, and we are looking forward to having you with us at the August meeting, everybody will get to see her in person. Again, thanks, Megan, for all your hard work.

#### ADJOURNMENT

CHAIR GARY: All right, all things considered, this meeting of the Striped Bass Board is adjourned.

(Whereupon the meeting adjourned at 6:15 p.m. on Wednesday, May 4, 2022)



# Atlantic States Marine Fisheries Commission

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## MEMORANDUM

**TO:** Atlantic Striped Bass Management Board

**FROM:** Atlantic Striped Bass Technical Committee

**DATE:** July 15, 2022

**SUBJECT:** Request for Board Guidance on Potential Reduction Measures following the 2022 Stock Assessment Update

The Striped Bass Technical Committee (TC) and Stock Assessment Subcommittee (SAS) met via webinar on June 29, 2022 to discuss progress on the 2022 stock assessment update (results expected in October 2022) and to review the new provisions of Amendment 7, including the following provision:

*If the 2022 stock assessment results indicate the Amendment 7 measures have less than a 50% probability of rebuilding the stock by 2029 (as calculated using the low recruitment assumption) and if the stock assessment indicates at least a 5% reduction in removals is needed to achieve F rebuild, the Board may adjust measures to achieve F rebuild via Board action (change management measures by voting to pass a motion at a Board meeting).*

In the event that a reduction in removals is indicated to achieve F rebuild, in order for the Board to adjust measures in a timely manner following the assessment, the TC would need to calculate new management options to achieve stock rebuilding by 2029. The TC would conduct the analysis before the Board meets for the Annual ASMFC Meeting in fall 2022 and the management options would be presented concurrently with the assessment results.

**The TC requests Board guidance on what types of reduction measures should be considered, if a reduction were needed:**

- How should the reduction be split between the commercial and recreational sectors? Should both sectors take the same percent reduction, or should one sector take a higher or lower percent reduction?
- What recreational measures should be considered for the ocean? For the Bay? E.g., minimum size limit, different slot limit, seasonal closures?
- If considering seasonal closures, would the Board prefer a consistent coastwide closure or flexibility for states to choose closure dates (e.g., within a particular wave)?

### **Review of Current Measures**

Amendment 7 maintains the same commercial quotas (18% reduction from Add IV) and the same recreational size/bag limits (1 fish at 28-35" for ocean; 1 fish at 18" min. for Bay) as Addendum VI, which were designed to achieve an 18% reduction from 2017 levels. As such, all

M22-77

approved Addendum VI conservation equivalency programs are maintained until such measures are changed.

Approved Addendum VI CE programs are summarized in the enclosed table. Current CE programs include seasonal closures in some Chesapeake Bay jurisdictions, and some states took <18% reduction in commercial quotas offset by >18% reduction by the recreational sector.

***Baseline for Potential Reduction***

The TC recognizes that current 2021 measures include a variety of Addendum VI conservation equivalency programs. While it would be possible to calculate the potential reduction under the assumption that all states implemented the Addendum VI FMP standard (instead of their CE programs), that would add additional uncertainty by trying to predict what removals would have been under different regulations.

Therefore, the TC recommends using the current set of management measures and resulting level of 2021 removals as the starting point for calculating the potential reduction. In other words, what new set of management measures would achieve the rebuilding reduction relative to the 2021 commercial quotas and 2021 recreational size limits/bag limits/seasons?

After the Board provides guidance on what types of new measures to consider, and after the assessment is complete, the TC will further discuss how to proceed with reduction calculations, including what assumptions and datasets will be used.

*TC/SAS Members in Attendance:* Mike Celestino (SAS Chair, NJ), Michael Brown (ME), Gary Nelson (MA), Nicole Lengyel Costa (RI), Kurt Gottschall (CT), Caitlin Craig (NY), Brendan Harrison (NJ), Tyler Grabowski (PA), Margaret Conroy (DE), Luke Lyon (DC), Brooke Lowman (VA), Joshua McGilly (VA), Hank Liao (VA), Charlton Godwin (NC), Steve Minkinen (USFWS), John Sweka (USFWS), Tony Wood (NOAA)

*ASMFC Staff:* Katie Drew, Emilie Franke

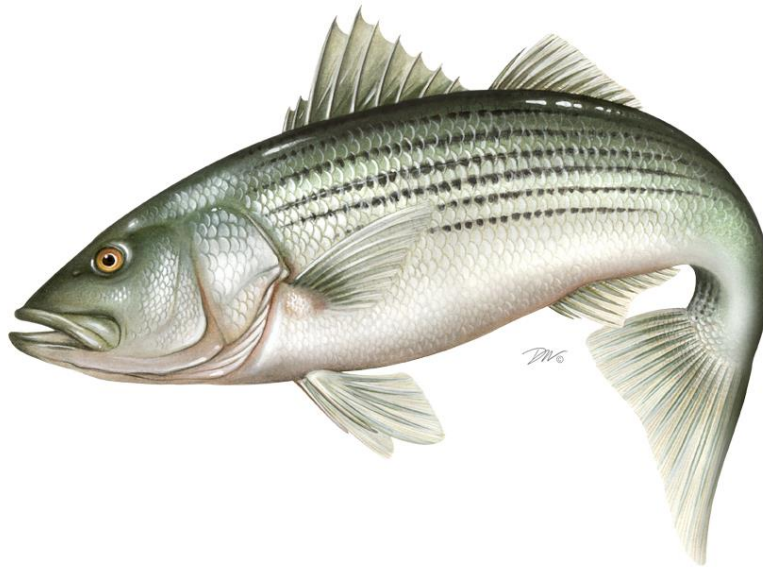
Table. CE programs implemented for Addendum VI

State	Recreational Fisheries	Commercial Fisheries
<b>MA</b>	N/A	Changed size limit (35" minimum) with equivalent quota change
<b>NY</b>	Hudson River: Alternative size limit (18" to 28") to achieve 18% removals reduction in combination with standard Ocean slot	Changed size limit (26" to 38") with equivalent quota reduction
<b>NJ</b>	Alternative size limit (28 to < 38") to achieve 25% removals reduction	Decreased commercial quota reduction (to 0%) with surplus recreational fishery reduction and transferred commercial quota to recreational bonus program fishery (24 to < 28", 1 fish/day)
<b>PA</b>	DE River and Estuary downstream Calhoun St Bridge: Alternative size and bag limit on limited seasonal basis (2 fish/day at 21 to <24" during 4.1–5.31) to achieve 18% removals reduction	N/A
<b>DE</b>	DE River/Bay/tributaries: Alternative slot on limited seasonal basis (20" to <25" during 7.1–8.31) to achieve 20.4% removals reduction in combination with standard Ocean slot	Decreased commercial quota reduction (to -1.8%) with surplus recreational fishery reduction
<b>MD</b>	Chesapeake Bay: Alternative Summer/Fall for-hire bag limit with restrictions (2 fish, only 1 >28", no captain retention) through increased minimum size (19"), April and two-week Wave 4 targeting closures, and shorter spring trophy season (May 1–15) to achieve 20.6% removals reduction; Ocean: FMP standard slot	Decreased Ocean and Chesapeake Bay commercial quota reduction (to -1.8%) with surplus Chesapeake Bay recreational fishery reduction
<b>PRFC</b>	Alternative Summer/Fall minimum size and bag limit (20" min, 2 fish/day) with a no targeting closure (7.7–8.20) and shorter spring trophy season (May 1–15) to achieve a 20.5% removals reduction	Decreased Chesapeake Bay commercial quota (to -1.8%) with surplus recreational fishery reduction
<b>VA</b>	Chesapeake Bay: Alternative slot limits during 5.16–6.15 (20" to 28") and 10.4–12.31 (20" to 36") and no spring trophy season to achieve a 23.4% removals reduction (reduction was the result of lowering prior bag limit from 2 to 1-fish per angler); Ocean: Alternative slot limit (28" to 36")	Decreased Ocean commercial quota (to -7.7%) and Chesapeake Bay commercial quota (to -9.8%) with surplus recreational fishery reduction

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*Atlantic States Marine Fisheries Commission*

**DRAFT ADDENDUM I TO AMENDMENT 7  
~~VII TO AMENDMENT 6~~  
TO THE ATLANTIC STRIPED BASS  
INTERSTATE FISHERY MANAGEMENT PLAN**



This draft document was developed for Management Board review and discussion. This document is not intended to solicit public comment as part of the Commission/State formal public input process. Comments on this draft document may be given at the appropriate time on the agenda during the scheduled meeting. If approved, a public comment period will be established to solicit input on the issues contained in the document.

October 2021



Sustainable and Cooperative Management of Atlantic Coastal Fisheries

Draft Document for Board Review. Not for Public comment.



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**Public Comment Process and Proposed Timeline**

In August 2021, the Atlantic Striped Bass Management Board (Board) initiated the development of an addendum to Amendment 6 to the Interstate Fishery Management Plan for Atlantic Striped Bass to consider allowing voluntary transfers of ocean commercial quota. This Draft Addendum presents background on the Atlantic States Marine Fisheries Commission's (Commission) management of striped bass; the addendum process and timeline; and a statement of the problem. This document also provides management options for public consideration and comment.

The public is encouraged to submit comments regarding this document at any time during the public comment period. The final date comments will be accepted is **XXXXX at 11:59 p.m. (EST)**. Comments may be submitted at state public hearings or by mail, email, or fax. If you have any questions or would like to submit comment, please use the contact information below. Organizations planning to release an action alert in response to this Draft Addendum should contact Emilie Franke, Fishery Management Plan Coordinator, at [efranke@asmfc.org](mailto:efranke@asmfc.org) or 703.842.0740.

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### **1.0 Introduction**

Atlantic striped bass (*Morone saxatilis*) are managed through the Commission in state waters (0-3 miles) and through NOAA Fisheries in federal waters (3-200 miles). The management unit includes the coastal migratory stock between Maine and North Carolina. Atlantic striped bass are currently managed under Amendment 6 to the Interstate Fishery Management Plan (FMP) and Addenda I – VI.

The Atlantic Striped Bass Management Board (Board) initiated Draft Addendum VII in August 2021 through the following motion: *Move to initiate an addendum to amendment 6 to allow voluntary transfers of commercial striped bass quota as outlined in the memo of July 26th, 2021 to the Atlantic Striped Bass Management Board regarding these transfers.* To address the Board motion this Addendum considers allowing the voluntary transfer of the commercial coastal quota between states.

### **2.0 Overview**

#### **2.1 Statement of the Problem**

In August 2020, the Board initiated development of Amendment 7 to the FMP. The purpose of the amendment is to update the management program in order to reflect current fishery needs and priorities given the status and understanding of the resource and fishery has changed considerably since implementation of Amendment 6 in 2003. The Board intends for the amendment to build upon the Addendum VI action to end overfishing and initiate rebuilding. In February 2021, the Board approved for public comment the Public Information Document (PID) for Draft Amendment 7. As the first step in the amendment process, the PID was a broad scoping document seeking public input on a number of important issues facing striped bass management, including coastal commercial quota allocation. The PID had proposed considering changes to the coastal commercial quota allocation because the striped bass commercial quota allocation has been based on harvest data from the 1970s which may, or may not be an appropriate baseline. Harvester reporting during that time was not required and there is evidence that harvesters would sell fish in other states resulting in further inaccuracies in state estimates. No other ASMFC-managed species is managed with harvest data as old as that used for striped bass allocation.

In May, after the PID public comment period, the Board approved the following issues for development in Draft Amendment 7: recreational release mortality, conservation equivalency, management triggers, and measures to protect the 2015 year class. The Board did not include the coastal commercial quota allocation issue for further consideration in the Draft Amendment. Many Board members acknowledge the concerns that were raised by states and the public but found it was not the right time to address allocation. The Board 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. While waiting until after the Amendment process is complete would allow for the issue to be considered, the unknown timeline for when possible new allocations could be finalized was raised. In order to provide a management option that could provide some immediate relief to states that were seeking a change in commercial quota allocation, the Board initiated this addendum which proposes to allow for the voluntary transfer of commercial allocation of the coastal quota. Many quota-managed fisheries allow for the voluntary transfer of commercial allocations

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between states (e.g., black sea bass, bluefish or horseshoe crab). This is a useful technique that can be utilized to address a variety of problems in the management of a commercial fishery (e.g., quota overages, safe harbor landings, shifting stock distributions).

### **2.2 Background**

#### **2.2.1 Status of the Stock**

On a regular basis, female spawning stock biomass (SSB) and fishing mortality rate ( $F$ ) are estimated and compared to target and threshold levels (i.e., biological reference points) in order to assess the status of the striped bass stock. The 1995 estimate of female SSB is currently used as the SSB threshold because many stock characteristics, such as an expanded age structure, were reached by this year, and this is also the year the stock was declared recovered. The female SSB target is equal to 125% female SSB threshold. The associated  $F$  threshold and target are calculated to achieve the respective SSB reference points in the long term.

In May 2019, the Board accepted the 2018 Benchmark Stock Assessment and Peer Review Report for management use. The accepted model is a forward projecting statistical catch-at-age model, which uses catch-at-age data and fishery-dependent data and fishery-independent survey indices to estimate annual population size, fishing mortality, and recruitment. The assessment indicated the resource is overfished and experiencing overfishing relative to the updated reference points. Female SSB in the terminal year (2017) was estimated at 151 million pounds, which is below the SSB threshold of 202 million pounds.  $F$  in 2017 was estimated at 0.31, which is above the  $F$  threshold of 0.24.

The assessment also indicated a period of strong recruitment (numbers of age-1 fish entering the population) from 1994-2004, following by a period of low recruitment from 2005-2011 which likely contributed to the decline in SSB in recent years. Recruitment was high in 2012, 2015, and 2016. In 2017, recruitment was estimated at 108.8 million age-1 fish which is below the time series average of 140.9 million fish.

#### **2.2.2 History of the Fishery Management Plan**

The first Interstate FMP for Atlantic Striped Bass was approved in 1981 in response to declining juvenile recruitment and landings occurring along the coast from Maine through North Carolina. The FMP and subsequent amendments and addenda focused on addressing the depleted spawning stock and recruitment failure. Despite these management efforts, the Atlantic striped bass stock continued to decline prompting many states (beginning with Maryland in 1985) to impose a complete harvest moratorium for several years. State fisheries reopened in 1990 under Amendment 4 which aimed to rebuild the resource rather than maximize yield. The stock was ultimately declared rebuilt in 1995 and as a result, Amendment 5 to the Atlantic Striped Bass FMP was adopted which relaxed both recreational and commercial regulations along the coast.

The Atlantic striped bass stock is currently managed under Amendment 6 and its subsequent addenda. The most recent, Addendum VI, set measures to end overfishing, and bring  $F$  to the target level in 2020. Specifically, the Addendum reduces all state commercial quotas by 18%, and implements a 1-fish bag limit and a 28" to less than 35" recreational slot limit for ocean fisheries and a 1-fish bag limit and

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an 18" minimum size limit for Chesapeake Bay recreational fisheries. The measures are designed to achieve at least an 18% reduction in total removals at the coastwide level. The Addendum maintains flexibility for states to pursue alternative regulations through conservation equivalency (CE). Since catch and release practices contribute significantly to overall fishing mortality, the Addendum mandates the use of circle hooks when recreationally fishing with bait to reduce release mortality in recreational striped bass fisheries. Outreach and education will be a necessary element to garner support and compliance with this important conservation measure.

The U.S. Exclusive Economic Zone (EEZ; 3-200 miles from shore) has been closed to the harvest, possession, and targeting of striped bass since 1990, with the exception of a defined route to and from Block Island in Rhode Island to allow for the transit of vessels in possession of striped bass legally harvested in adjacent state waters. A recommendation was made in Amendment 6 to re-open federal waters to commercial and recreational fisheries. However, NOAA Fisheries concluded opening the EEZ to striped bass fishing was not warranted at that time. Following the completion of the 2018 benchmark stock assessment, NOAA Fisheries, in consultation with the Commission, is directed to review the federal moratorium on Atlantic striped bass, and to consider lifting the ban on striped bass fishing in the Federal Block Island Transit Zone (Consolidated Appropriations Act, 2018).

The Board previously considered commercial quota transfers in the FMP through Draft Amendment 5 for public comment and Draft Addendum IV to Amendment 6 for public comment. The Board did not approve the use of transfers in Amendment 5 in order to focus efforts on rebuilding the stock. The Technical Committee raised concerns that transfers had the potential to increase harvest at a time when harvest reductions were needed which contributed to the Board not approving transfers under Addendum IV to Amendment 6.

**2.2.3 Status of the Fishery**

In 2020, total Atlantic striped bass removals (commercial and recreational, including harvest, commercial discards and recreational release mortality) was estimated at 5.1 million fish, which is a 7% decrease relative to 2019 (Table 4). The recreational sector accounted for 87% of total removals by number.

Commercial Fishery Status

The commercial fishery is managed via a quota system resulting in relatively stable landings since 2004 (refer to Table 5 for a summary of striped bass regulations by state in 2020). There are two regional quotas: one for Chesapeake Bay and one for the ocean region (Maine through North Carolina, excluding Pennsylvania). The ocean region quota is based on average landings during the 1970s and the Chesapeake Bay quota changed annually under a harvest control rule until implementation of a static quota in 2015 through Addendum IV.

Coastal Commercial Quota

In 2020, the ocean commercial quota was 2,411,154 pounds and was not exceeded. Table 1 contains final 2020 quotas per Addendum VI and approved conservation equivalency programs and harvest that occurred in 2020.

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### Chesapeake Bay Commercial Quota

In 2020, the Chesapeake Bay-wide quota was 2,998,374 pounds and was allocated to Maryland, the Potomac River Fisheries Commission (PRFC), and Virginia based on historical harvest. In 2020, the Bay-wide quota was not exceeded. Table 1 contains jurisdiction-specific quotas and harvest that occurred in 2020 for Chesapeake Bay. In 2020, commercial harvest from Chesapeake Bay accounted for 64% of total commercial landings by weight, and averaged 61% annually under Addendum IV (2015-2019).

### Commercial Fishery Landings

From 2004 to 2014, coastwide commercial harvest averaged 6.8 million pounds (942,922 fish) annually (Table 2). From 2015-2019, commercial landings decreased to an average of 4.7 million pounds (619,716 fish) due to implementation of Addendum IV and a reduction in the commercial quota. Commercial landings in 2020 were estimated at 3.6 million pounds (577,363 fish). Commercial discards are estimated to account for <2% of total removals per year since 2003 (Table 4). In 2019, commercial removals (landings plus commercial discards) accounted for 13.5% of total removals (commercial plus recreational) in numbers of fish, and 12.6% of total removals in 2020.

The commercial fishery harvested 3.73 million pounds (577,363 fish) in 2020, which is a 17% decrease by weight relative to 2019 (12% decrease by number; Table 2). This decrease aligns with the 18% reduction in commercial quotas implemented through Addendum VI in 2020, although some states implemented a different level of reduction in their commercial quotas through approved state conservation equivalency plans. The ocean quota utilization was about the same in 2020 (53%) as in 2019 (51%), while the Chesapeake Bay quota utilization decreased to 76% in 2020 from 91% in 2019. Despite the coastwide decrease in commercial harvest, ocean fishery conditions for some states may have improved from 2019 to 2020, which could be attributed to the increased availability of year classes moving through certain areas. The impacts of COVID-19 on the striped bass commercial fishery likely varied among states and varied depending on timing within the season. Some states heard from industry that restaurant closures and low prices had negative impacts on the commercial season, particularly during the early part of the pandemic.

Maryland (38%), Virginia (19%), and NY (13%) accounted for the three highest proportions of the commercial harvest (by weight) in 2020 (Table 3; Figure 1). Additional harvest came from PRFC (11%), Massachusetts (11%), Delaware (4%), and Rhode Island (3%). Commercial harvest from Chesapeake Bay accounted for 64% of the total commercial harvest by weight. The proportion of commercial harvest coming from Chesapeake Bay is much higher in numbers of fish (84% in 2020) than by weight because fish harvested in Chesapeake Bay have a lower average weight than fish harvested in ocean fisheries (Table 6). Coastwide commercial dead discards were estimated at 65,319<sup>1</sup> fish, which accounts for <2% of total removals in 2020 (Table 4).

The ocean region regularly underutilizes its quota allocations due to lack of availability in state waters (particularly off of North Carolina) and because commercial fishing is not allowed in some states (Maine, New Hampshire, Connecticut and New Jersey which collectively share about 10% of the ocean

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<sup>1</sup> Commercial dead discard estimates are derived via a generalized additive model (GAM), and are therefore re-estimated for the entire time series when a new year of data is added.

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commercial quota). Furthermore, the underage has increased in recent years since migratory striped bass have not been available to the ocean fishery in North Carolina resulting in zero harvest since 2012 (North Carolina holds 13% of the ocean quota) and raising questions about altered migratory pathways or preferred foraging areas as a result of climate change.

### ***Recreational Fishery Status***

For details on the most recent recreational fishery status see the [Review for the Fishery Management Plan for Striped Bass: Fishing Year 2020](#).

## **3.0 Proposed Management Program**

### **3.1 State-to-State Commercial Quota Transfers of the Coastal Commercial Quota**

Option A: Status quo, no commercial quota transfers are permitted.

Option B: Commercial quota transfer provision of the coastal commercial quota.

Transfers between states may occur upon agreement of two states at any time during the fishing season up to 45 days after the last day of the calendar year. All transfers require a donor state (state giving quota) and a receiving state (state accepting additional quota). There is no limit on the amount of quota that can be transferred by this mechanism, and the terms and conditions of the transfer are to be identified solely by the parties involved in the transfer. The Administrative Commissioner of the agencies involved (giving and receiving state) must submit a signed letter to the Commission identifying the involved states, species, and pounds of quota to be transferred between the parties. A transfer becomes effective upon receipt of a letter from Commission staff to the donor and receiving states, and does not require the approval by the Board. All transfers are final upon receipt of the signed letters by the Commission. In the event that the donor or receiving state of a transaction subsequently wishes to change the amount or details of the transaction, both parties have to agree to the change, and submit to the Commission signed letters from the Administrative Commissioner of the agencies involved. These transfers do not permanently affect the state-specific shares of the quota (i.e., the state-specific quotas remain fixed).

Once quota has been transferred to a state, the state receiving quota becomes responsible for any overages of transferred quota. That is, the amount over the final quota (that state's quota plus any quota transferred to that state) for a state will be deducted from the corresponding state's quota the following fishing season.

## **4.0 Compliance Schedule**

To be in compliance with Addendum VII to Amendment 6 to the Atlantic Striped Bass Interstate FMP, states must implement Addendum VII:

**Compliance Schedule to be determined by the Board.**

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**5.0 Tables and Figures**

Table 1. Results of 2020 commercial quota accounting in pounds. Source: 2021 state compliance reports. 2020 quota was based on Addendum VI and approved conservation equivalency programs.

State	Add VI (base)	2020 Quota <sup>^</sup>	2020 Harvest	Overage
<b>Ocean</b>				
Maine*	154	154	-	-
New Hampshire*	3,537	3,537	-	-
Massachusetts	713,247	735,240	386,924	0
Rhode Island	148,889	148,889	115,891	0
Connecticut*	14,607	14,607	-	-
New York	652,552	640,718	473,461	0
New Jersey**	197,877	215,912	-	-
Delaware	118,970	142,474	137,986	0
Maryland	74,396	89,094	83,594	0
Virginia	113,685	125,034	77,239	0
North Carolina	295,495	295,495	0	0
<b>Ocean Total</b>	<b>2,333,409</b>	<b>2,411,154</b>	<b>1,275,095</b>	<b>0</b>
<b>Chesapeake Bay</b>				
Maryland	<b>2,588,603</b>	1,442,120	1,273,757	0
Virginia		983,393	611,745	0
PRFC		572,861	400,319	0
<b>Bay Total</b>		<b>2,998,374</b>	<b>2,285,821</b>	<b>0</b>

\* Commercial harvest/sale prohibited, with no re-allocation of quota.

\*\* Commercial harvest/sale prohibited, with re-allocation of quota to the recreational fishery.

<sup>^</sup> 2020 quota changed through conservation equivalency for MA (735,240 lbs), NY (640,718 lbs), NJ (215,912 lbs), DE (142,474 lbs), MD (ocean: 89,094 lbs; bay: 1,445,394 lbs), PRFC (572,861 lbs), VA (ocean: 125,034 lbs; bay: 983,393 lbs).

Note: Maryland's Chesapeake Bay quota for 2020 was adjusted to account for the overage in 2019.

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Table 2. Total harvest of Atlantic striped bass by sector, 1990-2020. Note: Harvest is from state compliance reports/MRIP (Query July 8, 2021). Estimates exclude inshore harvest from North Carolina.

Year	Numbers of Fish			Pounds		
	Commercial	Recreational	Total	Commercial	Recreational	Total
1990	93,888	578,897	672,785	715,902	8,207,515	8,923,417
1991	158,491	798,260	956,751	966,096	10,640,601	11,606,697
1992	256,476	869,779	1,126,255	1,508,064	11,921,967	13,430,031
1993	314,526	789,037	1,103,563	1,800,176	10,163,767	11,963,943
1994	325,401	1,055,523	1,380,924	1,877,197	14,737,911	16,615,108
1995	537,412	2,287,578	2,824,990	3,775,586	27,072,321	30,847,907
1996	854,102	2,487,422	3,341,524	4,822,874	28,625,685	33,448,559
1997	1,076,591	2,774,981	3,851,572	6,078,566	30,616,093	36,694,659
1998	1,215,219	2,915,390	4,130,609	6,552,111	29,603,199	36,155,310
1999	1,223,572	3,123,496	4,347,068	6,474,290	33,564,988	40,039,278
2000	1,216,812	3,802,477	5,019,289	6,719,521	34,050,817	40,770,338
2001	931,412	4,052,474	4,983,886	6,266,769	39,263,154	45,529,923
2002	928,085	4,005,084	4,933,169	6,138,180	41,840,025	47,978,205
2003	854,326	4,781,402	5,635,728	6,750,491	54,091,836	60,842,327
2004	879,768	4,553,027	5,432,795	7,317,897	53,031,074	60,348,971
2005	970,403	4,480,802	5,451,205	7,121,492	57,421,174	64,542,666
2006	1,047,648	4,883,961	5,931,609	6,568,970	50,674,431	57,243,401
2007	1,015,114	3,944,679	4,959,793	7,047,179	42,823,614	49,870,793
2008	1,027,837	4,381,186	5,409,023	7,190,701	56,665,318	63,856,019
2009	1,049,838	4,700,222	5,750,060	7,217,380	54,411,389	61,628,769
2010	1,031,430	5,388,440	6,419,870	6,996,713	61,431,360	68,428,073
2011	944,777	5,006,358	5,951,135	6,789,792	59,592,092	66,381,884
2012	870,684	4,046,299	4,916,983	6,516,761	53,256,619	59,773,380
2013	784,379	5,157,760	5,942,139	5,819,678	65,057,289	70,876,967
2014	750,263	4,033,746	4,784,009	5,937,949	47,948,610	53,886,559
2015	621,952	3,085,725	3,707,677	4,829,997	39,898,799	44,728,796
2016	609,028	3,500,434	4,109,462	4,848,772	43,671,532	48,520,304
2017	592,670	2,937,911	3,530,581	4,816,395	37,952,581	42,768,976
2018	621,123	2,244,765	2,865,888	4,741,342	23,069,028	27,810,370
2019	653,807	2,150,936	2,804,743	4,284,831	23,556,287	27,841,118
2020	577,363	1,709,973	2,287,336	3,560,917	14,858,984	18,419,901



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Table 3. Commercial harvest by region in pounds (x1000), 1995-2020. Source: state compliance reports. ^Estimates exclude inshore harvest.

Year	Ocean								Chesapeake Bay				Grand Total
	MA	RI	NY	DE	MD	VA	NC^	Total	MD	PRFC	VA	Total	
1995	751.5	113.5	500.8	38.5	79.3	46.2	344.6	1,874.3	1,185.0	198.5	517.8	1,901.3	3,775.6
1996	695.9	122.6	504.4	120.5	75.7	165.9	58.2	1,743.2	1,487.7	346.8	1,245.2	3,079.7	4,822.9
1997	784.9	96.5	460.8	166.0	94.0	179.1	463.1	2,244.4	2,119.2	731.9	983.0	3,834.2	6,078.6
1998	810.1	94.7	485.9	163.7	84.6	375.0	273.0	2,287.0	2,426.7	726.2	1,112.2	4,265.1	6,552.1
1999	766.2	119.7	491.8	176.3	62.6	614.8	391.5	2,622.9	2,274.8	653.3	923.4	3,851.4	6,474.3
2000	796.2	111.8	542.7	145.1	149.7	932.7	162.4	2,840.5	2,261.8	666.0	951.2	3,879.0	6,719.5
2001	815.4	129.7	633.1	198.6	113.9	782.4	381.1	3,054.1	1,660.9	658.7	893.1	3,212.6	6,266.8
2002	924.9	129.2	518.6	146.2	93.2	710.2	441.0	2,963.2	1,759.4	521.0	894.4	3,174.9	6,138.2
2003	1,055.5	190.2	753.3	191.2	103.9	166.4	201.2	2,661.7	1,721.8	676.6	1,690.4	4,088.7	6,750.5
2004	1,214.2	215.1	741.7	176.5	134.2	161.3	605.4	3,248.3	1,790.3	772.3	1,507.0	4,069.6	7,317.9
2005	1,102.2	215.6	689.8	174.0	46.9	185.2	604.5	3,018.2	2,008.7	533.6	1,561.0	4,103.3	7,121.5
2006	1,322.3	5.1	688.4	184.2	91.1	195.0	74.2	2,560.2	2,116.3	673.5	1,219.0	4,008.7	6,569.0
2007	1,039.3	240.6	731.5	188.7	96.3	162.3	379.5	2,838.1	2,240.6	599.3	1,369.2	4,209.1	7,047.2
2008	1,160.3	245.9	653.1	188.7	118.0	163.1	288.4	2,817.6	2,208.0	613.8	1,551.3	4,373.1	7,190.7
2009	1,134.3	234.8	789.9	192.3	127.3	140.4	190.0	2,809.0	2,267.3	727.8	1,413.3	4,408.4	7,217.4
2010	1,224.5	248.9	786.8	185.4	44.8	127.8	276.4	2,894.7	2,105.8	683.2	1,313.0	4,102.0	6,996.7
2011	1,163.9	228.2	855.3	188.6	21.4	158.8	246.4	2,862.5	1,955.1	694.2	1,278.1	3,927.3	6,789.8
2012	1,218.5	239.9	683.8	194.3	77.6	170.8	7.3	2,592.0	1,851.4	733.7	1,339.6	3,924.7	6,516.8
2013	1,004.5	231.3	823.8	191.4	93.5	182.4	0.0	2,526.9	1,662.2	623.8	1,006.8	3,292.8	5,819.7
2014	1,138.5	216.9	531.5	167.9	120.9	183.7	0.0	2,359.4	1,805.7	603.4	1,169.4	3,578.5	5,937.9
2015	866.0	188.3	516.3	144.1	34.6	138.1	0.0	1,887.5	1,436.9	538.0	967.6	2,942.5	4,830.0
2016	938.7	174.7	575.0	136.5	19.7	139.2	0.0	1,983.9	1,425.5	537.1	902.3	2,864.9	4,848.8
2017	823.4	175.3	701.2	141.8	80.5	133.9	0.0	2,056.1	1,439.8	492.7	827.8	2,760.3	4,816.4
2018	753.7	176.6	617.2	155.0	79.8	134.2	0.0	1,916.6	1,424.3	449.4	951.0	2,824.7	4,741.3
2019	584.7	144.2	358.9	132.6	82.8	138.0	0.0	1,441.2	1,475.2	417.3	951.1	2,843.6	4,284.8
2020 <sup>+</sup>	386.9	115.9	473.5	138.0	83.6	77.2	0.0	1,275.1	1,273.8	400.3	611.7	2,285.8	3,560.9

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Table 4. Total removals (harvest plus discards/release mortality) of Atlantic striped bass by sector in numbers of fish, 1990-2020. Note: Harvest is from state compliance reports/MRIP (July 8, 2021), discards/release mortality is from ASMFC. Estimates exclude inshore harvest from North Carolina.

Year	Commercial		Recreational		Total Removals
	Harvest	Discards*	Harvest	Release Mortality	
1990	93,888	47,859	578,897	442,811	1,163,455
1991	158,491	92,480	798,260	715,478	1,764,709
1992	256,476	193,281	869,779	937,611	2,257,147
1993	314,526	115,859	789,037	812,404	2,031,826
1994	325,401	166,105	1,055,523	1,360,872	2,907,900
1995	537,412	188,507	2,287,578	2,010,689	5,024,186
1996	854,102	257,749	2,487,422	2,600,526	6,199,800
1997	1,076,591	325,998	2,774,981	2,969,781	7,147,351
1998	1,215,219	347,343	2,915,390	3,259,133	7,737,085
1999	1,223,572	337,036	3,123,496	3,140,905	7,825,008
2000	1,216,812	209,329	3,802,477	3,044,203	8,272,820
2001	931,412	182,606	4,052,474	2,449,599	7,616,091
2002	928,085	199,770	4,005,084	2,792,200	7,925,139
2003	854,326	131,319	4,781,402	2,848,445	8,615,492
2004	879,768	157,724	4,553,027	3,665,234	9,255,753
2005	970,403	146,126	4,480,802	3,441,928	9,039,259
2006	1,047,648	158,808	4,883,961	4,812,332	10,902,750
2007	1,015,114	160,728	3,944,679	2,944,253	8,064,774
2008	1,027,837	106,791	4,381,186	2,391,200	7,907,013
2009	1,049,838	130,200	4,700,222	1,942,061	7,822,321
2010	1,031,430	134,817	5,388,440	1,760,759	8,315,446
2011	944,777	85,503	5,006,358	1,482,029	7,518,667
2012	870,684	198,911	4,046,299	1,847,880	6,963,774
2013	784,379	114,009	5,157,760	2,393,425	8,449,573
2014	750,263	111,753	4,033,746	2,172,342	7,068,103
2015	621,952	84,463	3,085,725	2,307,133	6,099,273
2016	609,028	88,171	3,500,434	2,981,430	7,179,063
2017	592,670	98,343	2,937,911	3,421,110	7,050,035
2018	621,123	100,646	2,244,765	2,826,667	5,793,201
2019	653,807	84,013	2,150,936	2,589,045	5,477,801
2020	577,363	65,319	1,709,973	2,760,231	5,112,886

\* Commercial dead discard estimates are derived via a generalized additive model (GAM), and are therefore re-estimated for the entire time series when a new year of data is added.

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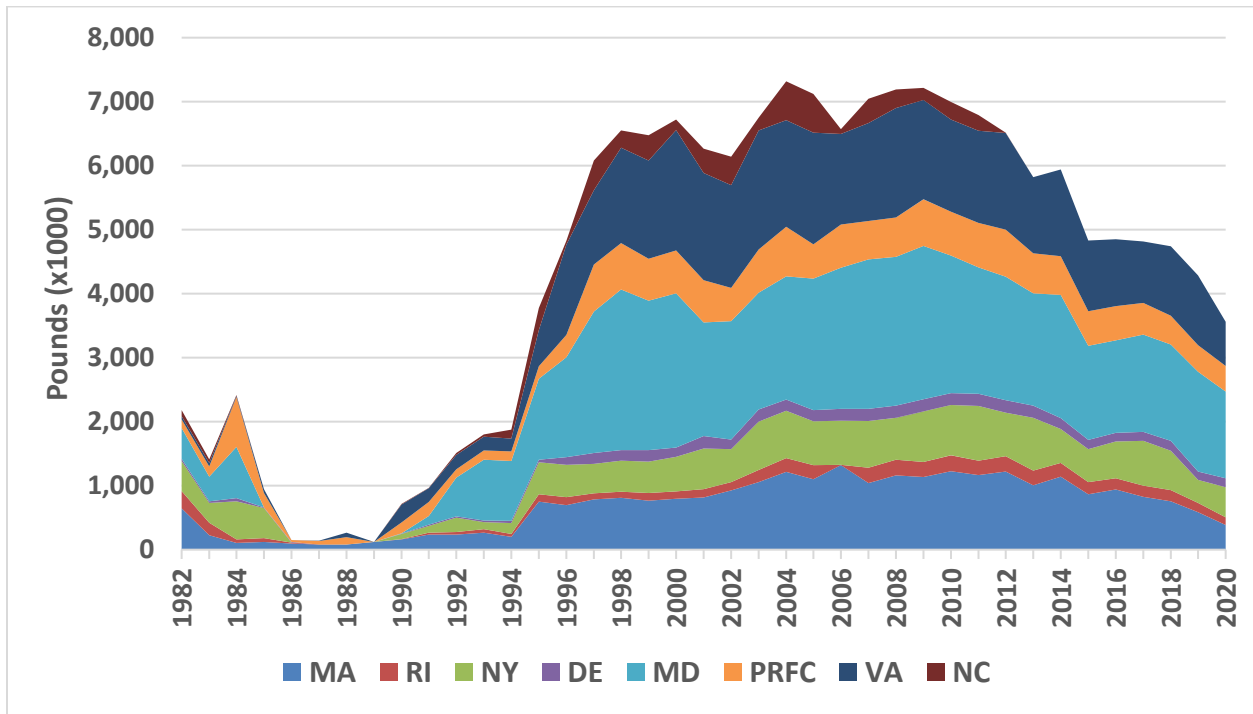
Table 5. Summary of Atlantic striped bass commercial regulations in 2020. Source: 2021 State Compliance Reports. Minimum sizes and slot size limits are in total length (TL). \*Commercial quota reallocated to recreational bonus fish program.

STATE	SIZE LIMITS (TL) and TRIP LIMITS	SEASONAL QUOTA	OPEN SEASON
ME	Commercial fishing prohibited		
NH	Commercial fishing prohibited		
MA	≥35" minimum size; no gaffing undersized fish. 15 fish/day with commercial boat permit; 2 fish/day with rod and reel permit.	735,240 lbs. Hook & Line only.	6.24 until quota reached, Mondays and Wednesdays only. (In-season adjustment added Tuesdays effective Sept 1.) July 3rd, July 4th and Labor Day closed. Cape Cod Canal closed to commercial striped bass fishing.
RI	Floating fish trap: 26" minimum size unlimited possession limit until 70% of quota reached, then 500 lbs. per licensee per day	Total: 148,889 lbs., split 39:61 between the trap and general category. Gill netting prohibited.	4.1 – 12.31
	General category (mostly rod & reel): 34" min. 5 fish/vessel/day limit.		5.20-6.30, 7.1-12.31, or until quota reached. Closed Fridays, Saturdays, and Sundays during both seasons.
CT	Commercial fishing prohibited; bonus program in CT suspended indefinitely in 2020.		
NY	26"-38" size; (Hudson River closed to commercial harvest)	640,718 lbs. Pound Nets, Gill Nets (6-8" stretched mesh), Hook & Line.	6.1 – 12.15, or until quota reached. Limited entry permit only.
NJ*	Commercial fishing prohibited; bonus program: 1 fish at 24" to <28" slot size	215,912 lbs.	5.15 – 12.31 (permit required)
PA	Commercial fishing prohibited		

(Table 5 continued – Summary of commercial regulations in 2020).

STATE	SIZE LIMITS (TL) and TRIP LIMITS	SEASONAL QUOTA	OPEN SEASON
DE	Gill Net: 20" min in DE Bay/River during spring season. 28" in all other waters/seasons.	Gillnet: 135,350 lbs. No fixed nets in DE River.	Gillnet: 2.15-5.31 (2.15-3.30 for Nanticoke River) & 11.15-12.31; drift nets only 2.15-28 & 5.1-31; no trip limit.
	Hook and Line: 28" min	Hook and line: 7,124 lbs.	Hook and Line: 4.1–12.31, 200 lbs./day trip limit
MD	Chesapeake Bay and Rivers: 18–36" Common pool trip limits: Hook and Line - 250 lbs./license/week Gill Net - 300 lbs./license/week	1,445,394 lbs. (part of Bay-wide quota) – Initial quota  1,442,120 lbs. – Adjusted quota due to 2019 overage	Bay Pound Net: 6.1-12.31 Bay Haul Seine: 6.1-12.31 Bay Hook & Line: 6.4-12.31 Bay Drift Gill Net: 1.1-2.28, 12.1-12.31
	Ocean: 24" minimum	Ocean: 89,094 lbs.	1.1-5.31, 10.1-12.31
PRFC	18" min all year; 36" max 2.15–3.25	572,861 lbs. (part of Bay-wide quota)	Hook & Line: 1.1-3.25, 6.1-12.31 Pound Net & Other: 2.15-3.25, 6.1-12.15 Gill Net: 1.1-3.25, 11.9-12.31 Misc. Gear: 2.15-3.25, 6.1-12.15
VA	Bay and Rivers: 18" min; 28" max size limit 3.15–6.15	983,393 lbs. (part of Bay-wide quota)	1.16-12.31
	Ocean: 28" min	125,034 lbs.	
NC	Ocean: 28" min	295,495 lbs. (split between gear types).	Seine fishery was not opened Gill net fishery was not opened Trawl fishery was not opened

Figure 1. Commercial Atlantic striped bass landings by state in pounds, 1990-2020. Source: State compliance reports. Commercial harvest and sale prohibited in ME, NH, CT, and NJ. NC is ocean only.





# Atlantic States Marine Fisheries Commission

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## MEMORANDUM

**TO:** Atlantic Striped Bass Management Board  
**FROM:** Atlantic Striped Bass Plan Development Team  
**DATE:** October 12, 2021  
**SUBJECT:** Draft Addendum VII to Amendment 6

At the direction of the Atlantic Striped Bass Management Board (Board), the Plan Development Team (PDT) drafted an addendum that considers options to allow for the voluntary transfer of the ocean region commercial quota between states that have ocean quota<sup>1</sup>. However, the PDT has significant concerns with adding ocean region commercial transfers to the fishery management program at this time. If the Board moves forward with public comment of Draft Addendum VII, it is recommended the below concerns are added to the Draft Addendum. The PDT notes these concerns were previously raised by the Technical Committee (TC) in 2014 when transfers were considered in Draft Addendum IV.

First, the PDT is concerned quota transfer could undermine the goals and objectives of the reductions taken under Addendum VI. The commercial ocean fishery has consistently underutilized quotas, due to a combination of fish availability and state-specific regulations (e.g. commercial prohibitions). Both Addenda IV and VI were designed to achieve a specific reduction in total removals through more restrictive recreational measures and reduced commercial quotas in order to achieve the fishing mortality target. During the Addendum VI process, the TC noted the reduction in commercial quota would achieve the necessary reduction in commercial removals only if the commercial fisheries perform as they have in the past, i.e., if they continue to underutilize their quotas to the same degree. This assumption would be violated if the transfer of commercial ocean region quota is permitted. If Addendum VI commercial quotas were fully utilized by allowing the transfer of latent quota, commercial harvest would be higher than estimated in the Addendum VI projections and states would not maintain the required commercial reduction, thus potentially undermining the goals and objectives of Addendum VI to end overfishing.

Second, a pound of commercial quota is not equal across all states. Through conservation equivalency (CE), states have been able to adjust their commercial size limits, which result in changes to their respective commercial quotas. For example, when implementing Addendum VI, Massachusetts increased its commercial minimum size limit, which increased its quota, and New York lowered its commercial slot limit minimum, which decreased its quota; both of these CE programs are based on a spawner-per-recruit analysis (SPR). Changes in state quota through CE have been occurring since before Addendum VI. Over time several adjustments have been made to commercial size limits resulting in changes to commercial quotas, making transferring quota between states with different size limits difficult. Since the PDT's focus has been on Draft Amendment 7, it has not had the time to consider all of the changes made to base quota allocations that have resulted from adjusting commercial size limits. Given more time, it might be able to address this concern.

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<sup>1</sup> The Draft Addendum does not address potential transfers of the Chesapeake Bay quota among the Bay jurisdictions as the FMP does not establish the allocations of the Chesapeake Bay quota, rather Maryland, Virginia, and the Potomac River Fisheries Commission do so per the jurisdictions' mutual agreement. Additionally, the Draft Addendum does not consider allowing transfer of Chesapeake Bay quota to an ocean fishery (or vice versa) due to the distinct management programs between the areas (e.g., size limit differences).

## Emilie Franke

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**From:** Michael Grosscup <seagrave20@aol.com>  
**Sent:** Tuesday, May 17, 2022 9:02 PM  
**To:** Comments  
**Subject:** [External] Striped Bass

Dear madam's and sirs for three years now the young of the year index in the Chesapeake bay has been dismal at best. This valuable fish, both ecological and monetary needs a broad brush protection. Right now its piece meal. One state has this rule another state has a different rule. Also I would like to see the striped Bass a.k.a .rockfish held to the same standards as the highly migratory species list like tuna. Example free tags from your local tackle shop would definitely be a more accurate way to keep track of fish caught. You catch a fish tag goes in the gill out the mouth it would be illegal to bring an untagged fish back to the dock. Then you call your state D.N.R. regular business hours to give the tag number or text a message with the tag number. Just a thought.

## Emilie Franke

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**From:** Tom Nixon <thomasnixon88@hotmail.com>  
**Sent:** Wednesday, June 22, 2022 8:35 PM  
**To:** Comments  
**Subject:** [External] Striped bass regulations

I don't understand how thousands of people a day are killing stripers 28 to 35" then commercial guys have a endless quota of 35+ how is that managing striped bass

Sent from my iPhone