

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

**Webinar
October 20, 2021**

Approved January 26, 2022

Proceedings of the Atlantic Striped Bass Management Board Webinar
October 2021

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INDEX OF MOTIONS

1. **Approval of Agenda** by consent (Page 1).
2. **Approval of Proceedings of August 3, 2021** by consent (Page 1).
3. **Move to consider a formal rebuilding plan for striped bass in Amendment 7 using methods described under “Management Response to Recruitment Trigger”. Option 1 would be status quo *F* target. Option 2 would establish a *F* (rebuild) calculated as the *F* value projected to achieve SSB (rebuild) by 2029 under the assumption of the lower recruitment regime** (Page 17). Motion by Megan Ware; second by John McMurray. Motion tabled until the end of the Draft Amendment 7 agenda item.

Motion to Table #1

Move to table until the end of the Draft Amendment 7 agenda item (Page 23). Motion by Justin Davis; second by Martin Gary. Motion adopted by consensus (Page 23).

4. **Move to add protection for the 2015, 2017, and 2018 year classes through adding a maximum size limit option/slot option in the Chesapeake Bay recreational fishery in section 4.2.1. Maximum size limit options developed by the PDT should aim to maximize protection for the 2015, 2017 and 2018 year classes consistent with the Technical Committee advice for the coastal analysis** (Page 34). Motion by David Sikorski; second by Mike Armstrong. Motion tabled until the end of the Draft Amendment 7 agenda item.

Motion to Table #2

Move to table until the end of the Amendment 7 agenda item (Page 37). Motion by Adam Nowalsky; second by John Clark. Motion carried (Page 37).

5. **Main Motion**

Move to defer consideration by the Striped Bass Board of Draft Addendum VII to Amendment 6 to the Atlantic Striped Bass Plan to allow further development and review of the transfer options (Page 53). Motion by Roy Miller; second by Marty Gary.

Motion to Substitute

Move to substitute to postpone Draft Addendum VII to Amendment VI until such time as striped bass is not overfished and overfishing is not occurring (Page 54) Motion by Cheri Patterson; second by Tom Fote. Motion fails (2 in favor, 14 opposed) (Page 57).

Main Motion

Move to defer until May 2022 consideration by the Striped Bass Board of Draft Addendum VII to Amendment 6 to the Atlantic Striped Bass Plan to allow further development and review of the transfer options. Motion by Roy Miller; second by Martin Gary. Motion carried (Page 58).

6. **Move to remove Option F from the conservation equivalency options** (Page 63). Motion by John Clark; second by Mike Luisi. Motion carried (Page 64).

INDEX OF MOTIONS (continued)

7. **Tabled Motion #1**
Move to task the PDT to develop a formal rebuilding plan for striped bass in Amendment 7 using methods described under “Management Response to Recruitment Trigger”. Options could include a status quo F- target and another option that would establish a F (rebuild) calculated as the F value projected to achieve SSB (rebuild) no later than 2029 under the assumption of the lower recruitment regime. Motion by Megan Ware; second by John McMurray. Motion carried (Page 67).
8. **Tabled Motion #2**
Move to add protection for the 2015, 2017, and 2018 year classes through adding a maximum size limit option/slot option in the Chesapeake Bay recreational fishery in section 4.2.1. Maximum size limit options developed by the PDT should aim to maximize protection for the 2015, 2017 and 2018 year classes consistent with the Technical Committee advice for the coastal analysis. Motion by David Sikorski; second by Mike Armstrong. Motion carried (Page 67).
9. **Move to adjourn** by consent (Page 67).

ATTENDANCE

Board Members

Megan Ware, ME, proxy for P. Keliher (AA)	Kris Kuhn, PA, proxy for T. Schaeffer (AA)
Cheri Patterson, NH (AA)	Loren Lustig, PA (GA)
Ritchie White, NH (GA)	G. Warren Elliott, PA (LA)
Dennis Abbott, NH, proxy for Sen. Watters (LA)	John Clark, DE (AA)
MikeArmstrong, MA, proxy for Dan McKiernan (AA)	Roy Miller, DE (GA)
Raymond Kane, MA (GA)	Craig Pugh, DE, proxy for Rep. Carson (LA)
Rep. Sarah Peake, MA (LA)	Mike Luisi, MD, proxy for B. Anderson (AA)
Jason McNamee (AA)	Russell Dize, MD (GA)
DavidBorden, RI (GA)	David Sikorski, MD, proxy for Del. Stein (LA)
Nicole Lengyel Costa, RI	Pat Geer, VA, proxy for S. Bowman (AA)
DEMJustin Davis, CT (AA)	Shanna Madsen, VA, proxy for B. Plumlee (GA)
Bill Hyatt, CT (GA)	Chris Batsavage, NC, proxy for K. Rawls (AA)
Sen. Craig Miner, CT (LA)	Jerry Mannen, NC (GA)
John Maniscalco, NY, proxy for J. Gilmore (AA)	Bill Gorham, NC proxy for Rep. Steinberg (LA)
Emerson Hasbrouck, NY (GA)	Marty Gary, PRFC
John McMurray, NY, proxy for Sen. Kaminsky (LA)	Dan Ryan, DC, proxy for J. Seltzer
Joe Cimino, NJ (AA)	Max Appelman, NMFS
Tom Fote, NJ (GA)	Mike Millard, USFWS
Adam Nowalsky, NJ, proxy for Asm. Houghtaling (LA)	

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

Ex-Officio Members

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

Staff

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

Guests

Karen Abrams, NOAA	Pat Augustine, Coram, NY	Frederick Bogue
Patrick Adamitis	Christopher Ballerini	Christopher Borgatti
Robert Andersen	Alan Battista	Rob Bourdon, MD DNR
Dave Anderson	Peter Benoit, Ofc. Sen. King	Michael Bryand
Bill Anderson, MD (AA)	Susan Bertoline	Simon Brown, MD DNR
Josh Antunes	Alan Bianchi, NC DENR	Delayne Brown, NH FGD
Jerry Audet	Kevin Blinkoff	Jeff Brust, NJ DEP

Guests (continued)

George Bucci	Angela Giuliano, MD DNR	Ethan Magun
Allen Burgenson, Lonza Inc	Willy Goldsmith	Eric Malone
Craig Cantelmo	Frank Goncalves	Bob Mazzola
Benson Chiles	Tyler Grabowski, PA F&B	Genine McClair, MD DNR
Bryan Choquette	Sam Greene	Dan McKiernan, MA (AA)
Drew Ciok	Charles Gregorski	Conor McManus, RI DEM
Adam Clark	Pam Lyons Gromen	Kevin McMenamain
Tyler Clark	Robert Groskin	Nichola Meserve, MA DMF
Will Clark	Brandon Hamilton	Steve Meyers
Allison Colden, CBF	Brenden Harrison, NJ DEP	Steve Minkinen, FL FWS
Margaret Conroy, DE DFW	Eric Harrison	Billy Mitchell
Heather Corbett, NJ DEP	Hannah Hart, FL FWC	Chris Moore, CBF
Nathan Cowen	Tom Hesford	Patrick Moran, MA DMF
Derek Cox, FL FWS	Rebecca Heuss, NH FGD	Jerry Morgan
Caitlin Craig, NYS DEC	Jaclyn Higgins, TRCP	Brandon Muffley, MAFMC
Derek Cummings	Nicholas Hill	Matthew Murphy
Jessica Daher, NJ DEP	Peter Himchak, Cooke Aqua	Allison Murphy, NOAA
John Dameron	Carol Hoffman, NYS DEC	Lindsey Nelson, NOAA
Dean Danenhower	Mac Hoggan	Robert Newberry
Lennie Day	Jeffrey Horne, MD DNR	Travis O'Neal
Rachel Dean	Jesse Hornstein, NYS DEC	Gerry O'Neill, Cape Seafoods
Jeff Deem	Chris Horton	Tyler O'Neill
Patrick Denno	Asm. Eric Houghtaling, CT (LA)	Tamara O'Connell, MD DNR
Greg DiDomenico	Bob Humphrey	Zane Oliver
Evan Dintaman	Noah Iaongo	Derek Orner, NOAA
Joshua Dionne	Stephen Jackson, FL FWS	Patrick Paquette
Kurt Doherty	James Jewkes	Willow Patten, NC DENR
Eric Durell, MD DNR	Michael Kapareiko	Derek Peters
Jason Dutremble	Dimitri Karandrikas	Chad Pfeiffer
Michael Eveland	Pat Keliher, ME (AA)	Michael Piper
Fred Everett	Carrie Kennedy, MD DNR	Anthony Pizzella
Mike Faulkingham, Portland, ME	Adam Kenyon, VMRC	Kelly Place
Lynn Fegley, MD DNR	Josh Kiggans	Michael Plaia
Michael Feldman	Dale Kirkendall	Anthony Poirier
Julien Frank	Thomas Kosinski	Nick Popoff, FL FWS
Anthony Friedrich, SGA	Aaron Landry	Will Poston, SGA
Tom Fuda	Wilson Laney	Even Priovolos
John Gans, TRCP	Toby Lapinski	Daniel Putnam
Dominic Genovese	Josh Lashley	Michael Quinan
Lacie Gaskins, Omega Protein	Peter Leary	Jill Ramsey, VMRC
Daniel Gayer	Kevin Lesser	Stephanie Richards, MD DNR
Dominic Genovese	Carl Lobue, TNC	Harry Rickabaugh, MD DNR
Lewis Gillingham, VMRC	Michael Louie	Courtney Roberts
Bob Giordano	Chip Lynch, NOAA	Gaelin Rosenwaks
Thomas Girdwood	James Lynch	Cody Rubner

Guests (continued)

Patrick Rudman
Jacob Rushing
Randy Scheule
Austin Schofield
Tara Scott, NOAA
Chris Scott, NYS DEC
Alexei Sharov, MD DNR
Conor Sheridan
James Simmons
Zento Slinger
Richard Small
Somers Smott, VMRC
Joey Solomon
Mike Spinney
Ross Squire

Sam Stavis
David Stormer, DE DF
WJess Swaringen
Grant Thompson
Luis Tirado
Michael Toole
Marek Topolski, MD DNR
Jeremiah Treanor
Troy Tuckey VIMS
Edward Tully
Jim Uphoff, MD DNR
Taylor Vavra, Stripers Forever
Owen Ventura
Beth Versak, MD DNR
Ralph Vigmostad

Mike Waine, ASA
Peter Whelan
Kate Wilke, TNC
Angel Willey, MD DNR
Brian Williams
John Page Williams
Jim Williams
Nicholas Whitbeck
Kyle Wightman
Logan Williams
Phil Zalesak
Renee Zobel, NH FGD

The Atlantic Striped Bass Management Board of the Atlantic States Marine Fisheries Commission convened via webinar; Wednesday, October 20, 2021, and was called to order at 1:00 p.m. by Chair David V. Borden.

CALL TO ORDER

CHAIR DAVID V. BORDEN: Before I start the formal meeting, I would like to recognize and applaud the professional conduct of Emilie during the last couple of weeks. She's done a fabulous job working on Amendment 7. The reason I'm doing this, most of you don't know, but she just got married within the last few days, and kept working and kept getting the job done.

I think that deserves some special recognition, so on behalf of the Board, Emilie, I wish you and your spouse well on your new adventure. I'm sure everybody applauds you.

APPROVAL OF AGENDA

CHAIR BORDEN: With that, we will move on to the agenda for the October 20th Board meeting. We've had an agenda that's been distributed. Are there any additions, deletions or changes to that agenda? Any hands up, Toni?

MS. TONI KERNS: I have no hands.

CHAIR BORDEN: Okay, so the agenda stands approved as submitted. The one thing I would note on the agenda, we have a really full afternoon of activity. It's my intent to take Amendment 7, which is the primary issue, and dedicate most of the agenda to that issue. But I also intend, if we have not gotten through Amendment 7 by five o'clock, I'm going to stop the discussion on Amendment 7, and move to Addendum VII, and see if we can at least finalize one issue today.

APPROVAL OF PROCEEDINGS

CHAIR BORDEN: The proceedings have been distributed, are there any comments, corrections, objections to those? Any hands up, Toni?

MS. KERNS: No hands.

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

PUBLIC COMMENT

CHAIR BORDEN: Public comments, this is for items that are not on the agenda. Did anyone request an opportunity to speak to the Board at this point?

MS. KERNS: Right now, I have one hand up, Phil Zalesak.

CHAIR BORDEN: Okay, so this is for items that are not on the agenda. We'll allow you a minute to address the Board.

MR. PHIL ZALESAK: One minutes, I thought we had three.

CHAIR BORDEN: One minute, please.

MR. ZALESAK: All right, Chairman Borden, quoting another documentation, 60 percent of the Atlantic coast ocean going striped bass began its spawn in the Chesapeake Bay. The Atlantic Menhaden Management Board has determined that striped bass are dependent on Atlantic menhaden for their survival.

Though Atlantic menhaden are neither overfished nor overfishing is occurring, the Atlantic Menhaden Board has concluded there are not enough Atlantic menhaden along the Atlantic coast to ensure the survivability of key predator fish, such as striped bass, bluefish, and weakfish. I see no signs which support removing 26 percent of the Atlantic coast total allowable catch of Atlantic menhaden from the Virginia portion of the Chesapeake Bay.

That is 51,000 metric tons out of a little over 192,000 metric tons. Clearly, overharvesting is occurring in the Chesapeake Bay. Just let me jump to the very end of this. I strongly recommend, Chairman Borden, that you advise Mr. Spud Woodward, the Atlantic Menhaden Board Chairman, to end the Atlantic menhaden reduction fishery in the Virginia waters, as this is adversely impacting the striped bass fishery along the entire Atlantic coast.

Omega Protein, the last remaining Atlantic menhaden reduction fishery on the Atlantic coast, doesn't have to lose one fish from its quota of 160,800 metric tons. They just need to catch the Chesapeake Bay cap at 51,000 metric tons of Atlantic menhaden outside the Virginia waters, where the majority of their allocation is now anyway.

Implementing this solution will allow Atlantic menhaden to recover in the Chesapeake Bay, to the benefit of predator fish, the commercial and recreational fishing industries, osprey in the marine environment. Any reduction fishery in the Virginia waters, as other states have done, will be an enormous benefit to the Chesapeake Bay region. All this is documented with links to Commission data or Maryland, Virginia or Potomac River Fishery Commission data. That's it, thank you.

CHAIR BORDEN: Thank you for being brief. I'm sure that Spud will take that recommendation under advisement. In terms of public participation during this meeting, I may or may not take public comments when we get to motions. But in any event, if I do decide to take public comments on issues, I'm going to ask the public to really limit themselves.

We've had substantial opportunity for the public to provide input to the Board, and I'm sure the members of the public have been discussing issues directly with their commissioners, at least I hope so. I would also ask that members of the public not raise your hands when we're calling on Board members.

If we get to a point where I'm going to solicit public input, that will be the time for you to raise your hand, and then we'll call on you in order. In terms of Amendment 7, this is potentially an action item. We're going to start with a series of reports by staff on various issues, in order to provide the Board with comprehensive updates on our last steps of the subject. The path today is to approve the document for public hearing, and if we can't do that for some reason, then we need to provide sufficient guidance to the PDT to reefer out specific elements in the documents. In the case of the latter, we will

approve any of those changes at a subsequent meeting. At this point, according to what Emilie has told me the likely implementation date is 2023, regardless if the action gets taken today or it gets taken at a subsequent meeting.

In terms of the process that I intend to follow today. Emilie is going to go, or at least she's going to start with an overview of the draft document and timeline. Since the draft amendment is separated into four parts or elements, as I call them, we will present those separately. We're going to take questions on those first, and then we will ask for comments and changes.

I would prefer doing as Spud Woodward did on menhaden, to try to operate by consensus, if that is possible. But if it's not possible, then I think motions are in order. I would also like to recognize, so that some of you don't have to point this out. There is a linkage between some of those elements and subsequent elements in the document.

Staff will be prepared to note changes that we make, and basically point those relationships out when we get to the specific item. I'm almost done. In terms of my own thoughts on this Amendment, I'm very concerned about the level of complexity in the document. I've spoken to a number of you and said the same thing to you.

I'm also very concerned about the ability of the public to digest this many issues and alternatives during the hearing process. During Emilie's report, she's going to note that a lot of those concerns are shared by some of the members of the AP. My takeaway is that I think we need to prioritize some of these issues, simplify others, and possibly defer some to allow further refinement.

There is nothing that would stop us, for instance, from selecting a few of these items, move forward with those as Amendment 7, and continue to refine issues over the next few months, and start another action. I guess my final point is, we're likely to have considerable discussion on some of these issues, and I urge each of you to be brief and to the point, non-repetitive.

If a large number of individuals want to comment, you are likely to only get one opportunity to speak, but that all depends on the number of speakers on different issues. I mean the issues that we're dealing with are very complex. There are a lot of people that it's an important subject, not only to our collective constituents, but to those of you that are on this call that represent your constituents.

Toni has been asked to select speakers in the order that they appear, and I've asked her to refrain from calling on Board members a second time until everyone has had an opportunity to speak. The last point I would like to make, in terms of just telegraphing where this is going. I intend to take a break at some point in the meeting. I would ask, are there any questions on the process that I intend to follow today? Any hands up, Toni?

MS. KERNS: David, I just wanted to note. You had two members of the public raise their hand just right after Phil did, so there were two additional people that wanted to make public comment again, and to let you know. I don't have any hands up, in terms of questions on the process.

CHAIR BORDEN: Okay, I'll take those two individuals, and then we're going to move on with the presentation. Toni, if you would call on each of those individuals. You have one minute each, please.

MS. KERNS: First is Tom Lilly, and then it will be Jeff Dean. Go ahead, Tom.

MR. TOM LILLY: Yes, I would like to speak to you about you all getting more linkage between the food supply of the striped bass and what you're doing. Fishermen, I would like you to look at the Rhode Island plan for menhaden, in effect for ten years. If you move their forage baseline over the Chesapeake Bay, you will see that we should have about 1,500 to 2,000 schools of adult menhaden in Maryland Bay at all times, for our striped bass and bluefish only.

How many are you seeing, folks? On the average fishing trip, you should see (faded out). If you spend hours on the Bay, you should see a lot of

adult menhaden schools. You need to let Secretary Riccio know if they're not there, and the same with the Board members. The menhaden simply are not there in the Maryland Bay. Thank you.

CHAIR BORDEN: Thank you, next speaker, Toni.

MS. KERNS: Jeff Dean, go ahead, Jeff. Jeff, if you'll put your hand up, I'll make sure you are unmuted.

MR. JEFF DEAN: I didn't mean to have my hand up.

MS. KERNS: All right, then you're good to go.

CHAIR BORDEN: Emilie, you're on, and congratulations on getting married!

CONSIDER DRAFT AMENDMENT 7 FOR PUBLIC COMMENT

MS. EMILIE FRANKE: Thanks so much, Mr. Chair, I really appreciate it. I will be taking over the presenter role at this time. As the Chair mentioned, I will start today's presentation on Draft Amendment 7 with just a brief background, the timeline, and overview of what's in the draft amendment document, and then I will transition to reviewing the draft options issue by issue, for the four main elements, and we'll pause for Board questions and discussion after each issue.

Throughout my presentation today, I'll note comments from the Advisory Panel on the scope of the draft options. As a reminder, as Mr. Chair mentioned, the Board action for consideration today is to consider approving Draft Amendment 7 for public comment. First, I would like to thank the PDT for all their time developing this draft document.

We've had numerous meetings and e-mails over the past few months, so again, I just want to thank all the PDT Members. Starting with a recap of the background here. Since Amendment 6 was adopted in 2003, the status and understanding of the striped bass stock and fishery has changed considerably.

The results of the 2018 benchmark stock assessment in particular led the Board to discuss a

number of issues facing management. That stock assessment indicated the striped bass stock has been overfished since 2013, and is experiencing overfishing. In August, 2020, the Board initiated the development of Amendment 7, to update the management program to better align with current fishery needs and priorities, and to build on the Addendum VI action to end overfishing, and initiate rebuilding.

In February of this year, the Board approved for public comment the Public Information Document or PID for Draft Amendment 7, and following public comment in February through April, the Board approved four issues for development in the Draft Amendment at the May, 2021 Board meeting.

Those four issues are management triggers, measures to protect the 2015-year class, recreational release mortality, and conservation equivalency. Here on the screen is the current timeline for Amendment 7. As I mentioned, the Board started this process back in August of last year. The PID would approve public comment in February, and after the Board approved the four issues for development in May, the PDT started developing the draft options.

At the last Board meeting in August, the Board provided some additional guidance to the PDT, and today we're here at this current step of reviewing the Draft Amendment to consider approving it for public comment. If the document is approved today, public comment would take place over the next few months, and the final Amendment could be approved as early as January, 2022, with an expected implementation date of 2023.

This timeline is subject to change per the direction of the Board. If the Board does not approve the Draft Amendment for public comment today, but instead waits until January, this timeline would shift back a few months. However, the expected implementation date of 2023 would likely stay the same.

As a reminder, also listed here, the next stock assessment update for striped bass is expected to be complete about a year from now in October,

2022. Listed here on the slides are the components of the draft amendment document. It's a pretty comprehensive document. Section 1 is the introduction and background section, and includes the statement of the problem, benefits of implementation, description of the resource and the fishery, as well as habitat considerations.

Section 2 includes the history of management, the goals and objectives of the Amendment, the management unit, a description of the reference points, and the stock rebuilding program. One note for the Board in Section 2 is that the state of North Carolina has requested some additional clarifying language be added to the draft, to further describe the Albemarle Sound Roanoke River stock. Staff will work with North Carolina to add that clarifying language. Moving on to Section 3.

Section 3 specifies the monitoring program information, including catch and landings information, socioeconomic information, biological data, and the overview of stock assessment. I just want to thank the Habitat Committee and the Committee on Economics and Social Sciences for their work to update those sections for the Draft Amendment. Section 4 of the Draft Amendment is the management program section, which includes the four-issue section, management triggers, recreational and commercial measures, habitat recommendations, as well as alternative state management regimes, which include conservation equivalency, as well as adaptive management and a few other sections listed on the screen. Draft Amendment 7 maintains the same FMP standard from previous management documents, except for those FMP standards related to the four Amendment 7 issues. Again, those are management triggers, year class protection, recreational release mortality, and conservation equivalency, highlighted in red.

One clarification for the Board to discuss is a clarification on how the Chesapeake Bay trophy fishery is characterized in the Draft Amendment, which I will note later on in the presentation. Continuing on, Section 5 is the compliance section, and includes the mandatory compliance element,

and outlines the compliance reports and procedures.

Section 6 describes the management and research needs, and Section 7 reviews potential interactions with protected species. As Mr. Chair mentioned, the next part of my presentation will be to review the draft options for each issue. After I review the options for each issue, I will pause, and have this question up on the screen for Board questions and discussion, or any proposed modifications to those draft options.

Again, I'll be going through the four issue sections listed here, as well as touching on the need for Board clarification on the Chesapeake Bay trophy fishery. In addition, I want to note that the Advisory Panel met on September 29th, to provide feedback on the scope of the draft options. I'll include the AP feedback throughout my presentation today.

The full AP meeting summary was included in supplemental materials. As far as general comments from the AP, the AP did note overall concern about the complexity of Draft Amendment 7, and the large number of options that are presented in the draft. The AP noted that this would be difficult to present at public hearings, and it would make the public comment process challenging.

With that I will move into the first issue today, which is management triggers, which is Section 4.1 of Draft Amendment 7. I'll start with the statement of the problem briefly for each issue. For management triggers, as stock status and fishery performance have changed over time, there are some shortfalls with how the triggers are designed that have emerged.

First, when female spawning stock biomass is below the target level, the variable nature of fishing mortality can result in a continued need for management actions. These shorter time tables for corrective actions are also in conflict with the Board's desire for management stability. The Board is sometimes criticized for considering management changes before the stock has had a chance to respond to the previous changes. Additionally, the

use of point estimates for management triggers does not account for an inherent level of uncertainty.

Finally, the long periods of below average recruitment have raised questions about the current recruitment trigger. The Plan Development Team divided the trigger option into four tiers. The first tier outlined the fishing mortality trigger option, second tier outlines the female spawning stock biomass trigger options, the third tier outlines the recruitment trigger option, and the fourth-tier outlines options for deferred management action if certain criteria are met. Within each tier is a set of primary options and a set of sub-options to consider. This tiered framework is really designed to provide the Board with the option to consider each individual existing management trigger individually. Starting with Tier 1, which is fishing mortality triggers. The Board must choose one sub-option within each of these primary options. Starting with Option A, that is the timeline to reduce fishing mortality to the target.

Sub-option A1 is the status quo option being required to reduce fishing mortality to the target within one year. A2 would be requiring to reduce to the target within two years, and A3 would require a reduction to the target within three years. Moving on to Option B, which covers the fishing mortality threshold trigger. Option B1 is the status quo option, where that trigger is tripped if F is above the threshold for one year. For the alternative sub-option B2, that trigger would instead be tripped if the three-year average of F is above the threshold.

Those are the two options for the F threshold trigger. Moving on to Option C, which is the fishing mortality target trigger. Option C1 is the status quo option, where the trigger trips if F is above the target for two years, and spawning stock biomass is below the target in either year. Option C2 would trip if F is above the target for two years, but spawning stock biomass is less than the target in both years.

Option C3 would trip if F is above the target for three years. Option C4 would trip if the five-year

average of F is above the target, and C5 would eliminate the trigger related to F target. Moving on to Tier 2, which are the female spawning stock biomass triggers. Again, the Board must choose one sub-option within each of these three main option categories.

Starting with Option A, which considers the deadline to implement a rebuilding plan once a spawning stock biomass trigger is tripped. The status quo option A1, is that there is no deadline for when a rebuilding plan must be implemented. Again, the rebuilding timeline is the stock must be rebuilt within ten years.

But currently there is no deadline for when a rebuilding plan itself must be implemented. Option A2 would require that the Board implement a rebuilding plan within two years from when the trigger is tripped. Moving on to Option B, which is the spawning stock biomass threshold trigger. B1 is the status quo option where the trigger is tripped if spawning stock biomass is less than the threshold for one year.

Sub-option B2 would eliminate the trigger related to the spawning stock biomass threshold. This option to eliminate this trigger recognizes that there does not necessarily have to be a trigger for both the SSB target and the SSB threshold, since managing to the SSB target is already more conservative, and there is the same management response for both triggers, which is rebuilding within ten years.

Moving on to Option C. Option C considers the SSB target trigger. B1 is the status quo option, where the trigger trips if SSB is less than the target for two years, and F is above the target in either year. C2 would also trip if SSB is below the target for two years, but the three-year average of F would need to be above the target. C3 would trip if SSB is below the target for three years. C4 would trip if SSB is below the target, and there is at least a 50 percent probability that SSB will be below the threshold within three years. C5 would eliminate a trigger related to the SSB target. Just note that there must be at least one SSB trigger, so the Board could not eliminate both the SSB target and the SSB threshold

trigger. There has to be at least one of those in place. Then finally, I just wanted to note some AP feedback here. The AP noted some concern about these options that would eliminate either one of the SSB triggers, given the importance of these triggers in the management program. I'll move on to Tier 3, which is the recruitment trigger.

The first component here for consideration is the definition of the recruitment trigger. The status quo Option A1 was designed to identify true recruitment failure, and would trip if any of the six juvenile abundance indices, so that would be for Maine, New York, New Jersey, Maryland, Virginia or North Carolina is below the 25th percentile of the reference period established by Addendum II for three consecutive years.

As requested by the Board, the recruitment trigger alternatives developed by the Technical Committee would be more sensitive in the status quo trigger, in order to alert the Board to periods of low recruitment. Those alternatives are designed to be an early warning sign of reduced productivity of the stock, following multiple weak year classes entering the population.

Starting with Sub-option A2. A2 would have a moderate sensitivity and would trip if any of the four core JAIs is below the 25th percentile of values from a reference period of 1992 through 2006 for three consecutive years. The term core JAIs refers to the four JAIs used in the stock assessment model, so that is New York, New Jersey, Maryland and Virginia.

Sub-option A3 would have a high sensitivity, and that would trip if any of the four core JAIs is below the median of values from that reference period of 1992 to 2006, or three consecutive years. That reference period for these alternatives, 1992 to 2006 was identified as a period of high recruitment by the Technical Committee, and changing that reference period results in these more sensitive trigger options.

This is Table 2 from the Draft Amendment, which shows when the status quo option, A1 and the alternative trigger options would have tripped,

those are the black shaded cells. The running green cells offer a comparison of whether the model estimate of recruitment was above or below the average each year.

You can see that the status quo option, in discussing columns here, tripped only once since 2003. Option A2, which is the moderate sensitivity option, would have tripped three times in that time period, and Option A3, which is the higher sensitivity option, would have tripped six times during this time period. The second component of the recruitment trigger is the management response. The status quo option B1 requires the Board to review the cause of recruitment, and determine appropriate action if the trigger is tripped.

Sub-option B2 would require the Board to manage the stock under a lower interim F target, calculated based on the low recruitment regime. This would include reducing fishing mortality to that new interim F target if F was above that interim target. That interim target would remain in place at least until the next stock assessment update, or a benchmark assessment is approved for management use. B3 would require the Board to adjust to an interim F target if SSB is below the target, and this interim F target would be calculated again using that low recruitment assumption, but it would be calculated specifically to rebuild the stock within ten years. These Sub-options B2 and B3 are intended to reduce fishing pressure as those weak year classes enter the population. Just to recap for the recruitment trigger. There are two components, and the Board would have to select one sub-option for Option A to actually define the trigger, as well as an option from Option B to define the management response.

Now I'm moving into the final tier for the management triggers, which is deferred management action. Option A in this tier is the status quo, which is no deferred management action. That is, if a management trigger is tripped at any time, the Board must take the corresponding action. The following alternative options would provide the Board the flexibility to defer action until the next stock assessment if certain criteria are met.

These options were developed in response to the Board's concern about the frequent need for management action. Option D here would allow management action to be deferred until the next assessment, if it's been less than three years since the last action was taken in response to a trigger. Option C would allow action to be deferred if the F target trigger is tripped, and SSB is above the target.

Option D would allow management action to be deferred if F target trigger is tripped, and SSB is projected to increase or remain stable over the next five years. Option E would allow action to be deferred if F target trigger is tripped and there is at least a 50 percent probability that SSB will be above the threshold.

Finally, Option F would allow action to be deferred if a management trigger trips after the Board has already initiated action in response to a different trigger. For example, this scenario might occur if the Board selects a new recruitment trigger that might be tripping on a different timeframe than the other triggers.

Just a note here from the Advisory Panel. AP members noted general concern about this suite of options. The AP noted that there is already public concern about the Board not responding quickly enough to management triggers, and that these options might delay the timeline for a response even further.

That covers the draft management trigger options. Again, as the Chair mentioned, here on the screen is that question for the Board, as well as a couple other discussion questions related to the range and clarity of options, and the viability of implementation for the Board's discussion. Mr. Chair, I'm happy to take any questions on the management trigger options.

CHAIR BORDEN: Thanks, Emilie, any questions for Emilie? Toni?

MS. KERNS: Giving the hands a second. I just have John McMurray.

CHAIR BORDEN: John.

MR. JOHN G. McMURRAY: Emilie just mentioned that the public seemed to overwhelmingly support less delay not more. I'm trying to understand how Sub-option A2 and A3, as well as the deferred management options. I'm trying to understand the rationale. I understand that we're trying to avoid a continuing need for management action, and shorter time tables for correction and action are in conflict with stability.

But I'm not sure where all that concern is coming from, because in the last 15 years between 2003 when Amendment 6 was adopted and today, those management triggers were tripped only twice, and both of those times we were overfishing or the stock was overfished or both. I would like to hear the PDTs rationale. I'm not going to move to have them taken out. I think we should probably include them for public comment. But I'm not quite where that concern is coming from, and I would like some clarity on that.

MS. FRANKE: As you mentioned, these options for deferred management action were developed to address the Board's concern about the continuous need for management action and the criticism the Board has received in the past for taking management action before the stock had had a chance to respond to previous management action. That was really the motivation for these options to try to address that concern as outlined by the Board. Again, the PDT tried to be very specific with what criteria needed to be met, or these options to be implemented.

MS. KERNS: I have no additional hands. I'm sorry, Mike Luisi.

CHAIR BORDEN: Mike.

MR. MIKE LUISI: Just one question about Tier 1, which is the F trigger, and under Option A there are three sub-alternatives. The first one is one year, to reduce F to the target in one year, two years or three years. Did the PDT discuss, let's just say that two or three years were determined to be the timeline for F to be reduced to the target?

Was there an expectation by the PDT that a state would implement measures over those three years to achieve reducing F to the target, or would it be more so in just one? I look at that and I think, if we had three years to reduce F to the target, are we taking consecutive actions over three years to get our fishery there, or are we going to work on something and implement it within those three years as a means to getting the F down to the target?

Because in the first example, it almost would seem as if it goes against the goals and objectives for stability. But if the PDT was thinking more along the lines of allowing the Board and the states additional time to reduce F to the target, that would make more sense to me. That is just a quick question. I've got a few comments along the way, Mr. Chairman, but I'll hold those for now. Thanks.

MS. FRANKE: Thanks, Mike. The PDT did not discuss how that action would be taken, whether it was one action in Year 3 or more of a gradual action over those three years. I think that would be a decision for the Board at the time the trigger is tripped.

MR. LUISI: Okay, thanks, Emilie.

MS. KERNS: Mr. Chair, you have one other hand, John Maniscalco.

CHAIR BORDEN: John.

MR. JOHN MANISCALCO: I guess I have a little bit of concern about how Option B and C, the F threshold and F target triggers work, when you kind of consider the timeline of assessments and management response. When you have to start considering longer periods, you know three-year averages of F, for example.

Could you please go over, for example, the timeline of receiving that assessment from 2019, the data that assessment included when the Board took management action, and how many years of fishing mortality we would be kind of basing our next decision on that reflects the current regime versus

before the Board took action, and I hope my question is clear. Thank you.

MS. FRANKE: Thanks, John. If my response doesn't address your question, just let me know. But the triggers would trip when the Board accepts an assessment for management use, or in the case of an assessment update, the Board does not have to adopt that for management use, so when those results are presented to the Board.

In the case of the 2018 benchmark stock assessment, the triggers were tripped in spring of 2019, when the Board approved that assessment for management use. I'm assuming, Katie, please jump in here, that if for example we're looking at this three-year average of F, these two options. Then in that case the terminal year of the assessment was 2017, so the trigger would be looking at a three-year average of 2015, 2016, and 2017 to determine whether that fishing mortality trigger was tripped.

DR. KATIE DREW: Yes, that is correct.

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

MR. MANISCALCO: Yes, please. I understand that okay, we're going to use the last two years of the assessment Fs to gauge whether or not we trip a three-year average at the threshold. I guess maybe I'm trying to think about the future. We're going to get an assessment in 2022, and I believe that's what was said.

I think we took management action, put the new slot limits for example, and those were implemented in 2020, so you would have 2020 and maybe 2021 under new management. But we might be taking action on the three-year F that doesn't reflect the fact that we had management like, you know scheme 1 for one year, and then we had management on scheme 2 for two years. Is that clear?

MS. FRANKE: Yes, and I think again, Katie, jump in here, but I think that's just without, we only have the most recent assessment, in terms of knowing

what the fishing mortality was, so we're still going to be working off whatever the terminal year is for the stock assessment. Depending on you know how close we are to the next assessment, and that kind of thing, we're only working off of what we have in the assessment.

CHAIR BORDEN: Any other questions, Toni?

MS. KERNS: No other hands.

CHAIR BORDEN: Okay, so at this stage we're going to move on to the issue of comments. I would like to hear a few comments from Board members. Are you happy with the way this is structured? Do you think it should be changed or not changed? If you want to change it, then propose a specific course of action. Those individuals who would like to speak to the point, please raise your hand. Toni.

MS. KERNS: Yes, just writing down names. Justin Davis followed by Mike Armstrong.

CHAIR BORDEN: Justin and then Mike.

DR. JUSTIN DAVIS: I was one of the proponents of keeping management triggers in this document, because I thought it was worth taking a look at developing some additional alternatives and evaluating them, and sending those out to the public. I'm concerned with what is currently in the document.

I agree with the general sentiment that this document as a whole is really complex, and has a lot of options. I'm concerned about effectively conveying all those options to the public in a hearing environment. I also just sort of worry about a general perception that by building all these options into this, it will create that perception that the Board is trying to find a way to sort of wiggle out of having to take conservative action for striped bass when necessary.

I feel like it would be in the Board's best interest to consider narrowing these lists of options down a bit. But I'm not prepared at this point to make a motion, because I would like to hear more of the discussion around the table. But that is sort of

where I'm at this point, is I would favor taking some time at this point to try to narrow this list of options down a bit. Thanks.

CHAIR BORDEN: Justin, I don't want to put you on the spot, but it would be helpful without making a motion, as I indicated before. I would like to deal with this by consensus if it's possible. I think it would be illuminating if we could ask Emilie to put up the list, and then you could just suggest what you think would be appropriate to remove. I think that would be helpful. You don't need to talk on each one of them, but just identify the issues that you think should be removed.

DR. DAVIS: Okay, I could take a shot at that. Under the F trigger options. I would be in favor of removing Sub-option A3, the three-year timeline to reduce F to target. Sub-option C4, the five-year average F above target. C5, no trigger for F target, and under SSB triggers, I would be in favor of removing B2, no trigger for SSB threshold, the C4 Sub-option, SSB less than target and greater than 50 percent probability of SSB being less than threshold in three years, and C5, no trigger for SSB target.

CHAIR BORDEN: Thank you for doing that. Mike Armstrong.

DR. MIKE ARMSTRONG: I could segue from what Justin said. I think Option A, I think in the interest of provisioning this down, this Board just needs to make some hard decisions, and put it in the document, rather than bringing it to public hearing. I think there is too much to bring here. Under that, I would get rid of Option A.

I think you've shown it clear that what's in Amendment 6, I guess it's in is with one year. We've heard it from the public before. I think most people on this Board probably feel, especially given the light that we've all been informed that the stock status is looking different in the last week, another bad recruitment year. I would say get rid of Option A, keep it a one-year response.

Under B and C, the problem is, you know the threshold and the target are 0.04 apart, and someone correct me if I'm wrong on that. I think

the target 0.2, the threshold 0.24. That is measurement error in a stock assessment, and so we're doing a lot to put out a bunch of options around the target.

I'm not going to suggest it now, but I'm going to throw it out there. Maybe we get rid of Option C, and we just go with the threshold, because it's really not much different than the target. That would simplify things a great amount. That is about as far as I've gotten so far, so I'll leave it at that.

CHAIR BORDEN: All right, thanks, Mike. Toni, anyone else with their hands up? We can go back to these comments later. I would just like to get the ideas on the board, so that people understand where other members are coming from. What other hand?

MS. KERNS: Mike Luisi.

CHAIR BORDEN: Mike.

MR. LUISI: Yes, thanks, Mr. Chairman. In line with Justin and Mike Armstrong's comments. I thought I would provide a comment regarding Tier 1 and Tier 2. I do agree, maybe not entirely with Mr. Armstrong, but more with Dr. Davis that A3 under Option A is probably too long of a time period for the public to be supportive of, in the event that it takes three years to get F down to the target.

In my mind that shows too much delay. I can agree though with the two-year time period, just given the new information as it becomes available. There are times when it's difficult within a year to make changes, and it could actually be the follow up year or the future year, when changes would likely be made at the state level.

I'll leave that Option A comment there. I also have concerns in Tier 1 and in Tier 2, both Option Cs in those cases, where there is a combination of fishing mortality and spawning stock biomass as it relates to a trigger. You know we're calling Tier 1 an F trigger, yet C1 and C2 combine spawning stock biomass as it stands in comparison with the target, as an indicator along with fishing mortality, as to tripping the trigger, as well as in Option C under Tier

2 for spawning stock biomass. We discussed spawning stock biomass being below the target for a number of years. But then again, we're adding in fishing mortality as well. I didn't like it in the previous amendment, and I don't like it here. I think it just adds more complexity than necessary. In my opinion fishing mortality is what you have ultimate control over, and if fishing mortality and spawning stock biomass are continue to be linked, based on the modeling and the actions that we take.

By focusing on fishing mortality we will achieve spawning stock biomass if we can maintain that fishing mortality at the target. I think we should consider eliminating C1 and C2 from both Tier 1 and Tier 2, to simplify that and not confuse the public any more than they would be if they had to look at all these options at the same time.

CHAIR BORDEN: Toni, anyone else?

MS. KERNS: No other hands at this time.

CHAIR BORDEN: Okay, so there are some similarities between the comments that were made. Let's deal with the Tier 1A. The suggestion was, I mean there were a couple of suggestions, and they're different. But the suggestion was to remove A3, three years. Any objection to doing this?

MS. KERNS: No hands.

CHAIR BORDEN: Okay, so three years is out. Then on Option B, anyone proposing any additional changes on that?

MS. KERNS: I don't have any hands.

CHAIR BORDEN: That stays the same. Then we're down to Option C. If I understand the comments that both Mike and Justin made, I think one of them recommended, correct this, Emilie, if I have it wrong, eliminating C4 and C5, and then I think the other one made comments on C1 and C2. Is that correct?

MS. FRANKE: Mike suggested removing C1 and C2. However, C1 is the status quo, so in that case I think

that would still have to go to public comment to look at alternatives to that status quo. But he did recommend removing C2. I think it was Justin recommended removing C4 and C5, and Mike, I was wondering if you could clarify if you meant to eliminate the F target trigger altogether, or to just keep a status quo for the F target trigger.

MS. KERNS: I think she meant Armstrong there.

MS. FRANKE: Sorry, Mike Armstrong, yes.

DR. ARMSTRONG: I guess I was thinking of eliminating it, only because we have set a threshold and a target so close, I don't think it's meaningful.

MS. FRANKE: Thanks, Mike.

CHAIR BORDEN: Okay, so we have to keep Emilie, what you said, we have to keep C1, is that correct?

MS. FRANKE: Right, that's the status quo option.

CHAIR BORDEN: Does anybody object to removing C2?

MS. KERNS: I have no hands raised. I think John Maniscalco wants to make a comment though.

CHAIR BORDEN: John.

MR. MANISCALCO: Not to derail from the F target conversation. I do think the F threshold for the trigger is really crucial. Kind of going back to where I was going with my earlier questions, could we modify B2 so that it's a three-year average or two-year average if that reflects the most recent management action, something to that effect.

CHAIR BORDEN: I'm still on the issue of C2. The suggestion has been to take it out, does anyone object?

MS. KERNS: No hands in objection.

CHAIR BORDEN: Okay, so it's out of the document. On C3, John, you want that changed to two years, or do you want to add a statement that says you can use two years under certain conditions?

MR. MANISCALCO: I guess my comment could apply to both B and C, but my issue is that we take action on current management not take some kind of action on a split management that represents a prior management scenario. That could apply for any time we're using a three-year average if we took management action, and the assessment only incorporates two years of the fishery under that most recent management.

CHAIR BORDEN: Any objections to doing that?

MS. KERNS: I have no hands.

CHAIR BORDEN: Emilie, if you can perfect the language that would be very helpful.

MS. FRANKE: Sounds good. John, I think what you're saying here is for B2 for the F threshold trigger that it would be looking at a three-year average of F, or in some cases a two-year average if there has been less than three years of a management action.

MR. MANISCALCO: That is correct, thank you.

CHAIR BORDEN: Then John, your suggestion was to modify C3 in a similar manner?

MR. MANISCALCO: It could apply to C3, I'm not sure I feel strongly about the target trigger, given Armstrong's comment.

CHAIR BORDEN: Okay, any changes on C3? If not, no hands up, we'll move on to C4. The suggestion is to take C4 out.

MS. KERNS: One second, Adam Nowalsky has a suggestion.

CHAIR BORDEN: Adam.

MR. ADAM NOWALSKY: I think the fact that B2 is still in blue, Mr. Chairman, do you intend to come back to that discussion more, because I'm not fully resolved on that item?

CHAIR BORDEN: We can do that right now if you would like.

MR. NOWALSKY: Specifically, I think I would prefer to see these either as two separate options, or have it broken down as some type of sub-option associated with B2, as to whether or not we're going to apply that. Because in my mind, to have an either/or in here, I think those really are, or the ability to select both. Maybe if we have them as two separate options here.

But for this particular section we have the ability to select multiple ones. I think in the interest of clarity, I would rather see these as separate options, and then again either language added that we could select both of them. But I just think this "or" aspect is going to add more confusion for the public, as we seek to whittle down options to add clarity.

CHAIR BORDEN: Adam, does that do it?

MR. NOWALSKY: It's awfully hard right to just take the words. I think staff is doing a tremendous job, quite frankly. I love this idea of putting some sort of white board in front of us, and erasing and doing it. All we need are some post-it notes around the screen here, and we'll have a real live conference room. I think staff's doing a great job. I think there is just enough there, welcome to other comments, wouldn't oppose if there needs to be some other wordsmithing moving forward. But I think this helps address my concern.

CHAIR BORDEN: Okay, so I'm going to leave that the way it is, and then move back to C4. The suggestion is to take C4 out. Any hands up, Toni?

MS. KERNS: No hands.

CHAIR BORDEN: Okay, so C4 is out. Any other changes on this slide? If not, let's move on to the next comment.

MS. KERNS: Justin Davis has his hand up.

CHAIR BORDEN: Justin.

DR. DAVIS: I just wanted to reiterate that I was suggesting removing C5 as well, and I don't think we reached a decision point on that.

CHAIR BORDEN: Okay, to Justin's point. Any objections to taking C5 out?

MS. KERNS: I have one hand up, or I have a couple hands up, Jason McNamee.

CHAIR BORDEN: Jason.

DR. JASON McNAMEE: Not necessarily an objection, just wondering, you know there was this notion of not having hard triggers at all. Per Emilie, we need to have the status quo option in there, so I wonder if we didn't want an F target trigger, if we need C5 in there or if it just defaults to C1 or C3? I wonder about, I'm just curious as to whether it's wise to remove C5. I'm fine if we do, I'm just wondering if that kind of, sorry for the pun, triggers us into one of the other options just by default.

CHAIR BORDEN: Emilie, to that point, please.

MS. FRANKE: If the Board's intent is to eliminate the F target trigger, which is Option C5. C5 needs to be in there as something that the public and Board would consider, which is eliminating this trigger altogether.

CHAIR BORDEN: Jason, have you got a follow up?

DR. McNAMEE: No, I'm good, thank you for that.

CHAIR BORDEN: Okay, so Toni, you had one more hand.

MS. KERNS: I'm not sure if this is residual or not, John Maniscalco.

MR. MANISCALCO: Thank you, it is not residual. I guess this is a question for the stock assessment scientists. A comment was made about measurement error, in terms of our ability to distinguish between F threshold and F target. I was wondering if anyone can comment on that, as to how much uncertainty there is in our F, and if there is overlap between F threshold and F target.

CHAIR BORDEN: Katie.

DR. DREW: Sure. I don't want to over promise, based on, you know we'll have to see what this next coming year of data says. But I would say they are distinguishable, depending on how much uncertainty or error you want to see in that last terminal year. I would say it's not that we can't, if you say okay, we're between the target and the threshold, we could be anywhere in there is not quite true.

I do think we have a fairly decent handle on the uncertainty, but it is true that there is some uncertainty about that stock status determination. But it depends on kind of where you are relative to those reference points, and how you're quantifying that uncertainty. I would not say it's that we can't tell them apart, but there definitely is uncertainty on that one.

CHAIR BORDEN: Toni, have you got any other hands up on this?

MS. KERNS: No other hands.

CHAIR BORDEN: Okay, so is there any objection to making the changes that are noted?

MS. KERNS: I have one hand up, Justin Davis.

CHAIR BORDEN: Justin.

DR. DAVIS: I just wanted to clarify. Did we make a decision about C5?

CHAIR BORDEN: I think you were recommending taking it out, and I did not hear a lot of objections to taking it out.

MS. KERNS: I had one hand up, Mike Luisi.

CHAIR BORDEN: Mike.

MR. LUISI: I was waiting for you to ask if there was any objection to taking out C5. I think in my opinion, based on the comments that we've heard so far, Mike Armstrong's comments and John Maniscalco's comments that I would prefer leaving in C5, which would then with further understanding about the statistical difference, and the ability of

the assessment to really differentiate between threshold and target,

I would prefer to leave that in, so that there is an opportunity for us as a Board to select C5, if we agree down the road that a trigger on F target is not necessary. I would hate to be bound by either C1 or C3 if it's ultimately determined that no F target trigger is needed. That's just my comment on taking that in or out, leaving it in or taking it out.

CHAIR BORDEN: Do we want to have both options in the document? In other words, take it in or take it out, would that do it?

MS. FRANKE: Mr. Chair, so I think if we leave it in that provides the option to keep enough target trigger or eliminate it.

CHAIR BORDEN: Okay, that's fine. Justin, does that address your point?

DR. DAVIS: Yes, thanks, Mr. Chairman. After hearing what John and Mike and Jay had to say, at this point I would support leaving it in the document. We've already managed to eliminate some options here, reduce the complexity a bit. I think it's fair to leave this in and send it out to the public to get their thoughts on it.

CHAIR BORDEN: All right, so Emilie, could you go to, I think this was all of the comments that were made on changes to this document.

MS. FRANKE: Yes, that's all I have.

CHAIR BORDEN: Does anyone else want to suggest changes to what Emilie presented?

MS. FRANKE: Mr. Chair, I do have a few changes for Tier 2, sorry.

MS. KERNS: I have Megan Ware with her hand up, and Mike Luisi, is that residual?

CHAIR BORDEN: Megan, on Tier 2.

MS. MEGAN WARE: Yes, on Tier 2 I would remove B2, which I think someone else suggested, the no

trigger for SSB. I would put that forward. I assume we'll get to the other tiers on subsequent slides. I'll hold on that.

CHAIR BORDEN: All right, any other suggestions before we discuss removing it or not removing it? Any other changes, C2, C4, C5?

MS. KERNS: I have no hands.

CHAIR BORDEN: Mike Luisi.

MR. LUISI: Yes, Mr. Chairman, my hand was up from before, but I'm happy to make a quick comment. I think my comment would be the same regarding C5 here. Leaving something in to allow the Board a decision on, well I guess it would be for B2 and C5. I think the Board would need to decide which triggers would be the most important.

I don't know, I would like to hear some other thoughts about having options in here for no triggers for threshold or target. I know we can't select both of them, but in my mind at least, it gives us an option, rather than being bound by the status quo, at least for B. For C, if we remove C5, we're going to be bound by either the status quo or C3. But thanks for calling on me again, I'll make sure to put my hand down this time.

CHAIR BORDEN: All right, so other comments on the suggested. The suggestions in red, it has been suggested to remove those. Comments on that.

MS. KERNS: I have no hands.

CHAIR BORDEN: Okay, any objections to removing those?

MS. KERNS: I have one hand, Adam Nowalsky.

CHAIR BORDEN: Adam.

MR. NOWALSKY: If I just understood Mr. Luisi's comment, I believe he was suggesting that B2 and C5 should stay in, if I understood him correctly. I would support leaving B2 and B5 in as well. If that was not his comment, then I think I need a little bit more clarification, and I might reconsider my

position. But if again, his comment was that he supported keeping B2 and C5 in, then I would offer that as another voice of support for keeping those in.

CHAIR BORDEN: All right, let's see if we can make some progress on the points that I think we have common ground. Does anyone object to taking C2 and C4 out? Any hands, Toni?

MS. KERNS: I have no hands in objection.

CHAIR BORDEN: All right, those two items are taken out of the document. We have a difference of opinion on whether or not B2 and C5 should be removed. We've got recommendations on both sides. Does anyone want to comment on that who has not commented?

MS. KERNS: I have John Clark followed by Roy Miller.

CHAIR BORDEN: John and then Roy.

MR. JOHN CLARK: I just want to agree with Mike Luisi and Adam Nowalsky that I think it's a good idea to keep those in there. That way we could choose one or the other, as is noted down there. There has to be one SSB trigger, but we may not want both, so that would be helpful.

CHAIR BORDEN: All right, Roy.

MR. ROY W. MILLER: John expressed my concern, thank you.

CHAIR BORDEN: Okay, so we had four speakers that have basically recommended leaving those in, and two that have recommended taking them out. Now that you've heard the discussion, both pro and con, is there any objection to leaving them in? Does anyone want to object?

MS. KERNS: I have John McMurray.

CHAIR BORDEN: John McMurray.

MR. McMURRAY: I'm not sure I'm objecting to leaving them in, but I have a clarification question. I

understand the rationale for wanting to leave these in, particularly Mr. Armstrong's rationale that target and threshold are very close to each other. That changes if we get new reference points, correct? I could be wrong, but we may have those with a new stock assessment. Is that a right way to think about this?

CHAIR BORDEN: Emilie or Katie to that point.

DR. DREW: I think the assessment update would provide new values for the SSB triggers and the F, but we don't expect those to change significantly, and probably the uncertainty around them would not change very much with the assessment update. If down the road the Board wanted to create a new definition for the reference points.

Maybe regional reference points or reference points that are more based on SPR or something like that through a benchmark assessment. That may also affect the precision or the confidence intervals around those reference points. But for the assessment updates in the near term, it's not likely to change kind of those confidence intervals or the level of uncertainty that we have around them.

MR. McMURRAY: That was helpful, thank you.

CHAIR BORDEN: John, not to put you on the spot, do you now have a position on that?

MR. McMURRAY: I see no reason to take it out at this point. But I will likely oppose it if it stays in.

CHAIR BORDEN: I think we've basically got a consensus to leave those two in.

MS. KERNS: I have Mike Armstrong with his hand up.

CHAIR BORDEN: Mike.

DR. ARMSTRONG: Yes. I'm okay with that, but I do think we need under C3. I think that language could be under B also. I think we should have an option to take a running need. I'm curious why that wasn't put in by the PDT.

CHAIR BORDEN: Emilie to that point.

MS. FRANKE: I think there you have the potential for overlap. For example, if we had that same trigger for both Option B and Option C, it's essentially the same trigger for both. I think the PDT was trying not to overlap, considering you might have both of these triggers.

DR. ARMSTRONG: Yes, to that point. I go back to the first one. Target is redundant to threshold. We should have triggered the threshold before the target, and if we get to the target triggers, we've done something wrong, because we should have done something at the threshold triggers. It's almost like we could throw out Option C. If we don't, we put in thresholds for these things and then we don't use them, by putting in a bunch of options that go for the target. I'm fine going to public hearing with this one, I'm just thinking it could be simpler.

CHAIR BORDEN: All right, are there any other changes to this? The items in red come out.

MS. KERNS: I have no hands.

CHAIR BORDEN: Okay, so we're going to move on to the next slide, Emilie, if you would please.

MS. FRANKE: Yes, Mr. Chair, here we have the summary of the recruitment trigger options.

CHAIR BORDEN: Thank you, are there any changes to this?

MS. KERNS: I don't have any hands. One hand, Megan Ware.

CHAIR BORDEN: Megan.

MS. WARE: Mr. Chair, I guess I'm looking for guidance here. I had sent a motion to staff that speaks in some ways to the management response, although it's a separate issue. If you feel it's appropriate to make that motion now, I can or I can wait until we get through the management trigger slides and then make it. But I do think it's most related to the management response options.

CHAIR BORDEN: Megan, let's take that up as a separate motion at the end of this, just keep going. I'll come back to you. Anything else on Tier 3 changes? If not, we're going to move on.

MS. KERNS: I have Mike Luisi.

CHAIR BORDEN: Mike.

MR. LUISI: I guess this is maybe for Emilie. Is there a way that we could quantify in some way this moderate sensitivity and high sensitivity under the recruitment trigger definition, rather than? In my mind, I mean correct me if I'm wrong, it establishes a new line based on periods of high recruitment and higher recruitment. It's going to draw the line that we currently use at the 25th percentile of the reference period.

It's going to draw it up. I just wondered if there is a way for the public, so that they can see how this relates to our current JAIs. I know you had that one table there, right. I guess maybe that is enough. Maybe I'm just speaking. I kind of had a question there about trying to quantify it, but maybe that table just speaks for itself.

I'll see if anybody else has any other thought. The whole concept of an interim or a new target, not a target. But the whole idea of adjusting that baseline for the JAI is just a little confusing, as to how high it really would go. Do you have any thoughts on that or not? I was confused by this a bit.

CHAIR BORDEN: All right, any other comments on this section? Any hands up, Toni?

MS. KERNS: No hands.

CHAIR BORDEN: Okay, we're going to move on, unless somebody wants to propose something different here. Okay, Emilie, if you could go to the next one, deferred management action, changes on this slide. We had general comments on this before, but are there specific recommendations to either add something or delete some of these?

MS. KERNS: No hands so far.

CHAIR BORDEN: Okay, let me ask one more time. Do we have any suggested changes? If not, they're going to stay like this.

MS. KERNS: No hands.

CHAIR BORDEN: Okay then we'll move on, Emilie.

MS. FRANKE: Thanks, Mr. Chair, that's all I have for management triggers.

CHAIR BORDEN: Okay, so I'm going to go back to Megan. Megan, would you like to make your motion?

MS. WARE: Thank you, Mr. Chair. I'll read it, and then if I get a second, I'll provide my rationale. **Move to consider a formal rebuilding plan for striped bass in Amendment 7 using methods described under "Management Response to Recruitment Trigger". Option 1 would be status quo F target. Option 2 would establish a F(rebuild) calculated at the F value projected to achieve SSB (rebuild) by 2029 under the assumption of the lower recruitment regime.**

CHAIR BORDEN: That's a motion, is there a second to that motion?

MS. KERNS: I have John McMurray.

CHAIR BORDEN: John McMurray, so Megan, do you want to offer any thoughts on why you want to suggest this?

MS. WARE: Yes, I think that would be good. We have this ten-year timeframe to rebuild the striped bass stock. But as a Board we really haven't formally developed an approach about how we plan to get there. Seeing some of the information about the lower recruitment values is making me nervous, in our ability to maintain the current F target and also achieve a rebuilt stock in ten years.

The current F target is based on average recruitment, and if we're experiencing recruitment that is lower than that, then that F target is not going to get us where we need to be.

We've seen this challenge with other species like herring or mackerel, kind of the challenges that recruitment assumptions can have on a rebuilding plan.

I do think it's a fair question to ask, you know is this an issue that gets included in this Amendment, or do we wait to trip one of the JAI triggers, and then consider action? My concern is that the longer we wait to address the recruitment assumptions underlying our F target, the more drastic our reductions may need to be in the future to meet that ten-year timeline. I would rather wait, rather than waiting for a JAI trigger to trip, and then adjusting F. I think it's a prudent choice to establish this rebuilding structure now in the Amendment. I also think taking action now would align with the upcoming assessment, as this would allow the TC to calculate that F rebuild in the 2022 assessment. I'll just close by saying, you know I completely understand that this is adding some complexity to the document, but in my opinion, I think this marginal increase in complexity is well worth it for the Board to signal to the public that we have a rebuilding plan for striped bass.

I also think that establishing a rebuilding structure could address some of the confusion that at least I had, regarding with how we deal with triggers under a poor stock status. I would envision our goal of maintaining F at F(rebuild) kind of taking precedence over triggers associated with an F target.

CHAIR BORDEN: Thanks, Megan. John, as the seconder do you want to offer any comments, and then I'll go to the Board.

MR. McMURRAY: Thank you, Mr. Chairman. I think Megan did a very, very good job of providing rationale on this motion. I would just add that the public has been very vocal on the need to initiate a rebuilding plan, and there has been some disappointment that thus far we haven't. I think it's time that we do.

CHAIR BORDEN: All right, so comments on the motion from the Board. Toni.

MS. KERNS: I have Mike Armstrong, Adam Nowalsky, Ritchie White, Jason McNamee.

CHAIR BORDEN: Mike Armstrong.

DR. ARMSTRONG: I think this is necessary and I support it, and I think a lot of it comes out what we learned in the last week that F at three years in a row now, I'm sorry, recruitment is low. We could have a scenario where we go through this process, and the moment we pass this Amendment we're going to have to start an addendum to start rebuilding, based on lower recruitment.

It's questionable whether we could get it all done and get it in by 2023. If we can't get it by 2023, we are way too late on getting it in. I support getting in it now. It does increase the complexity, and adds a whole other element to this Amendment, but I think we ought to do it. In fact, I think this is probably a lot more important than some of the other things that are in this Amendment.

CHAIR BORDEN: Okay, thanks, Mike. Adam.

MR. NOWALSKY: Building on Mr. Armstrong's comment about this adding complexity and adds a whole new item here. Where would this leave us on voting this out today? I think I would want to have the PDT to take some time to digest it, to see if these are the only options that are appropriate here to develop some content for the document that would go around it. What would be the intentions if we were to add this here with regards to actually voting it out for public comment today. Does including this offer an inherent element of delay until we can develop this to the point that we want? I almost think we're better served if we have interest in this as a Board. I feel like the motion today would be to consider a formal rebuilding plan for inclusion in Amendment 7, stop there, give the PDT time to work on it, bring another revised document out. But I would be interested to hear other thoughts on if this motion were to stand exactly as it was introduced, and if it was passed where that would leave us on our planned schedule.

CHAIR BORDEN: Yes, I guess my response to that, Adam is that to some extent how we treat this will depend on where we end up today. If we end up in the position that there are going to be a number of issues that may get referred back to the PDT for work, we certainly could do what you are recommending. As an alternative, if the Board wants to vote it out, then I think we still could ask for comments from the PDT. But it's a question of how we handle it, in terms of the document. Let me move on to Ritchie White.

MR. G. RITCHIE WHITE: I strongly support this motion, and the herring example is a perfect example. We certainly do not want to do what has happened to herring, and it certainly is recruitment. We have to pay attention to the low recruitment, and we have to be prepared to take the necessary action to make sure this stock does not get in a very bad situation.

CHAIR BORDEN: I've got Jason McNamee next.

DR. McNAMEE: I also really like the idea behind this motion. I have a couple of questions though. The first is just to clarify whether the lower recruitment regime would be defined, you know per the way it's defined in the document. I just wanted to clarify that, because the notion of lower recruitment regimes is a topic of discussion across species, and can be a pretty hot topic. I think it's something we need to be very specific about what we're talking about.

Then if the answer to that is yes, the issue that I see with the way that this is worded is, you know we're thinking about, this is an amendment so something that will persist for a while. A low recruitment regime, I think it's identified with a change point analysis, and it's a specific set of years. That's my concern is that we sort of have locked in on a new set of years, and it's kind of a notion of low recruitment is dynamic, so it could change.

I guess I like the concept here a lot. I wonder though if it needs a little more work, to avoid any sort of unintended consequences by adopting it at this point. Maybe Megan has already thought about this, and so I would be interested in hearing a

little more about those two questions, so thanks for the time, Mr. Chair.

CHAIR BORDEN: Megan, do you want to respond to Jason's point?

MS. WARE: Sure. I think at this point, Jason, I would use the regimes that are identified on Page 51, so it looks like it was, I think it's 2008 to 2007 was the regime for the low recruitment period. But I will note on Page 51, and Emilie can correct me if I'm reading this wrong.

But it sounds like during benchmark stock assessment, the TC would update that change point analysis to evaluate the definition of the recruitment regime. I would assume that whatever our next benchmark assessment is, which I don't believe is 2022, I think that's just an update. But that that change point analysis would be evaluated at a subsequent benchmark.

CHAIR BORDEN: Jason, have you got a follow up?

DR. McNAMEE: Maybe just quickly to say, maybe it is safe or not, in the short term to adopt this in the way that it kind of stands. I do think there are additional questions that could come up. For instance, you may need to rebuild during the period of time when we don't have low recruitment potentially.

You know depending on if there is some other dynamic pathway. I think it's safe enough to adopt this in the short term, but probably would need to be revisited at some point, and maybe through an addendum process, to kind of perfect it a little bit. But in the short term I think it could work.

CHAIR BORDEN: Toni, do you have any other hands up from individuals that have not spoken?

MS. KERNS: I have on the list Dave Sikorski, Tom Fote, Max Appelman, Justin Davis, and Mike Luisi.

CHAIR BORDEN: Okay, the first one, I can't read my own handwriting. The first one was.

MS. KERNS: David Sikorski.

CHAIR BORDEN: David, excuse me.

MR. DAVID SIKORSKI: I will say, me too, to Mr. Armstrong's comments and Ms. Ware's comments, and just highlight from the Chesapeake Bay perspective that in 2018 we had an unprecedented freshet, and saw the spread of blue catfish throughout the watershed, especially to the upper Bay, where key spawning happens in breaches of the spawning rivers.

I'm very supportive of this motion, and I just want to raise the issue that these invasive species which were first noted by Maryland's team in the upper Bay this year, and is reproducing, is a key factor here. Whether it be competing for forage and places to live, or simply eating juvenile striped bass.

It's something that's been on my mind and on the mind of a lot of anglers here in Maryland, as we continue to interact with blue catfish in areas of even moderate salinity. This is of the utmost importance to me, and I look forward to seeing the results, and really just flag that if there is a way to also consider natural mortality changes, I think it's really important to consider.

CHAIR BORDEN: Thanks, David, Tom Fote and then Max.

MR. THOMAS P. FOTE: My concern is when we look at recruitment in spawning stock biomass. You know we had some high recruitment in a couple years, with a spawning stock biomass not much different than it is now. It might be a little low, but not dramatically low. What we're seeing is there are other factors. I mean I just look at species like winter flounder, weakfish, where we basically are down to one fish, and we've been down there for about 15 years, and it hasn't done anything on the stock. We are dealing with other problems such as recruitment. The same thing with summer flounder, because summer flounder comes in and striped bass, when they're smaller, yes spawn offshore.

But they come in and survive in the bays and estuaries when they're very juvenile. They don't seem to be surviving the way they used to. Even

with the highest spawning stock biomass that we had when we had good recruitment with lowest spawning stock biomass. I don't know how you basically correct the problems, when there is no relationship or no proved relationship on the size of the spawning stock biomass based on the recruitment.

The environmental factors and the other factors like forage, becoming forage species for other species is affecting them. To try to say this, and we're actually going to do something like basic with the options, because the recruitment is low. It might have no effect at all on what the population does, as far as recruitment goes, and I hate spinning my wheels.

CHAIR BORDEN: Thanks, Tom. Max.

MR. MAX APPELMAN: I'm hearing a lot of support for this concept, and I think I support it too. But I'm a little uncomfortable with putting this out for public comment without the PDT giving it a fair scrub. I think we've heard some concerns or possible challenges of how this F (rebuild) would be used in the future.

I think that's a place where the PDT could really help out and just flesh out sort of the process for when this sort of F(rebuild) with the lower recruitment assumptions, you know when that would be needed versus if we're not in a low recruitment regime, for example. Just thinking that this is something we would consider codifying in an amendment. I would be uncomfortable putting this in the document at this step, without letting the PDT give it a good look.

CHAIR BORDEN: Justin.

DR. DAVIS: I appreciate the intent here. I all along have felt like the Board in retrospect we missed the boat a bit by not addressing that management trigger and formalizing a rebuilding plan back during the Addendum VI process. I also really like the attention here to acknowledging the reality that we're in a low recruitment regime for this stock right now, and we need to acknowledge that. I

have a couple of questions, which maybe might be clarifying, I don't know.

The first would be that Option 2 here talks about establishing an F(rebuild) that essentially acknowledges a low recruitment regime. My question is whether Option 1, the status quo F target. I don't know if the current F target we have could be considered as an F(rebuild) under an average recruitment regime, because I don't know if that F target was calculated such that it was determined to rebuild the stock by 2029. I don't know if that is the right timeline. That would be my first question is whether it's safe to assume that the status quo F target is synonymous with an F(rebuild) under an average recruitment regime. The other thing I'm trying to figure out is exactly how this would interface with the other section of this document, where we're considering potential changes to the ocean recreational fishery, to be implemented potentially in 2023.

We've got some regulation options in there that are intended to protect the 2015-year class. I think what I heard is the F values that come out of this assessment of a rebuilding plan, would be used following the 2022 stock assessment, to determine measures that we might need to implement under different recruitment regimes to rebuild the stock.

How would that work out if we approved the Amendment with some recreational measures to implement to 2023, but then we also go through this exercise with the assessment and these F(rebuilds) and determine some measures there. I guess I'm just trying to figure out how those two different processes would mate up.

CHAIR BORDEN: Megan, do you want to take any of those?

MS. WARE: Sure, I'll try to take both, and people can correct me if I misspeak. I think the first question is basically, does F target equal F(rebuild) under average recruitment. I guess I would say I don't know, we would need updated projections to know that. My understanding is that the F target it's set that if you held it there you should get to the SSB target.

I just don't know if you get there within ten years or a longer timeframe. I guess that would be a question for projections. The second question was, what happens if we take action in 2023? What does it do with this? I'll say, I have also struggled, Justin, with kind of how this Amendment and the assessment in 2022 align, because I think we're scheduled to take final action on the Amendment before we're going to see results of the 2022 assessment, which is kind of a weird position to be in.

But I think what we want to see in that 2022 assessment is what our F rate is at present. Then compare that to where that F (rebuild) is, and see what the difference is, right. It's kind of hard to speak without knowing what those two values are. If there is a difference and we needed to take a reduction, maybe we get there with that action we've considered in the Amendment or not. But I hear you on the timing part of that.

CHAIR BORDEN: All right, next person on the list is Mike Luisi.

MR. LUISI: I'll be very brief. I agree with just about everything that I've heard. I really like the idea of adding a rebuilding plan into Amendment 7. However, I do agree that this is something that I believe. I think Max and Adam Nowalsky and others made the comment that this is something that we should direct the PDT to help develop.

Possibly with additional options for F(rebuild) calculated as using lower recruitment, in addition to possible timeframe differences for that rebuild. While I support the overall concept, I think that we're at the point here that yes, the PDT did an amazing job getting us to this point here in this draft document. But I do think that additional work needs to be done, especially based on some of the questions that have been asked. I think we need to have a more full understanding and appreciation for what this means, before we send it to the public. I was thinking about possibly an amended motion here. But I don't have anything drafted yet. Maybe there will be some others that are thinking along the same lines. I do want to see this develop, but I

think the PDT needs to spend some time with it before we see it again.

CHAIR BORDEN: One option I think we have here is that almost all of the comments have been positive, with qualifiers, and the qualifiers revolve around the issue of having the PDT review it, and basically look at it and possibly work on it a little bit. That would not be problematic, if in fact we end up in the position where this Amendment doesn't move forward.

In other words, the issues are going to continue to get worked on for a few months until the next meeting. Then clearly, we have the time to have the PDT do that, which it sounds like there is a consensus that that would be desirable. We could temporarily table this, or table this to a time certain to the end of the meeting, when we know which avenue this is going to go, in terms of either moving forward for public hearing or basically continuing to work on it.

We will know that at the end of the meeting. I don't have any other suggestions, other than doing that, which would temporarily lay this issue on the side until the end of the meeting. Are there any objections to doing that at this point? Toni, do we have any objections?

MS. KERNS: I don't have any hands.

CHAIR BORDEN: Okay, without objections, we'll postpone the vote on this until the end of today's session.

MS. KERNS: If we could just get a motion on this on the screen, David, that would be helpful. We would need a maker and a seconder.

CHAIR BORDEN: Does someone care to make that as a motion?

MS. KERNS: I have Justin Davis with his hand up.

CHAIR BORDEN: All right, can the staff prepare the motion, please?

MS. KERNS: I think you need to clarify it's not the end of the meeting but until the end of the.

CHAIR BORDEN: Striped Bass Board meeting.

MS. KERNS: No, well David, because you would have to make it, it needs to be a part of the Amendment discussion. You don't want to end the meeting.

CHAIR BORDEN: It's Amendment 7.

MS. KERNS: Thank you, Emilie. Justin, are you making that motion?

DR. DAVIS: Sure, do you want me to read it into the record?

MS. KERNS: That would be great.

DR. DAVIS: Motion to table until the end of the Draft Amendment 7 agenda item.

MS. KERNS: I have a second from Marty Gary.

CHAIR BORDEN: Any comments on the motion? Any objections to the motion?

MS. KERNS: I see no hands.

CHAIR BORDEN: Okay, so the motion is adopted by consensus.

MS. KERNS: Roy Miller has his hand up.

CHAIR BORDEN: Roy.

MR. MILLER: Mr. Chair, one clarification for when we come back to this item. I may have missed this, but we're defining the recruitment regime as the Maryland JAI, am I correct in that assumption that we're ignoring the Hudson Index and the Delaware Index?

CHAIR BORDEN: Megan, do you want to comment on that?

MS. WARE: Sure, I may need to lean on others. But my understanding is the regime is more about the timeframe. I look to Emilie as to what defines that

timeframe, but the low recruitment regime is 2008 to 2017, actually.

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

MS. FRANKE: Thanks, Megan. Yes, the recruitment regimes, as noted in the Draft Amendment, are based on a change point analysis of the Maryland Juvenile Abundance Index, and that index is most closely correlated with the Age 1 recruitment estimate coming out of the stock assessment. I will also lean on Katie, if she has anything to add on this analysis.

CHAIR BORDEN: Katie.

DR. DREW: Yes, Emilie is correct, we based it on the Maryland JAI because of that strong correlation that is informing the models the best about overall coastwise recruitment. Then also, it had the longest time series out of any of our indices, so we're able to see more contrast in that series going back in time, prior to the 1980s, and get a better handle on what really is low versus high recruitment over the entire time series. That's why the index was used to develop that time period for this analysis.

CHAIR BORDEN: Roy, do you need a follow up?

MR. MILLER: Just a quick comment if I may, Mr. Chair.

CHAIR BORDEN: Certainly.

MR. MILLER: I understand that the Maryland Index best informs our analysis in this regard. However, I still think that it's possible during a period of low recruitment in the Maryland Index. It's possible that there may be some buffering offered by Delaware JAI and/or Hudson JAI. I wouldn't rule them out necessarily, and put all the reliance on the Maryland Index.

DR. DREW: Just to follow up on that real quick. I will say, so we're using the Maryland Index to develop that time period. But for this type of an analysis, we would be using the model estimate of recruitment, which would include information on

year classes in this other producer areas. Even if the Maryland Index is way below average from these years, the model may be able to buffer up some of that.

It may bring the average or the observed recruitment going into that SSB and that F(rebuild) calculation will have some of that information on those other recruitment indices when it calculates recruitment. The Maryland data is only informing the time period. Those other indices are informing the estimates of recruitment used to develop the F(rebuild).

MR. MILLER: Thank you for that clarification.

CHAIR BORDEN: All right, Emilie, do we have anything more on this portion of the discussion?

MS. FRANKE: I do not.

CHAIR BORDEN: Okay, so what I'm going to do is declare a five-minute break. It's almost three o'clock, so that you can get up and stretch your legs, and we will reconvene according to my watch at three o'clock.

(Whereupon a recess was taken.)

CHAIR BORDEN: All right, I would like to call the meeting to order again. Toni, are we all connected?

MS. KERNS: We are connected, David, ready to go.

CHAIR BORDEN: Okay, so Emilie, you're back on with the second element/issue to talk about.

MS. FRANKE: Sounds good, thank you, Mr. Chair. If okay with you before I get into that second element, I would like to briefly address this Board clarification for the Chesapeake Bay trophy fishery.

CHAIR BORDEN: Yes.

MS. FRANKE: As I indicated at the beginning of my presentation, the PDT noted an area requiring some Board clarification related to the Chesapeake Bay trophy fishery. Addendum VI specified that the Chesapeake Bay fishery is defined as all fisheries

operating within Chesapeake Bay. However, Addendum IV specifies that the Chesapeake Bay spring trophy fishery specifically is considered part of the coastal fishery or ocean fishery, for management purposes.

Addendum IV, just as a reminder, implemented measures to reduce harvest by 25 percent for the ocean fisheries and 20.5 percent for the Chesapeake Bay fisheries. The Addendum IV implementation plan for the Chesapeake Bay states were developed to reduce the Chesapeake Bay trophy harvest by 25 percent, consistent with this characterization of the trophy fishery as part of the coastal fishery for management purposes, since the trophy fishery targets large migratory coastal fish.

The PDT noted that some clarification is needed from the Board on how to characterize the trophy fishery for Draft Amendment 7, just because that language in Addendum VI was not as specific as the language in Addendum IV, so there was a little bit of uncertainty in how to characterize the trophy fishery. That's all I have, Mr. Chair, if there are any questions.

CHAIR BORDEN: Comments on that issue. Toni, any hands?

MS. KERNS: Giving it a moment to see if I get any hands here. I have Mike Armstrong followed by Max Appelman.

CHAIR BORDEN: Mike and then Max.

DR. ARMSTRONG: Just a quick question. If we were to return to the Addendum IV definition, what would we have to do in this document?

MS. FRANKE: I think the Draft Amendment 7 would just include that language from Addendum IV, specifying that the trophy fishery is considered part of the coastal fishery for management purposes.

DR. ARMSTRONG: Okay, it wouldn't go out as an option, it would simply be in the verbiage, and I'm going to throw that on the end as something we should probably do.

CHAIR BORDEN: All right, Max.

MR. APPELMAN: Maybe it will help me understand what makes the most sense if I knew where, if a fish was caught in the trophy fishery in the Chesapeake Bay, and was for example intercepted by an APAIS member. Would that fish be reported as being caught in Chesapeake Bay, or would it be part of the ocean, I think? Like, how is the catch of that fish used in assessment? I think that to me would sort of explain how we should be handling the trophy fishery, in terms of management.

CHAIR BORDEN: Any response?

DR. DREW: I guess I could take the first stab at it and say that yes, from the MRIP data alone. You know if we said a fish that was reported as being caught in inland Chesapeake Bay, i.e., inland Maryland or Virginia waters, would be recorded as part of the Chesapeake Bay catch, and a fish that was reported as being caught in state or federal waters would be reported as being from those two states, would be reported as being part of the ocean population.

I think previously the Chesapeake Bay states have gone through and sort of cleaned their data on the basis of timing and size of fish that are caught, in order to separate the sort of those spawning fish or those trophy fish out from the rest of the population, which could be an option if the Bay states wanted to continue that approach. But I don't think it's something we've done in recent years for the most recent assessment.

CHAIR BORDEN: We're back to the Board. Which language do you want in the document?

MS. KERNS: I have Tom Fote.

CHAIR BORDEN: Tom.

MR. FOTE: Yes, if I remember those right, it gave you a rattle when we did this. We basically awarded Maryland and Virginia in public river, 25 percent of the coastal migratory stock, so they figured that they spent that much time in Chesapeake Bay. That is where the trophy tag

program came out of. It's in Amendment 4, we have done nothing to change that, and since that's historically what it was, unless we do an amendment to basically take it away, that should be where we are doing, if I got this right.

CHAIR BORDEN: Anyone else?

MS. KERNS: I have no other hands. Mike Luisi.

CHAIR BORDEN: Mike.

MR. LUISI: I'll just clarify what we've done. I am interested in what the Board thinks about how we use the trophy fishery as a follow up for any management action. But when Addendum VI came out and reductions were needed. We used modifications to the trophy fishery as part of our overall reduction in Chesapeake Bay.

We shortened the season and we closed other periods of the early pre-trophy fishery to targeting, which added to our total reduction necessary within our conservation equivalency plan that year. We did it because it was specified in Addendum VI that those fish were considered a Chesapeake Bay fish.

I do understand that we went from Addendum IV to Addendum VI, and there was a change in the definition of that trophy season. The trophy fishery is targeting the migratory stock, so I'm just interested in what others have to say about how we move forward in Amendment 7. But I just wanted to give you a little background as to how we applied the necessary reductions needed under Addendum VI for the Chesapeake Bay.

CHAIR BORDEN: We're back on the same question. Which language do you want to include in the Amendment?

MS. KERNS: Pat Geer.

CHAIR BORDEN: Pat.

MR. PAT GEER: I wasn't going to speak to the definition, but I just wanted to say in Virginia we did away with our spring trophy fishery in 2019, as a result of the Addendum that was coming up. It was

a pretty small fishery. We only got about 0.25 percent savings out of that 18 percent that we had to come up with. But I'll concede to Mike and Marty about what they feel is the best definition to use.

CHAIR BORDEN: Does anyone else want to comment?

MS. KERNS: I'm waiting for hands. Mike Armstrong.

CHAIR BORDEN: Mike. I'm giving you a second bite of the apple.

DR. ARMSTRONG: Yes, very quickly. I mean it comes down to the trophy fishery, will it be subject to whatever rules they want to apply, or will it be subject to whatever we pick for the coastal slot limit or whatever it comes out to be? Because they are the same fish, coastal migratory, I think they should be treated as coastal migratory fish, have to follow the rules that we put in in this Amendment.

CHAIR BORDEN: You're recommending Addendum IV then.

DR. ARMSTRONG: Correct.

CHAIR BORDEN: Okay. Anyone object to that?

MS. KERNS: We have Mike Luisi with his hand up.

CHAIR BORDEN: Mike.

MR. LUISI: No so much in principal that I object, but the trophy fishery in our state is a two-week period of time, and we tried to do what Mike Armstrong suggested years ago, which is to have a slot limit for that trophy fishery, and it was a disaster. Right now, we have a minimum size, I think of 35 inches maybe, 36. I can't remember off the top of my head. But applying the coastal fishery regulations to that spring trophy season, without any flexibility, was a major problem for us in the Bay.

I would hope that there would be some tolerance for some flexibility, even if the definition is that those fish are considered part of the coastal fishery.

I just can't imagine going back and putting a slot limit in. People see a trophy season as being something where, you know you're throwing back the largest fish during a trophy season, which a trophy is defined as a certain size limit. It makes it really difficult for us to maintain that season, maintain that fishery, if we had to go back to what we have on the coast with a slot limit. I'll leave it there. It's more of a management concern than the definition, which makes sense. They are coastal migratory stock, but it's a management issue on our end.

CHAIR BORDEN: Anyone else?

MS. KERNS: You have Tom Fote.

CHAIR BORDEN: Tom Fote.

MR. FOTE: Mike, I understand your point. But do you understand that a lot of fishermen up and down the coast, some of them stopped fishing for striped bass, because they really fished for a trophy fish, and since they did that, they moved on to other fisheries. That was important to a lot of the coastal migratory tournaments and everything else. We all had to bite the bullet, because these men move fast. If you're going to treat it as a coastal migratory, we need to consider that. They probably need to be under the same regulations that we're all suffering with.

CHAIR BORDEN: My suggestion is we use the Addendum IV language and, in the minutes, note the concern voiced by Michael Luisi. Any objections?

MS. KERNS: I see no hands.

CHAIR BORDEN: Okay, so next issue, Emilie.

MS. FRANKE: Moving on to this next set of draft options, and these options address protecting the 2015-year class. These options are listed in Section 4.2.2 of Draft Amendment 7, which is the ocean recreational fishery section. Starting with the statement of the problem here. It was raised by stakeholders and the Board that protecting

emerging strong year classes is important for stock rebuilding.

There is some specific concern that the 2015-year class, which is the strongest year class observed since 2003, is entering the recreational ocean slot limit of 28 inches to less than 35 inches. That was implemented by the majority of states under Addendum VI in 2020. If that slot limit is maintained, the 2015-year class may be subject to high recreational harvest for the next several years while that year class is within the slot.

That potentially reduces its ability to help rebuild the stock. Then also, while outside the slot limit, the 2015-year class would still also be subject to recreational release mortality. The following options in this section consider whether to change the ocean recreational fishery measures to protect these strong year classes.

The status quo option of 28 inches to less than 35 inches with a one-fish bag limit, as I mentioned was adopted under Addendum VI, to achieve that 18 percent reduction. That is Option A, the status quo option. Option B and C were also actually considered as part of Draft Addendum VI. They were also projected to achieve at least an 18 percent reduction. They were considered here as part of Draft Amendment 7, in the context of providing some protection for the 2015-year class. Option B would implement a 35-inch minimum size limit with a one-fish bag limit. Option C would implement a 32-inch to less than 40-inch slot with a one-fish bag limit. Then the final two options here are Option B, which would implement a narrower slot limit of 28 to less than 32 inches, and Option E, which would implement a coastwide moratorium on recreational harvest.

This needs to be clarified in the document, but the PDTs intent is that this moratorium would apply both to the ocean region and to the Chesapeake Bay, so it would be a moratorium on all recreational harvest. I just wanted to note some feedback from the AP, just some general concerns about considering these size and slot limit options.

Some AP members noted some concern from the for-hire industry about these larger minimum size options, and these larger slot options. There was some support for the simplicity regarding compliance and enforcement, when considering a larger minimum size option, and some AP members also noted some concern about higher discards associated with slot limits.

Just a little bit more detail on Option E, which is the coastwide harvest moratorium option. There were a few different sub-options for how long the moratorium would be in place. When the moratorium ends, the status quo recreational measures would be re-implemented. For Sub-option E1, the moratorium would be implemented through 2024.

If Amendment 7 is implemented in 2023, that would be a two-year moratorium, continuing on with that 2023 implementation assumption, E2 would be a three-year moratorium, E3 would be a four-year moratorium, and E4 would be a five-year moratorium on all recreational harvest both in the ocean and the Chesapeake Bay. The longer the moratorium is in place, as noted in the draft options, a higher percentage of the 2015-year class would be protected from harvest once that status quo options are implemented at the end of the moratorium.

In their discussion for this issue, the PDT noted that both the 2017- and 2018-year classes were also above average in multiple JAIs, and so the TC recommended including those two-year classes in this analysis as well. Each of the alternative size and slot limit options that I just reviewed were analyzed in terms of the protection from harvest provided each year class.

That is indicated by the percent of each year class that is estimated to be outside the size of a slot limit, so the percent of fish that could not be harvested. The TC noted that while changing the size of slot limit might protect a year class from harvest in the near term, it's important to develop soft reductions to look at the potential impact on total SSB and stock productivity over time.

This is Table 4 from the Draft Amendment, and this shows the estimated mean, striped bass size at age based on age data compiled from the last stock assessment. It's important to note here that this is just a mean size at age, and the size is highly variable along the coast, and there is a lot of overlap among the age classes. This is the table, Table 5 from the Draft Amendment that shows the percent of fish in each year class that would be protected from harvest for these various size and slot limit options. Again, this is the percent of fish that cannot be harvested for each option. It's important to note here that this level of protection from harvest will change over time, as the fish age. For example, looking at Option B, 35 is minimum size limit. This would provide the 2015-year class that column circled in red here. There is more protection from harvest in 2023, with about 83 percent of the surviving 2015 protected from harvest in the ocean, as compared to only 33 percent protected from harvest under the status quo option in 2023.

But again, this level of protection will change over time as those fish age. That level of protection from the large minimum size limit will decrease as those fish get larger and larger, and reach that minimum size. The projections that were developed for each size and slot limit option, estimate the change in total female SSB for all year classes, as compared to the status quo.

This is again to target just that question of how the size or slot limit options might affect overall stock productivity. These projections assume that the stock is fished at the target fishing mortality rate over time. The projected change in total SSB looking at each of these options, as compared to the status quo, only range as a small amount, seeing only about a 2-4 percent change, depending on the option.

These projections indicate that the stock recovery timeline for each of these size or slot options would be the same as the recovery timeline for the status quo option. Again, it's important to note for all the options that there is some uncertainty around how angler behavior and effort would change in response to a change in the size in the slot limit. If

the Board selected an alternative size or slot limit, Options B through D that I just reviewed, the Board would have to consider whether or not conservation equivalency would be permitted.

That is captured here in this Tier 1 set of options that the Board would need to consider. Under Option A CE would be permitted. Considering any other CE restrictions that we'll discuss later in the CE section, and under Option D, CE would not be permitted for any of these alternative size or slot limit options. As noted in the Draft Amendment, these options do not apply to the moratorium option, as drafted that option would not allow CE for a recreational moratorium.

Another consideration for this section under Tier 2 here, is considering how Addendum VI conservation equivalency program that split the 18 percent reduction between sectors would be affected by changing the recreational status quo. If the Board selected either a different ocean size or slot limit, or if the Board selected a coastwide moratorium, the Board would need to consider how it would impact those CE programs that combine recreational and commercial measures to achieve the 18 percent reduction.

Specifically, those CE programs that implemented a less than 18 percent reduction in commercial quota, which was offset by a larger reduction in recreational removals. If the recreational status quo changes, the Board needs to consider whether those commercial quota reductions implemented for those CE programs would carry forward.

Under Tier 2 here, Option A is that the commercial quota levels implemented through those CE programs would carry forward for the commercial quota levels implemented through those Addendum VI CE programs would be continued forward, and this would result in some commercial quota levels that should be less than an 18 percent reduction from Addendum IV quotas. Then Option D here is that the commercial quota levels implemented through those CE programs would not carry forward. Under this option those states would be subject to the quotas outlined in the commercial quota section.

This is Table 6, associated with those Tier 2 options, just showing the base quotas and the CE adjusted quotas. Again, if the recreational size limit status quo changes, or the Board selects a moratorium, the Board would need to consider which of these CE adjusted quotas would carry forward. That's all I have for this issue, Mr. Chair. I have the discussion questions up here on the slide again.

CHAIR BORDEN: Okay, thank you, Emilie. Comments on this section.

MS. KERNS: I have Justin Davis, John McMurray, Tom Fote, David Sikorsky, and Megan Ware.

CHAIR BORDEN: Okay, thank you, Toni. Justin.

DR. DAVIS: I think this question is for Dr. Drew, and it has to do with the projections that were done here to compare the different potential regulation options, and their potential impact on SSB (rebuilding). You know I feel like one essential argument we were having during the Addendum VI process was about a slot limit versus a minimum length.

You know proponents of a slot limit, like myself, sort of suggest that what you're essentially doing is declaring a moratorium on all but probably four or five age classes in the population, and that by doing that you're going to hopefully sort of broaden the age structure and have proportionately higher abundance in those larger, older, age classes that anglers find so desirable. Proponents of a minimum length would say you're focusing too much fishing mortality on a narrow band of age classes, and essentially not enough fish are going to make it through the slot.

Overall, you're going to have a negative effect on SSB, and you're not going to have enough fish make it through to have a lot of fish in those older, larger age classes. I view that as sort of like two competing hypotheses, and I think another one that's arisen here is this hypothesis that protecting the 2015-year class is essential for rebuilding the stock.

As I've heard it framed in some quarters, the 2015-year class is our last best hope to rebuild the striped bass stock, and if we fail to protect the year class, we're sort of doomed to failure. I don't know that anyone has really advanced an alternative hypothesis to that, but it's certainly the motivation for the work that was done here. When I looked at the draft amendment and the projections, I guess I was kind of surprised at first to see that, you know as it was noted on Page 56, and I think this was in the slide too.

Projections also indicate that the stock recovery timeline is the same for all four options. I think it's tempting at first to look at Figure 3, and look at that and say, oh it looks like the 35-inch minimum really provides a much greater chance of rebuilding SSB. Then you look at the Y axis and it's essentially a 4 percent difference than the status quo over a projection that goes out to 2032. I think that's sort of probably within the margin of error. I guess I was surprised at first to see that essentially there seems to be no difference between a slot limit and a minimum length, with respect to where we're going to end up with at SSB, 2032. Also, that there does not seem to be evidence from these projections that measures that are more protective with 2015-year class are going to help us rebuild SSB better or faster.

Thinking about it, I guess it might be reasonable to think these projections aren't that useful in looking at that first comparison of the slot limit versus minimum length. Because this is just SSB, it's not talking about the packets that SSB comes in. This isn't looking at age structure. It's just overall SSB, we can't determine whether there is more fish in those older, larger age classes like we might expect from the slot. But for the second one, the 2015-year class, I guess what I'm interested in knowing is to what degree.

Do these projections suggest that protecting the 2015-year class, or being more protective of it than the 28 to 36 slot isn't beneficial overall? You know largely to achieving our SSB rebuilding timelines, or are there reasons to think these projections are not really that informative of what we might actually get out of changing the regulations. I apologize, I

know that was sort of long-winded. But that is my priority question.

CHAIR BORDEN: Thanks, Justin. Katie, do you want to take a shot at some of those? I think that it's probably in your area of expertise.

DR. DREW: Sure, I can take a shot at it, and we'll see if anything useful comes out. I would agree that I think these projections show that sort of, basically the projections were really focused on, if we change the selectivity of the ocean fishery, is there going to be a benefit to the stock? You know as you said, you focus more fishing mortality on the oldest and largest classes as more of them survived those age classes first, or do you focus in on a smaller component, and let more of them survive afterwards?

These projections seem to indicate that it doesn't really matter that much for that total SSB. You're right, we haven't looked at, we didn't break this down by age class. I think in the TC memo that is not part of this, there was some information on how it affected 2015 versus some of those other year classes, and there were some small differences there, in terms of one option would protect 2015 more, and other options would protect '17 and '18 more.

Those kinds of questions are really tinkering around the edges. The big thing that is going to be driving whether or not you recover, is what you can do about the total F and total effort. For these projections we're assuming that we're going to maintain, we're going to be able to stay at F target going forward.

I think maybe we would see something different if we assumed that one set of regulations would lead to more or less effort than the others. But really, what's driving these differences is the effort, the overall fishing mortality, and less about how you are applying it to specific age groups within the population. Also keep in mind that we're still assuming the Chesapeake Bay fishery is unchanged for this, and there is still release mortality on fish that are outside the slot or fish that are below that minimum size. It's not like those fish are

completely protected either. Basically, all of that adds up to say the uncertainty about our projective and about recruitment and what that's going to be, and things like that. You know any kind of benefit or detriment to those selectivity changes is really washed out by some of that uncertainty and the larger, overall importance of fishing mortality for the population. That is kind of why you are seeing some of the results that you're seeing for these projections. If there is additional stuff that the Board would like to zero in on, on some of these questions,

I think we can definitely take some guidance on that. But really it seems to be saying that selectivity measures to protect a specific year class, especially one like 2015, which already will have experienced eight years of fishing mortality by the time we even implement these changes, isn't going to give you as much benefit as something that reduces F on the population as a whole. I hope that helps, I'm also happy to expand on anything if necessary.

CHAIR BORDEN: Justin, do you want to follow up?

DR. DAVIS: If you wouldn't mind one quick follow up, Mr. Chairman, thanks. Dr. Drew, do you expect that these sorts of projections might be more informative if they were done during the assessment update that's coming in 2022, because then we would have some information about how the fishery performed under the slot limit since we had implemented it?

DR. DREW: Yes, absolutely. I think that's part of why we didn't show any of the absolute trajectories coming out of this, is that these selectivity curves are based on kind of this length-based approach of trying to figure out how many fish are going to be vulnerable to the fishery based on size and growth, which is really very different from how the assessment model is figuring out that selectivity curve.

I think those results are not directly comparable to the model results. I think they are informative for this kind of a question, and they are the best that we could do with what we have. But for sure, we would get better information once we can do that

assessment update with a couple of years under the new management regulations, and see what actually shows up in the data.

CHAIR BORDEN: Next, I have John McMurray.

MR. McMURRAY: Are we limiting this to questions now, or are you taking comments on whether or not options are viable for implementation?

CHAIR BORDEN: Both at this point.

MR. McMURRAY: Okay, so I would like to comment on Option E, the harvest moratorium. I have some real issues with it. First, it's limited to the recreational sector instead of requiring ocean sectors to share the burden. I would like to hear some rationale on that. But it's for that reason, but not that reason alone, that it's not a politically viable option.

Not only would the recreational folks lose their minds if we went down this road, but it would effectively kill a lot of charter business very quickly, and for what? Do we even know what sort of impact it will have? Right now, the PDT can't even provide an idea of how a moratorium would impact the stock, and whether or not it might significantly accelerate rebuilding, because we don't know how much recreational fishing effort would change if anglers can no longer kill bass. Nobody knows how much is fishing mortality now, until the recreational landings are converted to release mortality if a moratorium was proposed. Furthermore, I'm struggling to understand how anyone here believes that given the current state of the stock that such drastic action is actually needed.

As depleted as the stock is today, the current SSB is between 3 and 4 times as large as it was in the early eighties. The Commission managed to rebuild the bass population by 1995, without ever completely closing the fishery. I would like to see that go away. I would like to hear what some of the other commissioners think about that.

CHAIR BOREN: I've got Mike Luisi.

MR. LUISI: This may be a first, but I completely agree with John, on the idea of Option E. It's just not a viable alternative politically, and for management purposes I think there are too many unknowns within Option E, as to what progress we'll make and what results will come from a harvest moratorium versus a full-scale moratorium across all sectors. This option as written would pit the harvesters against the catch and release fishermen, and the charterboat industry would take an enormous hit.

One of the questions that Emilie asked is, is this a viable option for implementation, and my answer to that question would be no. I would prefer that the moratorium option be stricken from this, and we focus on the slot limit options in the ocean, which we know based on science, those slot limits will have an effect. But to protecting, based on the goal of this section of the amendment, to protecting the 2015-year class. Thanks for the time.

CHAIR BORDEN: All right, Emilie, before I call on the next speaker, could you put up the options, please, and then highlight the one in red that the suggestion is to take it out? Okay, next I have, let's see, David Sikorski. David.

MR. SIKORSKI: Dr. Drew's comments triggered a lot of different thoughts I've been having, especially after seeing the TC and the PDT discuss that they're looking at the 2015-, 2017-, and 2018-year classes in their analysis. I think that's the right thing to do, and I think something missing from this section completely is the Chesapeake Bay.

When we see Chesapeake Bay defined in 4.2.1 it's 18 inches or greater, and that doesn't even accurately describe our CE proposal, which we're currently fishing under, which is a 19-inch minimum for private anglers, one fish. A 19-inch minimum for those on for-hire vessels, two fish. Just for the clarity for the public, I think I would like to see those pieces highlighted.

As it relates to this analysis that we've done for this 2015-year class, I think it's important that we look at a Chesapeake Bay analysis, not just in the ocean view of these year classes, because the 17s are in

our fishery, the 18s are on their way in. They are probably in the commercial fishery at this point, with an 18-inch minimum in the commercial fishery, and eking their way into the recreational fishery. I think we're missing; you know as we were talking earlier about recruitment. That is great, we need to look at these juvenile fish and see what they're doing. But I think a big piece we're missing in our knowledge base here, without an updated assessment, of course, is what happened to those fish between year one and when they're leaving the Chesapeake Bay. It's been a longstanding concern. There have been changes.

I don't know enough about what we used to do here in the Chesapeake Bay, but I remember the term exploitable biomass. I think that's kind of what this analysis does for the coastal fishery, makes us understand what regulations might impact certain year classes, and again, I feel like we're missing that for the Chesapeake Bay.

Definitely for the recreational fishery, and that's what we're talking about here, but also the commercial fishery, to better understand that selectivity, because the quota doesn't tell the whole story, especially when we're really looking at these year classes and really looking at these recruitment challenges that are occurring.

I think we're a bit blind in that section. I did offer a motion or provide a motion to staff related to this topic, and I would like your judgment on it, if this would be the right time for that, or maybe we wait until everybody else goes, similar to like Megan did, and consider it at the end. But ultimately, I would like to add an analysis related to the Chesapeake Bay, if it's the right time.

CHAIR BORDEN: David, I would like to handle it the same way I did for Megan, so I'll come back to you.

MR. SIKORSKI: Thank you, Sir.

CHAIR BORDEN: I've got Megan Ware, the last one on my list.

MS. WARE: My question was actually encompassed in Justin's question, so I'll pass.

CHAIR BORDEN: Okay, so Toni, do you have any other hands up?

MS. KERNS: I have one additional hand, Roy Miller.

CHAIR BORDEN: Roy, you're up.

MR. MILLER: I would just like to quickly add my support for the Option E suggestion from Mike and John. Speaking from the standpoint of someone who was on the Striped Bass Technical Committee in the late 1970s until the late 1990s, during the period of recruitment failure in the late 1970s and early 1980s through the moratorium years. We are in a vastly different state today, with regard to the striped bass stock, than we were during the period 1985 through 1989. I don't think a moratorium should be on our option list at this point in time.

CHAIR BORDEN: The vast majorities of the speakers have spoken in favor of taking out Option E. Is there anyone here that objects to doing that?

MR. FOTE: Dave, I had put my hand up. I don't know why I was on the list and I all of a sudden disappeared.

CHAIR BORDEN: Tom, that's never happened to you before, so I'm going to recognize you.

MR. FOTE: It's interesting, I thought what John is saying, what Roy is saying. We are all diverse in how we feel about this fishery. But this fishery is totally different than when we rebuilt it in the seventies and when we started rebuilding it in the eighties. Back then we were basically, there was not a huge fishery on it like it is now.

Most of the mortality was not coming from the catch and release fishery, as it is now in the recreational fishery. What we did was protect the year class until it spawned, and moved the size limit. I remember, we did it by statute. I had to go every year to Trenton to raise the size limit one inch or two inches at a time.

I made like nine trips, and one of the Chairmen of the Committee refused to hear it anymore, so I had to move it to the Veterans Committee instead of

the Fisheries Committee. I'm looking at this and I'm saying, what are we doing? I mean the economic impact if any of these were put in place, so we're basically getting into a disaster.

Also, what are we really doing? We're going to increase the catch and release mortality, which is the major part of this fishery to begin with right now in the recreational sector. We're not addressing that problem that we made the circle hooks and we did so many different tweaks to it, that I don't think it's going to produce what we thought it was going to produce.

It's also going to be very hard to enforce. I'm looking at this and saying, what are we actually doing here, except spinning our wheels? I'm just completely devastated that after 35 years of bringing striped bass back. It's more than one effort. This is a lot different spawn. Our spawning stock biomass was big enough in 2014, 2017, 2018 to produce great year classes.

We're having an environmental problem and a problem in Chesapeake Bay, and maybe it's not surviving because of the catfish or some other fish. I don't know. But we might have a different thing going on. It was a certain period of time that when the Chesapeake Bay was having problems, that when we were doing the tagging studies that Wilson was doing.

We were actually, they were projecting that 50 percent of the coastal migratory stock were actually coming into the Delaware and the Hudson River. This fishery is totally different than it was in the eighties, just by the way people catch fish, how they release fish, and the numbers of fish we release. But we've got to look at it a little different than we did back then.

CHAIR BORDEN: Thanks, Tom, does anyone object to removing Option E from the document? Toni, are there any hands up?

MS. KERNS: I have John Clark and Marty Gary and Tom Fote with their hands up.

CHAIR BORDEN: Okay, so Tom's already spoken, so I'm going to go to John Clark and Marty.

MR. CLARK: I'm sorry, Mr. Chair, it wasn't to oppose for that, it was just for a clarification. I just wanted to ask Emilie. It isn't clear that Option B through D, if those were kept, whether approved recreational conservation equivalency programs from Addendum VI would continue with those options.

We discussed keeping the division between recreational and commercial. But for example, we had a special summer slot season on striped bass in Delaware, which is currently approved under Addendum VI, and I just wanted to clarify whether that would continue under these other options.

CHAIR BORDEN: Emilie, to that point.

MS. FRANKE: Thanks, John. The Board would need to consider that very question, how conservation equivalency would apply if the Board selected a different size or slot limit.

CHAIR BORDEN: All right, so I'm going to go back on the list, Marty.

MR. MARTIN GARY: No objection to removing Option E. I just wanted to make sure we noted, and I'm sure everybody on the Board on this call has, that during the public comment period there was a significant number of people that weighed in, mentioning moratorium and the consideration by this Board.

At the same time, what was going through my mind as I listed to Roy and Tom, was there is a significant number of people that sit on this Board, that have a lengthy baseline of experience and knowledge that goes back prior to the moratorium period, that a lot of people are referring to. Tom and Roy just related their experiences. I know personally, I started my career in 1985, when Maryland initiated its moratorium, I was working as a biologist for them.

I think the common theme is, is here and now the same as then? I think universally, everybody that we talked amongst ourselves that knows that timeframe very well acknowledges it, no it is not.

John McMurray, you also mentioned it as well. I just wanted to make sure we knew, we were paying attention and were listening to those folks in the public comment period. We did hear you, and we all contemplated that, I think. But no objection, Mr. Chairman to removing Option E.

CHAIR BORDEN: It sounds like there are no objections to removing it. That item is removed. Any other changes on this section? If not, I'm going to go back to David, and ask him for his motion. David, would you like to make your motion?

MR. SIKORSKI: Yes Sir. I know I provided the justification previously, and I would welcome any wordsmithing so we can get at that point, especially by the technical folks. **But I would move to add protection to the 2015-year class, through adding a maximum size limit option/slot option in the Chesapeake Bay recreational fishery in section 4.2.1 Maximum size limit options developed by the PDT should aim to maximize protection for the 2015, 2017, and 2018- year classes, consistent with the Technical Committee advice for the coastal analysis.**

CHAIR BORDEN: That's a motion, is there a second to the motion? Do I have a second?

MS. KERNS: Mike Armstrong.

CHAIR BORDEN: Mike Armstrong. David, do you want to speak to this, and then I'll call on Mike?

MR. SIKORSKI: Well, I think I provided a lot of the justification previously, prior to making the motion, so I will allow Mike to provide his justification, instead of repeating myself.

CHAIR BORDEN: All right, thank you. Mike.

DR. ARMSTRONG: I think most of the justification has been said. But I do think there is a contribution to the mortality of these year classes still coming from the Bay, and I think it's worthwhile to try to protect them everywhere they occur.

CHAIR BORDEN: All right, I'm going to take other comments. If you would like to speak on this motion, please raise your hand.

MS. KERNS: You have Mike Luisi, followed by Adam Nowalsky.

CHAIR BORDEN: Mike Luisi, then Adam.

MR. LUISI: Thanks, Dave, for bringing this up. You and I talked about this earlier. I appreciate you making the motion for discussion. I wonder if, based on the years that you've presented here, to maximize protection for 2017 through 2018, that could make it very difficult, given the availability of fish at certain size limits.

You made the reference, and the '15s are old enough now, or they're becoming part of the coastal stock, yet the '17s and '18s are part of our regiment fish at this time. I wonder instead, maybe not instead of, but included in your size limit option/slot limit option, if there would be something you might want to think about regarding seasonal closures, to help reduce mortality on those particular resident fish.

Instead of a slot limit option, which I think is going to be hard to come by, based on the year span that we're trying to protect. Because we've done seasonal closures of targeting in this past year, and I think we were successful. I think we could use that as a way to minimize dead discards on those particular year classes, as a way of protecting them rather than change the limits and slot limits. I just throw that out there for your thought, and I'll leave it there.

CHAIR BORDEN: All right, then I have Adam.

MR. NOWALSKY: I see two elements with this motion that I'm not clear on. The first is that the first sentence it says to move to add protection, but then the second part of this motion talks about maximizing protection for three different year classes. It almost seems to me that we are ultimately adding protection to all three years classes, so I'm not clear what the direction we're giving to the PDT is in this.

The second element of it is that given that this says that options developed by the PDT, does this motion predispose us to not sending this document

therefore out today, and does this motion ultimately need to get discussion now, some degree of perfection, and ultimately on the same table that the other motion is.

Because again, as I read this, we don't have a discreet option here. We're asking the PDT to develop it, which would preclude us from releasing this today. I would appreciate clarity from the maker, on again, what direction we're trying to give with regards to what we're protecting, and direction again as to where this would leave the document if this passes as written.

CHAIR BORDEN: David, please follow up if you would like to respond.

MR. SIKORSKI: Yes, Sir, thank you. As far as the intent is concerned, give us a nearly identical analysis that's been performed under the section of protection of 2015-year class, where the TC added the 2017- and 2018-year classes into that analysis, I think it's Pages 57, 58ish in the draft document.

That's what I'm looking for from a Chesapeake Bay perspective. In this document as a whole, I feel like there is a lot of Chesapeake Bay components that are missing. I thought that this would be a way to put something into the document at this point to highlight that, and give us better guidance as we move forward.

As it relates to how we handle this motion, I would look to the Chair and other members of the Board, in how it relates to this document as a whole. I think it would be logical to treat it the same way that we treated the previous motion at this point. To me it's a key piece that's missing here, especially given the more recent information we saw on the JAI in Maryland three years in a row.

We've really got to be looking closely, and not just assuming that the way we're prosecuting the fishery in the Chesapeake Bay is going to be okay. This is further kind of exacerbated by the way that what Maryland's CE proposal is, or what the one we're operating under, that did not reduce commercial catch.

I've been highly concerned about that, and frankly it's been done in all three Bay jurisdictions, to not limit commercial quota, which is mortality. As Dr. Drew was saying, we're only looking at pieces of the F, but all these things come together to give us our overall F that we're prosecuting on these fish. The more pieces of the puzzle we can have, the more comfortable I am that we're heading in the right direction. I welcome any guidance on how we get there, but I want to fill in the blanks here of what we're not seeing related to the Chesapeake Bay fisheries.

CHAIR BORDEN: Adam, do you have a follow up to that?

MR. NOWALSKY: I just think that as written, I don't have a specific recommendation for rewording this motion, other than I would suggest that if this second part is going to stay, regarding the three different year classes that perhaps we consider changing the first part of the motion to reflect that as well, because that is ultimately what we're looking here for is protection, not just for the 2015-year class, but for all three years classes in this motion.

CHAIR BORDEN: David, that is a question to you. Do you have any objections to adding 2017 and 2018 to the first line?

MR. SIKORSKI: I do not, no objection.

CHAIR BORDEN: Mike Armstrong, do you have any objection?

DR. ARMSTRONG: No objection.

CHAIR BORDEN: It's added without objection by the maker of the motion and the seconder. Further discussion on this.

MS. KERNS: No additional hands.

CHAIR BORDEN: This actually falls under the, as David noted, this falls under the same category as Megan's motion. We don't know the path that this is going to take, if in fact we're going to continue to perfect this document, then clearly, we have the

opportunity to refer this option to the PDT, and ask them to work on this and present information at the next meeting. Maybe we should handle it in the same manner. Would someone like to make a motion to table until the end of the meeting?

MS. KERNS: Mr. Chair, before you make that motion, Marty Gary had his hand up, and I don't know if it was related to objecting.

CHAIR BORDEN: Marty. My Vice-Chair, he's going to lead us out of the woods on this.

MR. GARY: I don't know if I'm going to lead you out of the woods here or not, but I was struggling, I think, using the same language Adam has about the intent. Maybe Dave, if I could be so bold to ask you, as you made the motion. I get the reason, '15, '17, '18, they're all in the upper quartile of Maryland's JAI geometric mean. They are good year classes, and I understand where you're coming from. But is your intent then, say for instance '17 and '18.

By the time this Amendment would be implemented, you're looking at what, five- and six-year-old fish, which are right in the middle of our resident fishery. Then the '15s of course, they don't all ever leave the Bay, so there are a few larger fish around, but they would be up there a little bit, they are larger size fish. Is your intention to put, looking at, when you say maximize protection. I look at those two words, maximize protection. Are you looking at a slot limit that would essentially put those fish out of that exploitable stock biomass range? Would it be, let's have a slot limit that's, I don't know, 28-32 inches or something like that? You're protecting those smaller, younger fish, '17 and '18, but also affording protection to some of the '15s that still may be residing in the Bay. Is that where you're headed with this, and is that what you want the PDT to analyze?

MR. SIKORSKI: I am at a point where it's one step at a time. I do think that an ultimate outcome could be protecting these fish with some sort of measures. But I said earlier, we're kind of blind in this section of the fishery and how we're exploiting it. What I'm really looking for, you know I was really

impressed by the assessment that's been already provided to us on the ocean fish.

I feel like that same thing on the Bay fish will help guide the real answer to your question at a later date, if we get that assessment. I don't want to get out in front of anything until some information provides us. I know what my gut tells me, and it's that the Chesapeake Bay has a role to play in reducing our impact on these fish, because they are a big part of recruiting. I'm sorry, big part of rebuilding this stock.

But I need more information to understand exactly what pieces of the puzzle we should put together from a regulation standpoint, and now is the time, I think, to start planning for implanting this in '23, regardless of whether we approve today or not, because if not, what are we going to wait even longer? That is my biggest concern. It's really just more technical guidance. If it passes and if the information is provided to us for us to make another decision at a later meeting.

CHAIR BORDEN: What's the preference of the Board here? Do you want to vote on this or do you want to table it?

MS. KERNS: Marty, is your hand up to answer that question?

MR. GARY: I'm sorry, Mr. Chair, you're looking for a motion either to table or vote on it?

CHAIR BORDEN: Yes, in other words, then the tabled motion would be to handle it the same way Megan Ware's motion was handled. We would take it up at the end of the meeting, while we have a better sense of what course of action is going to be taken.

MR. GARY: Okay, it sounds like we're going to vote on it now or later. I'm really uncomfortable with the way this is being explained and written. I'm happy to vote on it now, I'm not going to support it if we do, or we can table it and vote about it later.

CHAIR BORDEN: All right, does someone want to make a motion on this?

MS. KERNS: Adam Nowalsky.

CHAIR BORDEN: Adam.

MR. NOWALSKY: I move to table until the end of the Amendment 7 agenda item.

CHAIR BORDEN: Do I have a second?

MS. KERNS: John Clark.

CHAIR BORDEN: All right, so we have a motion to table, it's non-debatable. Let me just ask, is there any objection to this motion? Does anyone object? Any hands, Toni?

MS. KERNS: No objections.

CHAIR BORDEN: No objections so the motion passes without objection. That will be taken up at the end of the session. Okay, Emilie, we're back to you.

MS. FRANKE: Sounds good, thank you, Mr. Chair, I can move on to the next issue here. This next issue is recreational release mortality, and this is in Section 4.2.3 of the Draft Amendment. Again, starting with the statement of the problem. Recreational release mortality is a large component of annual fishing mortality.

It was the largest component from 2017 through 2020, but that's just because the striped bass fishery is predominantly recreational, and the majority of the catch is released alive. The current management program primarily uses bag limits and size limits to constrain recreational harvest, and it is not designed to control effort, which makes it difficult to control overall fishing mortality.

Efforts to reduce overall fishing mortality through harvest reductions may be of limited use, unless recreational release mortality can be addressed. In addition to the circle hook requirement implemented through Addendum VI, which is the Option A status quo option in this section. The Board could consider the following types of options to address recreational release mortality.

The Board could consider effort controls, which are seasonal closures in Option E, additional gear restrictions in Option C, and/or outreach and education options under Option D. It is important to note that although the impact of many of these options are difficult to quantify, they are intended to reduce the number of recreational releases, or they are intended to improve post release survival.

Again, the status quo option here is the circle hook requirement, as implemented through Addendum VI, and this requires circle hooks when fishing recreationally with bait. This does not apply to any artificial lure with bait attached. Also, as guidance approved by the Board, back in March of this year, it is recommended that striped bass caught on any unapproved method of take, be returned to the water immediately without unnecessary injuries. Moving into the first set of options, which are seasonal closures.

Again, these could be selected in addition to the status quo circle hook requirement, and seasonal closures are intended to reduce the number of live releases by reducing effort, and reducing the number of trips that interact with striped bass. The Draft Amendment includes some discussion on the different types of closures, as requested by the Board at the August Board meeting, to help inform the Board and the public's consideration of the different options. The majority of the options developed by the PDT are options for no targeting closures, in order to address recreational releases resulting from both harvest trips and from catch and release trips. Again, these closure options are not associated with a specific reduction.

But for future potential management actions, the draft document notes a PDT recommendation that the TC establish a standardized method for estimating the reduction in removals, associated with a no-targeting closure in advance of any future management actions. I'll go through the different no-targeting closure options at this point.

The Board can select one of these no-targeting closure options. Options B1 and B2 would be no targeting closures during Wave 4. A no-targeting closure during Wave 4 would reduce effort during a

time when all states have an active fishery, and during a time when there are environmental stressors like peak air and water temperatures.

Option B1 would be a coastwide no-targeting closure during Wave 4 for a minimum time period selected from the following sub-options. It could be July 1-15, July 16-31, August 1-15, or August 16-31. CE would not be permitted for this option. Option B2 would be a state or a regional no-targeting closure during Wave 4.

Similar to B1, CE would not be permitted for this option. Starting with Sub-option B2-a, this would allow each state to select a two-week period at minimum during Wave 4 for their closure. Under B2-b, each state would select a three-week closure at minimum during Wave 4, except for Maine and New Hampshire, which would select a two-week closure period at a minimum.

This type of option, Option B2-b was developed to address concerns about the relatively large proportion of directed trips that occur in Wave 4 in some states, and the shorter period of time that large striped bass are available in some areas. This option was developed based on MRIP directed trip data from 2017-2019, using a method looking at the standard deviation of Wave 4 directed trips, to identify those two states that would take a shorter closure and the rest of the states that would take a longer closure during Wave 4.

B2-c would be a regional closure that would allow each region to select a two-week closure period at a minimum during Wave 4. Potential regions as listed here are defined in the Draft Amendment. However, the document notes that the Board can redefine these regions if desired. Just a quick note from the Advisory Panel meeting.

There was some concern about state coordination and accountability associated with a regional closure option. The next type of no targeting closure option is Option B3, and this would allow states to select a two-week closure period minimum to reduce effort during waves when the striped bass fishery is active, and directed trips are occurring.

Similar to the other issues, CE would not be permitted for this option. Sub-option B3-a would require states to select a closure period during a wave with at least 15 percent of the state's striped bass directed trips. B3-d would require states to select a closure period during a wave with at least 25 percent of the state's directed trips. Again, these options were developed based on MRIP data from 2017-2019, and again a note from the Advisory Panel meeting. Some AP members noted that even a two-week closure could have significant negative impacts on the fishing industry. Here is the table from the Draft Amendment showing the proportion of striped bass directed trips by wave for each state, from 2017 through 2019.

The data shown here informs the development of the options that I just described. From the Advisory Panel meeting there was some support for using just MRIP effort data as shown here. There was also a question and concern about whether these directed trip percentages are really accurate, especially for some of the ocean regions, the southern states like Maryland, Virginia and North Carolina.

The next closure option would be Option B4, and this is actually an option the Board needs to consider if the Board selects one of the prior no-targeting closure options. The Board would need to consider whether existing no-targeting closures implemented in 2020, as part of the Addendum VI CE programs would meet the seasonal closure requirements for any new closures or not.

Option B4-a, existing or targeting closures implemented in 2020 would fulfill the new closure requirements. Under B4-b, those existing closures would not fulfill the new closure requirements. Those states would need to implement additional closures to meet the new requirements, and maintain those CE size limits or the states would need to implement the FMP standard size limits along with the new closure.

Then finally, the last option for seasonal closures is spawning closures, and these spawning closures could contribute to stock rebuilding, by eliminating harvest or reducing releases of spawning fish. In

this case existing closures would meet the requirements of these options. B5-a would be a no-harvest closure during Wave 1, and Wave 2 in spawning areas.

B5-b would be a no targeting closure for a two-week period on the spawning grounds during peak spawning. CE would not be permitted, and the Board could choose one or both of these spawning closure options. Moving on to Option C in this recreational mortality section, which are gear restrictions.

Again, the Board could consider additional gear restrictions to increase the chance of survival of striped bass that are caught and released. The Board could select one or more of these options. C1 would prohibit the use of any device other than a nonlethal device to remove striped bass from the water, or assist in releasing stripe bass.

The Draft Amendment includes a definition of what a nonlethal device is. Option 2 would prohibit the use of treble hooks, Option C3 would require barbless hooks, Option C4 would prohibit trolling with wire, and then Option C5 would be an option for the Board to consider whether this incidental catch guidance through Addendum VI would become a requirement.

This incidental catch statement would become a requirement that striped bass caught on any unapproved method of take would be returned to the water immediately without unnecessary injuries. Again, if you're seeking a requirement, this would apply to circle hooks and any other gear restrictions selected for this Amendment. A note from the Advisory Panel here that there was some significant concern from AP members about these gear restriction options. The AP noted that these options seem to target certain parts of the fishing industry, and the AP noted that gear is used differently across states, and the benefits of these gear restrictions would vary pretty widely.

Then finally, the AP noted that the circle hook requirement was informed by relatively more science, enrolled public support, and these options presented here are not. Then finally, Option B is

related to outreach and education. States have already implemented outreach and education campaigns, but these options are intended to more explicitly recognize these efforts as part of the Draft Amendment.

D-1 would require states to promote best handling and release practices, and the states would be required to provide updates in their compliance reports. Then under D2, education and outreach would be recommended that they continue to promote best practices. Then one AP member noted that this required outreach would need to be clearly defined. With that, Mr. Chair, I'm happy to take any questions on these recreational release mortality options.

CHAIR BORDEN: Questions for Emilie, and then we'll get into the statements and suggested modifications, if any. Questions. Toni.

MS. KERNS: I have Adam Nowalsky and Jason McNamee, and Tom Fote your hand was up and then it went down, and then it was up and then it went down again, so I'm not sure.

CHAIR BORDEN: Adam and then Jason.

MR. NOWALSKY: Given the concerns from the AP with Option C and their comments. Is there anything in the way of mortality studies that we could use to justify the inclusion of those restrictions?

CHAIR BORDEN: Emilie.

MS. FRANKE: Thanks, Adam, let me just get down to that section of the Draft Amendment here. For treble hooks the Draft Amendment referenced a couple of studies, as well as for the barbless hook option one study was referenced there. But there were no studies referenced for the killing with wire option or the nonlethal device option.

CHAIR BORDEN: Adam, do you want to follow?

MR. NOWALSKY: I would just ask if the PDT weighed in at all on what information was provided for the barbless and the treble hook, as to whether

or not they felt that there would be quantifiable reductions in mortality that we would be able to go back to the public at some point in the future and say, here is what this got you.

MS. FRANKE: The PDT did not specifically weigh in on that besides the discussion about the difficulty of quantifying the benefits of any gear restrictions. I guess the one note from the PDT is that these options were developed based on public comment unheard through the Addendum VI process and through the PID process.

CHAIR BORDEN: Next, I have Jason McNamee.

DR. McNAMEE: I'll actually start, I was going to ask a different question, but I'll quickly work off what Adam was just talking about. Just to offer, I guess a comment. I'm inclined to drop those, with the exception of C5, drop the gear stuff out of this. The main reason is, I don't know if others enjoyed the circle hook experience that we went through.

But it's clear that individual fishermen have sort of a secret recipe for how they like to fish for striped bass. I'm not interested in getting twisted up in that again, for what in the end may be very little value. Just some comments on the gear stuff there. But my main question is, the regional options for the seasonal closures, it's a question for Emilie, if you could sort of channel your inner PDT.

With the idea there to try and coordinate states that are sharing water bodies. I do see a sense in trying to group states by shared water bodies, because I think it would be problematic to enact a closure. I'll just use the example of Long Island Sound. You know if New York had one set of two weeks and Connecticut had another set of two weeks, it would probably defeat the purpose of reducing recreational releases and the mortality associated with that. Was that kind of the idea there, was to group states by shared water body, more or less?

MS. FRANKE: Yes, exactly, that was the intent here. The PDT again took a stab at coming up with these regions here on the screen in the Draft Amendment, but noted that it was difficult to kind

of get a clean breakdown by shared waterbodies. There was sort of always one or two ways you could go. The PDT recognizes that there is not a straightforward way to break this down, but that was the intent of trying to group them by waterbodies.

DR. McNAMEE: Great, thank you, Emilie.

CHAIR BORDEN: Next, I have John McMurray and then Pat Geer.

MR. McMURRAY: I don't know if I want to see all of the sub-options in C go away. We did hear from the public about treble hooks and barbless hooks and the gaffs. Maybe they can come out later, but for now I think they should stay in for the public to comment on. But I'm really surprised that Sub-option C4 made it into the document, because if I recall correctly, there was very little if any discussion at the Board meetings or in the public comment period about wire line trolling.

I guess my question is, is there some science that supports the contention that wire line trolling exhausts fish any more than any other method? Before you answer, I did want to point out that if this were to go into effect, I mean it would be pretty devastating to the Montauk charterboat industry, and I just don't see the need for it in here.

CHAIR BORDEN: Okay, Pat Geer, and any preface, just whatever comments are going to come after this. It would be really helpful if you would refer to a specific number or letter, and then say, I think this should come out. Then Emilie will follow the same process she followed in the past, and highlight it in red. I think it will make it easier for everyone to keep track of what is being proposed. Pat.

MR. GEER: I would suggest that we remove Option C entirely, and maybe move C5 under our existing circle hook requirement. But what I would like to say is that these are important, but we may get more bang for our buck with education and outreach, and maybe put them into our outreach and education, Option D, where we basically including fish handling techniques, we include these

items as probably not the best practices possibly for fishing.

But maybe move them over there. There are better ways of protecting the resource by not using these types of gears, instead of making it a requirement that's going to be very difficult to enforce, move it into our outreach and education, where we try to teach people that it might not be the best use of the resource by using these gears.

CHAIR BORDEN: Thanks, Pat. I think that's useful. Toni, do you have others on the list?

MS. KERNS: I do, I have Justin Davis, Tom Fote, and Adam Nowalsky.

CHAIR BORDEN: Justin.

DR. DAVIS: I would agree with Jason and Pat. I generally would support removing Option C in its entirety. I do have a question relative to Sub-option C5. It seems to me that the need for Sub-option C5 is predicated on adopting one of the sub-options C1-C4. We already have this provision in place, relative to circle hooks.

Absent adopting a new measure that creates another unapproved method of take. It doesn't seem like C5 is a standalone as needed, unless something else is done. I can't remember who, but I think at some point someone made the comment of, we should get rid of everything but C5, but to me there is no need for C5 if C1-C4 go away, which is what I would be in favor of.

CHAIR BORDEN: Tom Fote and then Adam.

MS. KERNS: Mr. Chair, can we just make one clarifying comment to C5, before you go? C5, it's in the plan, Justin, it's a recommendation, it's not a requirement, if you'll remember, because it wasn't something that went out for public comment, so therefore it's a recommendation. But it occurs, but not a requirement.

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

DR. DAVIS: Yes, thanks, Mr. Chairman. Toni, do you mean relative to circle hooks, it's a recommendation but not a requirement?

MS. KERNS: Correct.

DR. DAVIS: Okay, thanks.

CHAIR BORDEN: Okay, so I'm back on Tom Fote and then Adam.

MR. FOTE: I would like to add one thing in this. It really goes to C5, is that if we have a closure both seasons, no picture taking of any striped bass at all, all fish must be released in the water. I think that any fish that can't be kept, because we know the size of it, should be released in the water, and no picture taking.

I mean, I look at these pictures of all these big fish being held up. We know they're going to be all released, and we put more stress in them pulling them out of the water, loading them into the boat. Some guy holding him there for five or six minutes while he gets the best picture, and then throwing them back overboard.

If we look at what they do with tarpon, they basically release the fish in the water. You're not allowed to take the fish out of the water if you want to protect them during closed seasons, or even during when the fish are not going to be landed for food. You've got to release them in the water without taking a picture. That would save more fish than anything else that's listed on these slides.

MS. FRANKE: Mr. Chair, this is Emilie, can I do a quick response?

CHAIR BORDEN: Go ahead.

MS. FRANKE: Thanks, Tom. The PDT did discuss a potential option for requiring in-water release of striped bass, for the reasons that you mentioned. However, there were some concerns about safety, in terms of making that a requirement. You know if striped bass were incidentally caught or in other scenarios, that it would potentially be a safety concern requiring an in-water release.

CHAIR BORDEN: Adam.

MR. FOTE: Can I answer that?

CHAIR BORDEN: Yes.

MR. FOTE: If we're not supposed to be landing the fish and we're supposed to be releasing them, there are different tools you can get to release fish that are four feet long. I have one downstairs without basically pulling it out of the water. People are required to get them. You are required when you get the gear to take the fish down and when you're fishing groundfish, I mean reef fish.

It basically lets them down easy, so you don't basically blow out the guts. I think we can get around that, but I look at all these pictures, and we know every scientist I have talked to about holding fish up to where they hold them to take those pictures, damages especially the big fish.

CHAIR BORDEN: Adam, you're up.

MR. NOWALSKY: Yes, based on the answers to my earlier questions, this would be another voice of support. I'm leaning towards a complete removal of Option C. I would not be opposed to the inclusion of C5, if there was some other place to put it, as it referred to some other gear restrictions that we've already talked about that are in place already.

But if we don't have C1 through C4 here, I'm having a hard time figuring out how we could leave C5 in. But if staff had a creative way to do it, I would otherwise support it. But beyond that, another voice in favor of removal of Option C.

CHAIR BORDEN: Sounds like we're getting general agreement to remove this with the sentiment being voiced that we try to address some of these issues in our public outreach. On C5, as Adam said, if there is another way to weave that into another portion of the document. It doesn't sound like there is a lot of objections to that. Let me ask, do we have objections to removing this, and handling it that way? Does anyone object?

MS. KERNS: I just want to give a second for the people who had their hands up, I think, and wanted to make questions, a chance to take them down. I have two hands in objection, John Maniscalco and John McMurray.

CHAIR BORDEN: Okay, and to both Johns, could you just clearly state so it's part of the record what your objection is? Johns, either one of you.

MR. MANISCALCO: I am not speaking for John McMurray, only for myself at this point. But I wonder why we would remove formal consideration of prohibiting gaffing. I don't understand how anyone would think that despite, maybe there is not a study that we're planning to remove, but helping a giant point in part of the fish does not seem like it is likely to lead to a low level of release mortality, and I don't know why we wouldn't be considering it at this point.

CHAIR BORDEN: John McMurray.

MR. McMURRAY: The goal is to reduce discard mortality. These seem like very commonsense ways to do it, even if there is difficulty in assessing the effectiveness of them. Well, it's commonsense that pulling three hooks out of a fish is more difficult than pulling one out. The same could be said with barbed hooks versus un-barbed hooks. I'm not going to fight everyone on this, but I do think it should stay in. I think the public should get a crack at it.

CHAIR BORDEN: Okay, so it sounds like the consensus is to take it out. We have two objections. I would ask that those objections be reflected in the minutes. Any other changes on this section?

MS. KERNS: I have Mike Armstrong followed by Max Appelman.

CHAIR BORDEN: Mike and then Max.

DR. ARMSTRONG: I would actually like to register an objection to get rid of C1. We put that in, it's been successful. I think it's something that's doable

and should be in there, as is C5. I'll put that out there. Can we go back to B?

CHAIR BORDEN: Certainly.

DR. ARMSTRONG: If we could bring that up on the screen. Anyway, we're willing to do very difficult measures to help this stock. Seasonal closures at the height of tourism are not difficult, that's catastrophic, for benefits that are currently unquantified, and two weeks is not going to get us a lot.

Our whole fishery of striped bass is during the summer essentially, so we're shutting down the recreational fishery in Massachusetts for two weeks, in July and August. That just can't happen for us. If there was a huge quantifiable benefit, sure, we would jump onboard. But that's just not there. I'm okay with leaving an option in that gives the states a little bit more flexibility to move it out of Wave 4, if we have the data. I would advocate for eliminating B1 and the others can stay.

CHAIR BORDEN: Mike, you faded out a little bit, eliminate B1 and what?

DR. ARMSTRONG: And B2.

CHAIR BORDEN: Okay.

DR. ARMSTRONG: Which I think that's the coastwide option, which is just a nonstarter, and then let's see, B2, a bunch of options but all of them are closures during Wave 4. I understand why we would want to do that, but I am not seeing a huge benefit for getting people off the water for two weeks.

The other thing. I think for most people it's completely unenforceable, the no targeting aspect. You know maybe Mike Luisi can jump in and advise us on that. But as long as you have bluefish in the water, you are fishing for striped bass. It's just an unenforceable thing.

CHAIR BORDEN: Okay, I've got Max next, thanks, Mike.

MR. APPELMAN: I put my hand up when we were talking about gear restrictions, and I realized the conversation shifted to the season closures. I'm not prepared to talk about that, but I was just going to speak in support of not removing Option C1 from the gear restrictions, of course in support for that with some of the other commissioners.

CHAIR BORDEN: All right, you've heard the suggestions on this. Do we have any other comments?

MS. KERNS: Yes, I have a slew of hands. The list that I had, and I don't know if any of these hands have now gone down, so I'm going to try to keep track. Megan Ware, Ritchie White, Loren Lustig, Dennis Abbot, Pat Geer, Justin Davis, Marty Gary, and Mike Luisi. I have them all written down if you need me to repeat them later. I just want to note, there is a member of the public that has their hand up, and the Chair did say that he would not be taking public comment at this time, going through the issues, so just letting them know that.

CHAIR BORDEN: Okay, so I'm going to run through these and try to provide some guidance at the end of this. Megan, and then Ritchie White, you're up after that, on bat as they say in Boston.

MS. WARE: Thanks, Mr. Chair, I'll be brief, because that is quite a list. I support removal of B1 and B2. I think what I'm struggling with here is some of the rationale for focusing on Wave 4 is the peak air and water temperatures, which I totally understand is an issue in other states. But the states that are most affected by that are the New England states, which don't have that issue.

I mean, I get hypothermia alerts on my phone in July for Maine water, so I'm struggling to see, to go out to public comment with a Wave 4 closure because of peak air temperature and peak water temperature. I support Mike Armstrong in that, and then I would also keep C1 for the gear restrictions at this point, so perhaps a compromise there is removing C2, C3 and C4.

CHAIR BORDEN: Ritchie White.

MR. WHITE: I agree with Megan, B1 and 2 are just totally unenforceable in the Gulf of Maine with bluefish there. Law Enforcement is very clear about that, so that is just a waste of time. I would agree with Mike to leave in C1.

CHAIR BORDEN: Okay, Loren, you're up.

MR. LOREN W. LUSTIG: Yes, my comment relates to C5. Would you like me to give you the comment now, or perhaps hold it for later?

CHAIR BORDEN: You can do that, because I've allowed other people to stray into the Cs.

MR. LUSTIG: Okay, if I could get the slide back with C5 that would be helpful. Earlier in our discussion, there was a comment made by a staff member that it really was a recommendation not a requirement, and I took note of that. There it is on C5, notice it does use the word requirement. Perhaps if we do any wordsmithing, we should adjust that to be recommendation. That's all my comment.

CHAIR BORDEN: Dennis Abbott.

MS. KERNS: Mr. Chairman, if it's okay, I just want to make sure that it's understood. What is in the plan right now relative to C5 is a recommendation. This document would make it a requirement, as written.

CHAIR BORDEN: Dennis Abbott.

MR. DENNIS ABBOTT: I think Ritchie covered the points that I was going to make, and I will additionally say that a two-week closure with a season for us that runs approximately 12, 13 weeks would be quite an imposition, even if it was enforceable. I strongly would recommend removing those closures for us.

While I have the floor, could I ask the Chair a question, a general question? We've had a lot of discussion today about this document, getting it ready to go out for public comment today. What is the ramification of us putting it off for another meeting week? As I look at it, it doesn't matter whether we finish the document in February or whether we do it in May.

Because our implementation time wouldn't be until 2023. I think as it relates to the two motions that have been tabled. I think that we should be delaying, if possible, and allowing those two motions to go through, and let the PDT do its work, and allow us time to have a better document at the end of the day. Is there any loss of not finishing the document today?

CHAIR BORDEN: That's a good question, Dennis, and that's exactly why I said early in the meeting a couple of times, that regardless of which path we follow, we implement at the same time. There is really nothing lost by deferring action. As far as I know, staff can correct me if I'm wrong, it's still a 2023 implementation timeline, regardless.

MR. ABBOTT: Thank you, Mr. Chair, that was my thinking on that.

CHAIR BORDEN: Emilie, please correct me or Toni if you have a different opinion, please.

MS. KERNS: I think that that is correct, David. I think the one thing that we would look for from the Board is areas that need improvement to, that if it's not going to go out for public comment today that we know that, so that we can send it back to the PDT.

For these motions that have been tabled we would need to address them before the end of the day, so that if they did pass, we could have the PDT work on them, so that you could approve something for public comment in January. Because if we go much past January then you would start to impact the implementation timeline.

CHAIR BORDEN: Okay thank you, so I'm back on the list. I've got Pat Geer and then Justin Davis and then Mike Luisi. Pat.

MR. GEER: This is a clarifying question for the members of the PDT. The 15 day period, do they have to be consecutive days?

MS. FRANKE: Yes.

MR. GEER: They do have to be, okay. As far as going back, I know I'm jumping around a little bit, but as far as the gears with the gaffing. We tried to do that with cobia, and we have a law in our state for no gaffing for cobia, but it's pretty much unenforceable for the most part, unless we see them. That's why I just felt that it would be better to try to do education and outreach. But if folks feel it's important to leave it in there, you know I'm okay with that too.

CHAIR BORDEN: Justin and then Mike Luisi.

DR. DAVIS: Real quick, I'll just express the opinion that I think we've heard enough folks say they would be in favor of keeping C1 in the document. But I think we should keep it in the document, I just don't think we have consensus on taking it out at this point. I also wanted to comment on Option B as a whole.

From my standpoint, I would be in favor of taking Option B as a whole out of the document. I think that no targeting closures are, certainly speaking from Connecticut's standpoint, I suspect for a lot of other jurisdictions are a regulatory nightmare and unenforceable. After what we just went through with the circle hook mandate and implementing that.

I am really gun shy about creating more mandates with questionable enforceability. I also share the concerns expressed earlier that we can't quantify the benefit from these potential closures, so we can't explain to the public what benefit we're getting for the sacrifice we're asking them to take. I sort of do think there might be some merit to exploring the idea in D5-a of no harvest spawning closures, and putting that idea out in front of the public.

But to me that's not an issue around recreational release mortality, and I think the connection made in the document is pretty tenuous, where it says releases might be reduced during the period if you prohibit harvest, because people will be discouraged from fishing. I don't even know if a harvest spawning closure really belongs in this section.

I understand why it's there, but I think it should remain just that. But in general, I just feel like this whole section is setting us up for implementing something where we can't clearly explain the benefit. It's going to create all kinds of enforcement issues. It's going to agitate a large section of the public.

I think it also just sort of reflects in my mind, a bit of a, I don't know what I would call it, maybe an outdated or inaccurate sort of idea of like, what do we want out of this fishery? I mean I think this is a fishery that is primarily recreational. The benefit we want from this fishery is opportunity for people to go fishing, which in turn provides economic benefits to society, because people are going fishing and spending money to do it.

I don't know why we would want to take opportunity to fish away from people, without a clear idea of exactly what we're getting from it. I'm in favor of removing Option B all together. I sense other folks on the Board may not be as ready to go that far, but I just wanted to put that out there.

CHAIR BORDEN: Mike Luisi.

MR. LUISI: I'm of the complete opposite opinion of some of the folks around the table who are suggesting that we remove Option B, Option B1 and Option B2 from the document, due to the number of different reasons that were mentioned. The one thing that made me most happy about this document when I read through it, was that these options on recreational release mortality were really starting to cut into a new way of thinking and a new way of approaching fishing mortality. Emilie started off this section explaining that part of the problem with this fishery is that we have a tremendous amount of recreational release mortality occurring coastwide, whether it's in the different bays, the estuaries, or along the coast. It is making up a large portion of the mortality associated with the fishery.

Mike Armstrong mentioned it earlier, but we took the path last year at implementing a two-week closure during Wave 4 at the highest air temperature and water quality, it was the most

poor. For two weeks we heard from our fishermen that the sky was going to fall, and everyone would be out of business. Yet that didn't happen.

We had a couple weeks' time when we had a tremendous heat wave. For the most part, fishermen complied with the no targeting provision. There were some warnings and citations written, from my understanding. But it is a learning process. Most people, I think we could agree that the majority of people who are fishing are rule followers, to some degree.

You're not going to capture everyone in a no targeting closure, but you're going to capture the rule followers, the ones that want to see this stock come back. Unless we deal with recreational mortality and release mortality, through non-targeting closures, we've basically done nothing. To modify harvest is one thing, but this is where we really need to put our focus, and we need to change the course of our actions to this non-targeting closure period. It's two weeks.

Yes, maybe there are difficulties in the enforcement. But it's for two weeks. It's not for three months. You know you can do anything for two weeks, and therefore I really feel like it would go against everything I believe in at this point, as far as how we're going to address recreational release mortality, by removing Option B from the document.

I could be inclined to consider removing B1 and B2, and leaving in B3, which gives states a little more flexibility, as far as how they could apply that closure, time periods in their fishery where the F is high. Maybe the middle of the summer isn't great for everyone. But as long as there is a closure during high effort periods, I think that's still going to make some progress in our development of addressing this recreational release mortality.

If we don't do non-targeting closures, we really haven't done anything regarding release mortality. I will say once again, you know we implemented the closure in 2021 the last two weeks in July, which is our peak tourist season and peak fishing time. We made it through, and we know that we saved a lot

of fish during that time. I'm against removing it totally, but could be convinced to take some of these options out, as long as Option B3 stays within the document.

MS. KERNS: David, I have more hands. Do you want that list? David, if you're talking, I can't hear you.

CHAIR BORDEN: That was my best speech of the day.

MS. KERNS: I'm sure it was.

CHAIR BORDEN: I would just make the personal observation here that I am, as a recreational angler who targets striped bass with a fly rod, and practices 100 percent catch and release. I am very sensitive on this issue. But I find myself, in listening to both Justin and Mike, agreeing with both of them on parts of what they said. This is a good example, I think, of an issue that just begs us to continue to work on it, figure out ways to continue to work on this.

Maybe we just separate this out from the document, this section, but commit ourselves to working on it over some period of time, six months, nine months, and try to get at some of these nuances and problems. I mean the enforceability problem that has been talked about, I think is real. Some of these other issues, I think would benefit if we had a little bit more time as a Board to kind of focus on it.

I'm not exactly sure what the preferred way is to handle this, but personally it wouldn't trouble me if this entire section came out of the document, and the Board committed itself to dealing with this issue fairly quickly in a trailing action. But that's the only suggestion I have. I'll go back to being the Chair. We have kind of a consensus with some objections. I'm removing the red, and the objections were Mike Luisi and Emilie, can you tell me who else objected?

MS. FRANKE: I don't recall if anyone else objected to removing B1 and B2.

MS. KERNS: Mr. Chair, you have some hands up, and I'm not sure if they're in objection or if they just want to speak.

CHAIR BORDEN: Okay, so who are the hands, Toni?

MS. KERNS: I have Joe Cimino, Emerson Hasbrouck, and Jason McNamee.

CHAIR BORDEN: Joe, you're up.

MR. JOE CIMINO: I've been pretty quiet. You know I sat through our May meeting as a former PDT member, and pretty scared thinking about the tasks that they had at hand. We just spent the past several hours eviscerating their work in what I think was the only options they could have provided us.

I'm not sure the Board knows what they want at this point. But I do agree with Mike Luisi's sentiment, that just because something seems unenforceable, there is a lot in striped bass management that has that same sentiment that we felt was important, like circle hooks and federal water closures for other reasons.

It does disappoint me that we're just going to walk away from one of those unenforceable management options. I think just in general we're not ready for a document to go out to the public yet, if this body has taken the actions that they have today, compared to the requests that they had in May.

CHAIR BORDEN: Emerson and then Jason.

MR. EMERSON C. HASBROUCK: I'm not really opposed to removing Options B1 and B2, but I am completely opposed to removing everything in Section B. I mean we know that the largest component of fishing mortality is discard mortality, right? But if we take all of Section B away, and we've just taken most of Part C away.

We've pretty much taken everything away that might address discard mortality in the recreational fishery. You know we've got a motion that's sitting on the table that we may or may not address later today, that's going to start a rebuilding program,

and develop either, you know Option 1 I think was going to be status quo target or Option 2 was going to be to establish an F(rebuild).

If we're not going to do anything to address the largest component of F, what's left for us to do if we pick up that motion, or if we're going to do anything to rebuild this resource? We're already down to one fish, you can't go less than one fish. If we're looking at reducing F, then what do we have left, a shorter season? What's the difference in a way between a shorter season and a closed couple of weeks during the season?

I think we need to be careful in what we remove from this, or we're not going to have anything. Then we're going to be in a real tough place to rebuild this resource. Unless there is something else, or unless we want to defer while the Plan Development Team develops some other options to replace B, I'm going to ask, well it's a direct question, but it's somewhat rhetorical. What are we going to do to reduce release mortality, which is the largest component of F?

CHAIR BORDEN: Jason.

DR. McNAMEE: Maybe I'll start by saying, I would be okay with the removal of B1 and B2. I think they are kind of prescriptive, and I think the rest of B can be inclusive of these anyways. The reason I say it in this order is I tend to agree with Emerson, and that is, this is clearly a tool, and an important tool.

I think we're getting to the point where we're kind of limited, so I think it would be a mistake to completely remove B from the document. You know removing B1 and B2 meets this goal that I think we have here, of trying to streamline the document a little bit. I think the rest of these again, can incorporate any of these actions here in B1 and B2.

We slim it down a little bit, we don't remove the notion of closures entirely from our arsenal here of the tools we have available to us. The other thing I wanted to bring up we haven't hit on, but that is B4, Sub-option B4. I think if it's okay with you, I know we're getting late here, Mr. Chair, I don't think we're going to finish in the next two minutes.

But I'm kind of wondering, so this was the part that has to do with existing closures being able to account for this stuff with existing closures. I would like to know a little bit more about the PDTs thinking behind this, specifically, is our goal here to be additive with these options here. Like in that case I would say, no you can't swap in something you already have to account for one of these closures. But if that's not the intent, then I would feel differently about it. I'm just wondering. Emilie might be able to quickly shed a little bit of light on that. If it's not a quick answer, I'm fine just kind of thinking about it on my own.

MS. FRANKE: Mr. Chair, this is Emilie, I can provide a quick answer.

CHAIR BORDEN: Sure.

MS. FRANKE: B4 addresses those, there are two no targeting closures implemented in 2020 as part of Addendum VI CE program, to achieve the 18 percent reduction, and that was for Maryland and PRFC. From the PDTs perspective the PDT just wanted to flag with this option that those existing closures were implemented to contribute to achieving the 18 percent reduction in those states.

Just acknowledging that those closures were part of achieving a reduction, and whether or not the Board's desire to account for those as part of any new sort of closure, or if those states would need to implement additional closures, because those closures are already being used to achieve reductions, if that makes sense.

DR. McNAMEE: Thanks for that, Emilie, that's perfect. I appreciate that context in that one. As long as B is going to be in here in some way, shape or form, I think that's a really important one for us to think on a little bit, and comment on, so thanks for that.

CHAIR BORDEN: Okay, so Toni, do we have anyone else on the list who hasn't already spoken?

MS. KERNS: No, we do not.

CHAIR BORDEN: Okay, we've got kind of two suggestions on the table. Remove the items in red, and then there is a suggestion that we on C, if Emilie could jump to C, please, is to leave C1 in the list, so that would be black, Emilie. My question to the Board is, that is kind of where I see the consensus at this point. Is there anyone that objects to that consensus? We would remove these three red items, and then if Emilie can jump back to the prior slide, and you would remove that. We had a couple of objections, and those objections will be noted.

MS. KERNS: We had Adam and Mike Luisi with their hand up in objection.

CHAIR BORDEN: Any further discussion? If not, the items in red will be removed.

MS. KERNS: You still have Adam and Mike with their hands up, I'm not sure.

CHAIR BORDEN: Adam, do you want to speak?

MR. NOWALSKY: Yes, I would, thank you. On Option B, I agree that we're closer to consensus on the removal of B1 and B2 than we are to a consensus of keeping them in. I wouldn't object to B1 and B2. I think the other Bs provide a range of options for that. With regards to Option C, I have not heard a consensus on leaving C1 in. I've heard what I would believe is a split, in terms of people that I've heard speak. My suggestion would be consideration of, again, finding something else to do with C1 potentially under education, the question of a gaff. There are many ways to use a gaff that is non-lethal, a lift for example. There can be an awful lot of education that can be done. There is no need to go ahead and gaff fish that you know are borderline. I think that that, from what we've heard today, I think there have been people that have spoken in favor of leaving this in that have raised some very valid points. However, I think if we're going to just leave gear restrictions with this one item in here and say gaff or no gaff. Given the other issues we've heard, and concerns about it, I think the gaff question would be better served as an educational item right now.

We're talking about some really comprehensive changes to the fishery in a lot of ways, to introduce more regulatory and enforcement issues already. Our goal here is to do everything we can to encourage angler compliance and angler satisfaction, which will result in them following the regulations and promote the conservation of the resource.

The farther we get away from that goal, Mr. Chairman, I think the more of a disservice we do to the resource, as well as ourselves. Again, I don't disagree on where you're at with B, but I would disagree that there is a consensus to leave C1 in. Again, I've heard a split. I would be comfortable though with moving language about this topic to the area of information and outreach.

CHAIR BORDEN: Let's just do this sequentially. Emilie, if you would go back to B, please. Okay, so these items are coming out by consensus, with a couple of objections. Now, we'll go back to C, so everyone is clear. We've got a couple of different ways of handling C1, but it seems like we have agreement on the rest of C. If members could comment on whether or not they want to handle it the way Adam is suggesting, or leave it as is that would be useful.

MS. KERNS: I now have Justin Davis, Ritchie White and Cheri Patterson and Dave Sikorski, in addition to Mike Luisi with his hand still up.

CHAIR BORDEN: Okay, Toni, could you just read that over?

MS. KERNS: Justin Davis, Ritchie White, Cheri Patterson, Mike Luisi and Dave Sikorski.

CHAIR BORDEN: Ritchie.

MR. WHITE: I think we should leave it in. New Hampshire already has regulations that do not allow gaffing of striped bass. You know we talk about the potential of now allowing targeting for two weeks, and then we go to something pretty simple, as not gaffing. You know it's kind of mind blowing to me that something as simple as this, not hard for

someone to get a device, it's easy to do. It should be left in.

CHAIR BORDEN: Cheri.

MS. CHERI PATTERSON: I agree with Ritchie. He was ahead of me on this. This is an enforceable rule. We have talked about some rules that are questionable as to whether enforceable, or even whether they are functional towards determining if they are going to work or not. This is something that it's understood it will work. Again, New Hampshire already has this in their rules, and I think it needs to stay in.

CHAIR BORDEN: Mike Luisi.

MR. LUISI: I'm fine with leaving C as is. I don't have any trouble striking those three. I do want to make one last comment though regarding Options B1 and B2. While I think you probably heard a few additional people support the removals. I appreciate the sentiment that the objection will be noted.

But the note on that objection will die today, and it will not be carried any further along, because the public won't even have those options to review and discuss and consider. I don't even know how those objections to the removal of B1 and B2 will even be made known to the public, because it's not going to be in the document.

CHAIR BORDEN: Mike, it's going to get reflected in the minutes.

MR. LUISI: Sure, but most of the members of the public aren't going to read the minutes of this discussion over the last four and a half hours. I'm just a little disappointed that we don't take those options out to the public to get the feedback from them, and if that feedback is as strong as those members around the table have suggested, then the Board could consider eliminating them, or not selecting them down the road. I'll just leave it there. As long as B3 stays in, at least there will be one effort control that we can consider.

CHAIR BORDEN: Okay, David Sikorski.

MR. SIKORSKI: I am supportive of effort controls. I support some of what Mike just said today, and I think it was Dr. Davis that had mentioned spawning closures and how they relate to recreational angler recreational release mortality. To me spawning closures is a much bigger issue, how we're treating pre-spawned fish was beyond the recreational fishery. Then they have the Chesapeake Bay ones, there is harvest in both Maryland and Virginia on pre-spawned fish in both sectors. I don't know where it fits, because it doesn't.

But if we're talking about F, we're talking about F at a coastwide level, and the need to manage it. I just wonder if the PDT could provide some more guidance on what our impact is on pre-spawned fish across all sectors and all fisheries. Just to give the Board an understanding of potential places to alleviate F in a strategic way, knowing that these fish are headed to the spawning ground, and recruitment continues to be a challenge. I would look for some guidance from some folks on that. That issue is appropriate.

CHAIR BORDEN: What I'm hearing is that C1 is going to stay in as is. Does anyone object to want to go on the record as objecting?

MS. KERNS: I have no hands.

CHAIR BORDEN: Okay, so Emilie, does that finish this section?

MS. FRANKE: The only thing that hasn't been discussed is Option E, which is education and outreach. There are two options there.

CHAIR BORDEN: Any comments on this, other than the fact that it's a good idea? I think we're through with this section. As I announced right at the start of the meeting, it was my intent to deal with the Addendum VII issue, and then we're going to come back to this document, and pick up exactly where we are, and decide what path we move forward. The meeting is going to continue.

CONSIDER DRAFT ADDENDUM VII FOR PUBLIC COMMENT

Emilie, if you would move on to Addendum VII, and just outline this. I think this should be a fairly quick issue to deal with, and then we'll come right back and pick up where we left off.

MS. KERNS: We're going to do that, we're just going to have to flip the PowerPoint back over to Maya, I think. Switching up the PowerPoints here, so just give us a second, please.

MS. FRANKE: All right, Toni, I've got it up here on the screen. I can go through the presentation. Switching gears here to Draft Addendum VII to Amendment 6 for Board review, and this is related to Commercial Quota Transfers for the Ocean Region. Again, just some quick background.

In February the PID for Draft Amendment 7 was approved for public comment, and it included the issue of coastal commercial quota allocation. Coastal commercial quota allocation has been based on harvest data from the 1970s, which may or may not be an appropriate baseline. No other ASMFC managed species is managed with harvest data as old as used for striped bass. The Board did not include this issue for further consideration in Draft Amendment 7.

Many Board members acknowledge the concerns that were raised, but found that it was not the time to address allocation. The Board noted that the Draft Amendment process would not be the right time, because these allocations especially could make the process more complex. However, in order to provide a management option that could provide some immediate relief to states that were seeking a change in commercial quota.

The Board initiated Draft Addendum VII in August of this year, to consider allowing voluntary commercial quota transfers of the coastal quota. This Draft Addendum considers transfers of commercial coastal quota only, between states with coastal quota. This 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 those two areas.

Here is the proposed timeline for Draft Addendum VII. After the Board initiated the Draft Addendum in August, the PDT developed the draft addendum document, which was included in supplemental meeting materials for the Board's review. Today the Board is considering approval of Draft Addendum VII for public comment. If the Draft Addendum is approved for public comment today, the public comment period would take place over the next few months, and the earliest the Board could consider approval would be January of next year. Option A in Draft Addendum VII is the status quo, in which no commercial quota transfers are permitted. The only alternative in this Draft Addendum is Option B, which would allow transfers of coastal commercial quota. Under this option 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 and a receiving state, and the administrator commissioner of the agency involved must submit a signed letter to the Commission, identifying the involved state, species, and pounds of quota to be transferred. There is no limit on the amount of quota that can be transferred by this mechanism, and a transfer becomes effective upon receipt of a letter from the Commission staff to the donor and receiving states, and does not require approval by the Board.

All transfers are final upon receipt of the signed letters by the Commission, and these transfers do not permanently affect the state-specific shares of the quota. Then finally, once the quota has been transferred to a state, the state receiving that quota becomes responsible for any overages of the transferred quota.

The PDT in the development of this Draft Addendum noted some concerns with adding ocean commercial quota transfers to the fishery management program at this time. If the Board approves Draft Addendum VII for public comment, it is recommended that the PDT concerns be added

to the Draft Addendum document. The PDT notes similar concerns were previously raised by the Technical Committee in 2014, when transfers were considered in Draft Addendum IV.

The first concern from the PDT is that quota transfer could underline the goals and objectives of the Addendum VI reduction. The commercial ocean fishery has consistently underutilized quota, and during the Addendum VI process the TC noted that the reduction in commercial quota would achieve the necessary Addendum VI reduction, only if the commercial fishery performed as they have in the past, so if they continue to underutilize their quotas to the same degree.

This assumption would be violated if the transfer of commercial quota is permitted, and if Addendum VI quotas were fully utilized by allowing the transfer of latent quota, harvest would be higher than estimated in those Addendum VI projections. The second PDT concern is that a pound of commercial quota is not equal across states.

Through conservation equivalency states have been able to adjust their commercial size limits, and this results in changes to their respective commercial quotas. For example, when implementing Addendum VI, Massachusetts increased its commercial minimum size limit, and this increased the quota. New York lowered its commercial slot limit minimum, which decreased its quota.

These types of changes in state quota through CE has been occurring since before Addendum VI, so over time there have been several adjustments to commercial size limits, resulting in changes to commercial quotas. Given additional time, the PDT might be able to address this issue, and consider all the changes made to the base quota allocations over time. Mr. Chair, that wraps up my summary of the Draft Addendum, and the memo from the PDT.

CHAIR BORDEN: Emilie has outlined the issue. These concerns came up, honestly, they should have come up earlier in the process, and they did. I think the problem here was the concerns were not voiced during the last session when we discussed

this. There were other issues that got raised by New Hampshire.

Now, I spoke to members of the Delaware delegation, and basically told them that I would recognize them at the start of this meeting. They've heard the comments that have been made and the concerns that have been made. I think John Clark would like to speak directly to those, and offer a path forward. John.

MS. KERNS: I think it was, I don't know, Roy Miller has his hand up, so maybe it was Roy.

MR. CLARK: It was Roy, David, I'll defer to Roy.

CHAIR BORDEN: Okay, Roy, please.

MR. MILLER: I have that motion I would like to put before the group. I had sent it to Toni, hopefully she can load it.

MS. KERNS: Got it up there for you, Roy.

MR. MILLER: I would like to make the following motion. **Move to defer consideration by the Striped Bass Board of Draft Addendum VII to Amendment 6 to the Atlantic Striped Bass Plan to allow further development and review of the transfer options.** Our rationale for this suggestion, the concerns expressed by the PDT. There would be additional time with a deferment to address those concerns, and also the concerns raised by the state of New Hampshire. That is my rationale for deferring this action at this time.

CHAIR BORDEN: All right, so we have a motion by Roy Miller, do we have a second to that motion?

MS. KERNS: Marty Gary.

CHAIR BORDEN: Seconded by Marty Gary. Roy, just for my own edification. The last time that this issue came up, John spoke on behalf of your delegation and basically voiced the opinion that his state and your delegation, would be willing to work with the Commission staff on this. Is that still the intent?

MR. MILLER: Yes.

CHAIR BORDEN: Okay thank you, so questions for Roy, excuse me. Marty, would you like to comment as the seconder?

MR. GARY: Only just to say, I've had a chance to sit on virtually every PDT meeting, so I fully understand their concerns. I think Delaware does too. But also, been talking to the delegation in Delaware, and I think a lot of the folks understand that side of the equation. This is another opportunity to see if we can address their needs, and also the concerns. Hopefully this will get there.

CHAIR BORDEN: Other comments.

MS. KERNS: I have Megan Ware and then Mike Armstrong, then Cheri Patterson and Chris Batsavage.

CHAIR BORDEN: Megan Ware.

MS. WARE: I think this will be a question for staff. I'm just trying to understand what this means, in terms of timing. It's the intent to bring this back to the February Board meeting, or is there potentially going to be too much going on with Amendment 7 that would be a further out task? I'm just trying to understand.

MS. KERNS: Thanks, Megan. Emilie, I'll pinch hit for you. I think it depends on, again what action gets changed in the document, and then how much work the PDT has on Amendment 7. The Board has said the priority is Amendment 7, and so the PDT would work on those issues first, prior to working on changes to Addendum VII. It would depend on what feedback we got from the state. I don't know if it's just Delaware, or we're also going to be getting feedback from other states of what issues to address.

CHAIR BORDEN: Cheri.

MS. PATTERSON: I really appreciate this consideration by Delaware. However, I think that considering what we're dealing with in our current discussion, the discussions we were just having, that we have a larger concern to deal with, not just

transfer of commercial options. I would like to do a substitute motion.

CHAIR BORDEN: That's within your right.

MS. PATTERSON: **I would like to move to postpone Draft Addendum VII to Amendment 6, until such time as striped bass is not overfished and overfishing is not occurring.** If I can get a second, I'll provide some rationale.

CHAIR BORDEN: Do I have a second?

MS. KERNS: Tom Fote.

MS. PATTERSON: Thank you, Tom. The rationale is, you know apart from New Hampshire's concerns and questions that are in the materials. You know some of these points that are going to be hashed out, were definitely silent in the approved motion. I think we need to, as Delaware has indicated, need to delve further into that. But I would like to point out more explicitly what came out of the PDT memo in that they're concerned that quota transfers could undermine the goals and the objectives of the reductions taken under Addendum VI. 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.

Addendum VI commercial quotas were fully utilized by allowing the transfer of latent quota. Commercial harvest would be higher than estimated in the Amendment 6 projections, and states would not maintain the required commercial reduction, thus potentially undermining the goals and objectives of Amendment 6 to end overfishing. A pond of commercial quota is not equal across all states through conservation equivalency.

As the PDT had indicated, they really don't have the time to be looking at this, and they haven't had the time to look at all the changes made to the base quota allocations that have resulted from adjusting the commercial size limits. There are just too many questions here, and we're struggling on how to get out of a fish species that is being overfished and

overfishing is occurring. I just don't think that this is a good idea at this point.

CHAIR BORDEN: Okay, so Tom Fote, do you want to comment as the seconder?

MR. FOTE: Yes, I would like to. I'm not against Delaware getting more quota. I think, when I think of when we set up the quota, which was based on the years, because that's when there were no fish spawning in the Delaware River and the Delaware Bay. New York's problem was because of lack of reporting on black sea bass and they asked for more quota, the same thing with Connecticut.

We have now seen the population in the Delaware River greatly increase. We've got to figure out a way to handle Delaware's situation. I support doing that. But to transfer quota at this time, no. I would like to move ahead and try to figure out how to handle the problem with Delaware having a quota that was based on when the bass fishery was really nonexistent in the Delaware River.

CHAIR BORDEN: Okay, so Toni, could we go back on the list? Could you give me the names again, please?

MS. KERNS: You have Chris Batsavage, Max Appelman, John Clark and Mike Armstrong.

CHAIR BORDEN: Okay, Chris, you're up.

MR. CHRIS BATSAVAGE: I guess consideration, I guess speaking to the first motion if we were to go forward with something, and not postpone, is I mean narrowly focus the amount of quota that can be transferred. I mean yes, admittedly if we transferred all the latent quota that would undermine what we're hoping to do in Addendum VI.

I think transferring all of North Carolina's allocation would do the same thing. But if there was a small amount of quota that could potentially be transferred, and I don't know what that amount would be. But stay within the range of what the commercial landings have been over the last few years that was used to kind of base projections

from Addendum VI. That might be maybe a short-term solution to address the problems that Delaware has identified over the last several years at least. But I do understand and recognize the concerns of the PDT, that kind of the way the Addendum is written now, with kind of an all or nothing transfer option. That kind of really goes against what we're trying to do overall with striped bass. I just wanted to throw that potential option out there, to see if that's even something worth considering.

CHAIR BORDEN: Max.

MR. APPELMAN: I'm prepared to support the first motion, because I think the PDT really could spend some time and try to address some of these concerns with the transfers, and sort of get them on the same playing field. Maybe propose some additional options to alleviate some concerns about undermining the most recent actions with Addendum VI.

I would support that first motion. But with the motion to substitute, I guess I'm a little confused as to what this would mean to where the Board's priorities were with removing the issue of commercial allocations as a whole from Amendment 7, and putting it aside until after Addendum VII was complete. I believe the intent was, once Amendment 7 is implemented there would be discussions about addressing commercial allocations from a coastwide perspective.

This Addendum was really just to try to provide immediate relief in the interim. If the substitute motion were to pass, and now we wouldn't even consider this until the stock is not overfished or overfishing is not occurring. Where would that leave the Board's priorities with addressing issues with commercial quota?

CHAIRMAN BORDEN: Comments.

MS. KERNS: David, I can tell you that it was staff's intention to bring up an allocation addendum after Amendment 7 was completed, regardless of where Draft Addendum VII went, because that was the direction we received, that this Draft Addendum VII, for lack of a better word, was sort of a quick fix to

provide an option for Delaware to get an opportunity for some quota prior to that Addendum on allocation.

MR. APPELMAN: Follow up, Mr. Chair.

CHAIR BORDEN: Yes, go ahead, Max.

MR. APPELMAN: I guess my first question would be, if that is still the intent, would the concept of commercial quota transfers be part of that initiative? Then I guess maybe some clarification from the makers of the motion that this would sort of adjust the Board's priorities with commercial allocation with broader issues with commercial allocations once Amendment 7 is complete. The thought being there that I don't think we would be in an over, you know the stock would not be overfished come that time, so my timeline here is a little confusing.

CHAIR BORDEN: Cheri, do you want to provide clarification on that, or does somebody on the staff want to comment on that?

MS. KERNS: I can comment, David, to the extent that it is up to the Board what would go in the Allocation Amendment. We would need obviously direction from the Board of what to put in the document. There is a possibility, I guess I could say that Max, anything is possible. Then I'll just say you have, I don't have the order anymore, but Mike Armstrong, John Clark and Roy Miller with their hands up.

CHAIR BORDEN: John Clark, you're next on my list, Mike Armstrong is after that.

MR. CLARK: I would like to speak in opposition to the substitute motion and in favor of the original motion. As Roy mentioned, we recognize the concerns of the PDT, and I think it was the Draft Addendum as written is very basic. I think there are options we could put in there that would take care of most of these concerns here.

One of the options that Chris Batsavage just mentioned I think would be helpful, is we would put limits on the amounts. I mean every transfer could

go to the Board for Board approval, which could have the effect that there wouldn't be any transfers approved for a long time to come anyhow.

But I just don't think it's right to just put this off until some vague future time. As we know from allocations, when we do get to the point where we're actually looking at striped bass allocation of the commercial quota. We know that's going to be a long-drawn-out process. Amendment 7, as we've just said, won't be approved until 2023. Who knows how long that allocation addendum would take?

I think we're not expecting immediate relief. We recognize the state of the stock right now. But at the same time, we think if we can get an addendum passed that would have some of these guardrails in place, that we would get the Board plenty of input, as to whether a transfer would take place or not. Perhaps we could work something out in the hopefully not for ten years into the future, where we could see some transfers take place.

Obviously, our timing is not great at this point. But we have been bringing this issue up at least since, well pretty much since Amendment 6 went into place. This is not a new issue from us, and I really think that at this point the Board could at least let us go forward with something, because you know it's unfortunate in our timing, but I think we could come up with addendum options that will satisfy the concerns that have been expressed.

CHAIR BORDEN: I next have Mike Armstrong.

DR. ARMSTRONG: I don't think we can support the motion to substitute. We are probably six, seven years from overfishing not being occurring, based on the projections. I think there is a way to reallocate or some other method that will be F neutral. Like clearly, we can't transfer stuff now, because it will raise F.

Going back to the main motion. I'm not sure, I've been listening to Toni. If she says we should kill it and start fresh after Amendment 7, or if we could keep this. If we can keep it, I would love to see it perfected, saying something like defer until after we

finish Amendment 7. Not necessarily implement it, but just done reviewing and approving it, which would be next spring. Just because I don't want to raise the hopes of the proponents that the PDT will start working on it right away. I don't think they can. We are about to pass, I think a fair amount of stuff from this Amendment, and that is the priority. We do have to push it down the road, and maybe we stipulate exactly when we'll start working on it.

CHAIR BORDEN: Toni, who else do you have on the list, and I'm getting close to the point where I'm going to call the question on the substitute motion.

MS. KERNS: Roy Miller is next on the list. I just want to make sure it's clear. I was just trying to outline the process for addressing allocation later down the road. I wasn't necessarily saying you all need to kill this or not. But I was trying to make clear that the PDTs priority will be Amendment 7, and if there is additional time we will address Addendum VII, and bring it to the Board in January as a motion for it to pass. But if there is not time then we would have to postpone longer.

CHAIR BORDEN: Roy, I'm going to give you the last word and then I'm going to call the question.

MR. MILLER: Very quickly, thank you, Mr. Chair. For the reasons that John has stated and Mike Armstrong and Chris. I would recommend against approving the substitute motion. Recreational mortality is the largest component of our mortality that we have to deal with, as a substitute of this Addendum.

Commercial harvest as it presently exists is not the problem. I feel that given sufficient time we can craft a proposal that is close to neutral, in terms of its impacts on the coastal commercial harvest. If not neutral than close to neutral. For that reason, I oppose the substitute motion. I specifically left the original motion indefinite, in terms of how much time to allow. If people are more comfortable with putting finite limits on when the Draft Addendum can be considered, that would be something we would entertain.

CHAIR BORDEN: I'm going to call the question on the substitute motion. Do delegations need time to caucus? Does anyone need time to caucus?

MS. KERNS: I have one hand raised for caucus.

CHAIR BORDEN: Okay, so we'll take a two-minute caucus, and then I'm going to ask Toni to call the roll, and everyone will raise your hand at the appropriate time, depending upon how you're voting. Two-minute caucus. All right, the time is up. Toni, are you ready?

MS. KERNS: I am ready, Mr. Chairman. To expedite it, can we just ask for those in favor, and I will call off the names? It will be faster.

CHAIR BORDEN: Okay, I will do that. All those in favor of the substitute motion, please raise your hand and Toni will call out the names.

MS. KERNS: I have New Hampshire and New York. That is all.

CHAIR BORDEN: Okay, so two in favor, opposed. Please take the hands down and all those opposed to the motion, please raise your hand.

MS. KERNS: Going to let the hands settle. I have Connecticut, Pennsylvania, New Jersey, Maine, District of Columbia, Maryland, U.S. Fish and Wildlife Service, Delaware, Massachusetts, North Carolina, Rhode Island, NOAA Fisheries, and Virginia.

CHAIR BORDEN: If I counted correctly, I had 13.

MR. GARY: Did you get PRFC, Toni?

MS. KERNS: PRFC, 14.

CHAIR BORDEN: Fourteen in opposition. Any null votes?

MS. KERNS: None.

CHAIR BORDEN: None, 0, any abstentions?

MS. KERNS: None.

CHAIR BORDEN: The vote fails. The vote was 2, 14, 0, and 0. We're back on the main motion. Is there anyone that requires the need to speak to this motion, to make a point that has not been made before?

MS. KERNS: I have Megan Ware.

MS. WARE: Just to follow up on a comment from Mike Armstrong earlier. If it would be accepted as a friendly from Roy and Marty, you consider a time certain, I guess it would be, for deferring? I would feel much more comfortable looking at this after Amendment 7, or at least after the PDT work on Amendment 7 is concluded.

CHAIR BORDEN: Roy and Marty, I think that's a question to you. She is suggesting a perfection, you add in some language about after the PDT concludes its work on Amendment 7. Roy, is that acceptable or not? If it's not acceptable I'll just move to call the question.

MR. MILLER: Mr. Chair, it's a little awkward. I would like the opportunity to confer with my colleagues from Delaware.

CHAIR BORDEN: Okay, so how long would you like?

MR. MILLER: Would one minute be, okay?

CHAIR BORDEN: One minute is fine. Marty, are you in agreement with that?

MR. GARY: Yes, Mr. Chairman, thank you.

CHAIR BORDEN: Roy gets a minute.

MR. MILLER: Thanks, Mr. Chair, for your forbearance. We would be more comfortable if we saw the specific wording that Megan suggested, so we make sure it's in the record, and then I can tell you very quickly, as soon as we see it, whether we're comfortable with it.

CHAIR BORDEN: Megan, do you want to make your suggestion? I urge you to keep it simple.

MS. WARE: Yes, I guess after the word defer, I would put until May, 2022, because I think at this

point is when I project, we will take final action on the document, on Amendment 7.

MR. MILLER: Mr. Chair, we're comfortable with that.

CHAIR BORDEN: Thanks, Roy. Marty, as the seconder are you comfortable with that perfection?

MR. GARY: Yes, Mr. Chair.

CHAIR BORDEN: Okay, so we have a perfected motion on the table. Is everyone ready to vote? Given the status of the last vote let me ask, is there anyone who objects to this motion?

MS. KERNS: Mr. Chair, I see no hands raised in objection.

CHAIR BORDEN: Okay, so this motion is approved without objection.

**CONSIDER DRAFT AMENDMENT 7 FOR
PUBLIC COMMENT (CONTINUED)**

CHAIR BORDEN: I believe that concludes the discussion on this issue.

We will go back to Amendment 7, and I'll give the staff a minute to rearrange the PowerPoint.

MS. FRANKE: All right, Mr. Chair, I'm ready whenever you are.

CHAIR BORDEN: All right, Emilie, if you'll lead us through this. Before you do that, I just want to comment that it's almost six o'clock. We'll go until 6:30, and then make a judgment on how we want to move from there, if at all. Emilie, if you could, please move forward with 4.5.2.

MS. FRANKE: As the last section of the draft options that I will review today. This is Section 4.5.2 in the Draft Amendment document for conservation equivalency. Starting with the statement of the problem. There is value in allowing states to implement alternative regulations through conservation equivalency, as noted in the Draft Amendment, to meet the needs of state fisheries.

However, this creates regulatory inconsistency among states, and within shared waterbodies with associated challenges, such as enforcement challenges. Another challenge is that it's difficult to evaluate the effectiveness of CE programs once they are implemented, due to the challenge of separating the performance of management measures from outside variables, such as angler behavior, and the availability of fish. There have been some concerns raised that some alternative measures implemented through CE could potentially undermine management objectives. Then finally, there is also limited guidance on how and when CE should be pursued, and how equivalency is defined. For this issue, Option A is the status quo and Options B through E consider whether to adopt new default restrictions or requirements for the use of CE, or whether to eliminate the use of CE from the FMP, which is Option F.

Sub-options selected under Options B through E would automatically apply to any new FMP standard approved through Amendment 7, and all subsequent management actions and CE proposals. Options B through E are intended to address concerns about CE at the front end of the CE process. That is considering when CE can be used and requirements for CE proposals.

Alternatively, Option F would eliminate the use of CE from the FMP. If this option is selected, Option F, then Options C through E would not be valid. I just want to note from the Advisory Panel meeting, some AP members noted the importance of accountability, and concern that accountability measures were not included in the draft options.

As a reminder, accountability options were not developed for this Draft Amendment due to the challenge, again of separating out the performance of management measures from factors like angler behavior and fish availability. One other note on this suite of options for CE. The PDT did discuss the request from the August Board meeting to consider incorporating CE proposals into a management document itself.

However, the PDT concluded that this would not be a viable option from the PDT perspective, due to the additional time that would be required to develop CE proposals for each management option for inclusion in draft documents for public comment, and the additional time that would be needed to develop management documents to include CE proposals.

First, just to review the status quo Option A. The Board has final discretion regarding the use of CE, and approval of CE programs. Under the status quo option the Board can restrict the use of CE on an ad hoc basis for any FMP requirement. Potential restrictions could include specifying measures that are not applicable through CE, or limiting the range of measures that may be proposed through CE. For example, along with other types of restrictions, again at the Board's discretion.

Moving on to Option B in Draft Amendment 7. The following sub-options under Option B would establish default restrictions on the use of CE for certain fisheries, depending on the status of the striped bass stock. When the stock conditions are met, CE programs would not be approved, based on the options that would be selected. It's important to note, that previously existing CE programs would remain in place until Board action is taken on a new FMP standard relevant to that fishery.

The first set of sub-options here is B1, which considers what the restrictions would be. B1-a would not allow CE if the stock is overfished. B1-b would not allow CE if the stock is below the SSB target, and B1-c would not allow CE if overfishing is occurring. The next set of sub-options considers the applicability of any of these options selected under B1. At a minimum, any of the selected restrictions that I just went over would apply to non-quota managed recreational fisheries in both the ocean region and the Chesapeake Bay Region, with the exception of the Hudson River, Delaware River, Delaware Bay and Chesapeake Bay spring trophy recreational fisheries. The reason for this is that most of the concern surrounding CE, as identified during the scoping process for Draft Amendment 7, are related to non-quota managed fisheries, and this is due to the use of uncertain data assumptions

in modeling, and also challenges with measuring the effectiveness of CE.

The Board could choose to extend these CE restrictions to one or more of the following additional fisheries in Sub-option B2. B2-a would apply to CE restrictions as well to the Hudson River, the Delaware River, the Delaware Bay recreational fisheries. B2-b would extend those restrictions to include the Chesapeake Bay spring trophy fishery.

B2-c would extend those restrictions to include quota managed recreational fisheries, so bonus programs, and then B2-d would extend those restrictions to also apply to commercial fisheries. The next set of sub-options here, Option C, would establish default precision standards for MRIP catch and effort estimates used in CE proposals.

These options are based on the percent standard error, or PSE, associated with MRIP estimates. C1 would not allow any CE proposals to use MRIP estimates with a PSE exceeding 50. C2 the PSE could not exceed 40, and for C3 the PSE could not exceed 30. The PDT notes the statement from NOAA about MRIP estimates with PSEs.

NOAA states that MRIP estimates with PSEs over 30 should be viewed with caution, and that large PSEs, which are those above 50, indicate high variability and low precision. Finally, the Draft Amendment encourages states to increase APAIS sampling as needed, and as resources allow.

I just want to note that one AP member noted the NOAA concern about the use of MRIP for CE proposals, and also noted concern that a PSE threshold of 50 is still too high. 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 of success in achieving equivalency with the FMP standard. These uncertainty buffer options would provide a proactive accountability measure for non-quota managed fisheries.

Option D1 would require an uncertainty buffer of 10 percent for CE programs. D2 would require a buffer

of 25 percent, and D3 would require a buffer of 50 percent. This buffer would apply to the percent reduction that's required, or the liberalization that's being allowed for the non-quota managed fisheries. For example, if a 20 percent reduction is required with a 10 percent uncertainty buffer, proposed CE programs would need to demonstrate a 22 percent reduction.

The Draft Amendment notes that the Board may need to further determine how the buffer is applied for some future management actions, particularly when CE proposals might include measures for both quota managed and non-quota managed fisheries. For example, as in Addendum VI, if the reduction can be split between sectors, the Board may request guidance from the TC or PRT when making those determinations of how exactly the uncertainty buffer would apply. Option E considers establishing a default definition of what equivalency means for CE proposals for non-quota managed fisheries. These options are intended to specify the percent reduction or liberalization that must be met in the CE proposal, when the FMP standard is suggested to have different effects at the coastwide versus the state-specific level. Proposed CE programs would be required to demonstrate equivalencies to either the percent reduction or liberalization projected at the coastwide level, that's Option E1.

For example, this is the requirement for Addendum VI, that each state achieves the 18 percent reduction as projected by the FMP standard at a coastwide scale. Alternatively, Option E2 proposed CE programs would be required to demonstrate equivalency to the percent reduction projected for the FMP standard at the state level, instead of the FMP standard projected at the coastwide level.

For example, if there is an FMP standard that's adopted that achieves a 20 percent change in removals when applied coastwide, in this example state A, when the FMP standard is projected at the statewide level, state A sees a 25 percent change in removals, and state B sees a 10 percent change. Under Option E1, which uses the coastwide level, both states would be required to demonstrate

equivalency to 20 percent, which is that coastwide level projection.

Under Option E2, the state specific projected changes would be, so state A would be required to demonstrate equivalency of 25 percent and state B would be required to demonstrate equivalency for 10 percent. Then finally to wrap up here, Option F would prohibit the use of CE. It would remove the allowance for CE from the striped bass management program until it is reinstated by the Board in a future management action.

Again, previously existing CE programs would remain in place until states are required to implement any new FMP standards that are approved by the Board. Just another note, that if Amendment 7 changes the ocean region status quo recreational slot limit that was discussed in the 2015-year class section.

Any new size limit would apply to the ocean region, including the Hudson River, Delaware River, and Delaware Bay, unless the FMP establishes a separate standard for those fisheries, in this case where CE would be prohibited. With that, Mr. Chair, that's all I have for the CE draft options, and I'm happy to take questions.

CHAIR BORDEN: Are there any questions for Emilie on any of those items?

MS. KERNS: I have one hand, Mike Luisi.

CHAIR BORDEN: Mike Luisi.

MR. LUISI: Emilie, with the changes that are possible here with conservation equivalency, how does it relate to the Commission's conservation equivalency policy document? Is this something, and I thought I had heard that the Policy Board is considering updates to that policy document. Is there a connection between what we're considering here for striped bass and what might be considered for other species that the Commission manages, or is this specific to striped bass only, and the policy document will remain intact as is?

MS. FRANKE: I'm going to defer to Toni on this one.

MS. KERNS: What is being proposed here is specific to striped bass only, Mike. At the Policy Board I'm going to go over a list of questions that the Management and Science Committee have been tasked with. Some of the questions relate to some of the topics here, like for example buffers that we're asking the Management and Science Committee to look into. Then based on information that comes back from the Management and Science Committee, we'll consider changes to the policy or guidance document for CE, that would apply to all species.

MR. LUISI: Okay, thanks. This would be an add on to the possible change for the more holistic group of species that we manage. This would be on top of that. There would be a section on how striped bass are specifically managed, or would the document just refer to Amendment 7 for striped bass?

MS. KERNS: It wouldn't refer to it, it's just that these would be specific requirements for the striped bass fishery. Then David, you have Mike Armstrong.

CHAIR BORDEN: Toni, any other hands up?

MS. KERNS: Mike Armstrong.

CHAIR BORDEN: Mike, question.

DR. ARMSTRONG: Yes, I have a question about the PSEs. I don't want us to go down the wrong road on this. This might be a question for Dr. Drew. That's the PSE applied coming from what? You start with a statewide value for the whole year with a PSE, then you decide to go with a mode, and that's a different PSE.

Then you decide to go with a season built into that. Without walking through it, I can't really wrap my head around it, but it sounds like you have to strap error bars when you're pulling all these pieces in. I just want to make sure what we're getting into when we're recommending this. This is a starting PSE, whatever you're altering? Someone, help me please.

DR. DREW: I can maybe take a first stab at this, but I think I would defer to the PDT on what their intentions were for this. But yes, the goal would be to, if you are going to do a seasonal measure, then the data that you need to be able to calculate a meaningful value out of that data. You know if you're working then with wave-specific data, or if you're working with mode-specific data, then the PSE would apply to that dataset.

You can pool across years or you could pool across states within a region, to get your PSE to that level. You know the MRIP data, you are able to do small domain estimation on the MRIP data, so you could say, what is Maryland's PSE for Wave 2 over these five years, and have a value of that PSE that takes into account all of the correct statistical weighting on that front. You're not having to do a tailored expansion for example, to combine some of this variance. But I think the goal is that if you are focusing on very narrow datasets, that there is some consideration of the error or the uncertainty around that dataset, and to give kind of clear guidance to the TC when they're working up these analyses, about what level of risk the Board feels is appropriate.

DR. ARMSTRONG: Okay, thank you.

CHAIR BORDEN: Toni, anybody else on the list?

MS. KERNS: I have no other hands.

CHAIR BORDEN: Anyone proposing a change?

MS. KERNS: One hand, John Clark.

MR. CLARK: Just for the sake of moving this along. I would like to see that option removed that totally eliminates CE from striped bass. Would it be possible, Emilie, to put all the options on a single page so we can see them all at once? I think it was the last option, oh there we go, yes. Of course, I'd like to make, well obviously we're going to keep that one. But that's one I would definitely like to see removed, and I think some of the other ones there are going to be pretty tricky. But a prohibition on the use I would like to see removed.

CHAIR BORDEN: Okay, so John has recommended prohibition, so members should speak pro or con on that. Any hands up?

MS. KERNS: You have Ritchie White.

CHAIR BORDEN: Ritchie.

MR. WHITE: The public seemed to be pretty clear the last time we were out to the public, so I think this option ought to stay in, so the public has a chance to comment on it. I would be opposed to removing it.

CHAIR BORDEN: Any other hands up, Toni?

MS. KERNS: I have Adam Nowalsky, John McMurray, and Mike Luisi.

CHAIR BORDEN: Adam.

MR. NOWALSKY: I support John in the removal of Option F from these options. I believe the use of CE is not a Board specific decision to make with regards to universally prohibiting it on the use of a species, given the ongoing work that's going on by the Full Commission. If the Full Commission ultimately decides at the Policy Board level that they would like to discontinue CE, we would certainly have to accept that at the Board level. But given that we currently have Board discretion, whether or not to accept or deny a given CE proposal, I think that's adequate.

I think if this Board wants to consider certain options to put restrictions that are relevant to the species that we manage, I think that's certainly worthy of discussion. But the prohibition element here, I believe that's a much bigger decision that exceeds this species board to make.

CHAIR BORDEN: Mike Luisi.

MR. LUISI: I support the removal of Option F, the prohibition on the use of CE. In this case I support John's suggestion. I think had it been status quo and prohibition of use it would have been a different story, but Option B through E define different ways for which conservation equivalency

will be evaluated with the use of uncertainty buffers and other standards.

I think it tightens the grip on how states use conservation equivalency going forward. I think that's a first good step in understanding and using conservation equivalency. I don't think getting rid of it entirely is appropriate, so I would support John.

CHAIR BORDEN: Toni, who is the third name you had on the list?

MS. KERNS: I have more names that are here that signed up, so I have John McMurray and then Cheri Patterson, Tom Fote, and Dennis Abbott.

CHAIR BORDEN: John McMurray.

MR. McMURRAY: I agree with Ritchie White. We can't remove Option F now. The public was clear they wanted the Board to consider this, that's all.

CHAIR BORDEN: Cheri.

MS. PATTERSON: I'm going to reiterate what John and Ritchie have said. We had pretty clear public response on this particular option.

CHAIR BORDEN: Tom Fote.

MR. FOTE: I have to agree with Adam and Mike, because we have just the opposite experience that New Hampshire has.

CHAIR BORDEN: Okay, Dennis Abbott.

MR. ABBOTT: Not to be repetitive. I think it should stay in. I think the public then should have an opportunity to comment, though I do believe that eventually we probably wouldn't enact a prohibition, but I think it's necessary to hear what people have said, will say, and let it go at that.

CHAIR BORDEN: Okay, so Toni, who else have you got on the list?

MS. KERNS: That's all, wait, Justin Davis.

DR. DAVIS: I'm in support of removing this option from the document. I kind of feel like the reality of the situation is that it's highly unlikely when we take final action on this document that we're going to adopt this option, and prohibit the use of CE. I think conservation equivalency has a role to play in the management program for this species.

I think what's most important right now is to put the appropriate guardrails in place on the use of CE. I think we're going to get the most productive feedback from the public when we focus their comment and their input on that, on how do we improve the use of CE for this management program. I just don't think it's realistic that we're going to take it out of the management program, and so I question the value of having it in here.

CHAIR BORDEN: All right, well at this point we don't have a clear mandate one way or another, so it might be simpler if someone made a motion, and then we'll deal with it as a standalone motion.

MS. KERNS: John Clark.

CHAIR BORDEN: John Clark.

MR. CLARK: I'll make that motion. I move to remove Option F from the CE options.

CHAIR BORDEN: All right that's a motion by John Clark, is there a second?

MS. KERNS: Mike Luisi.

CHAIR BORDEN: Mike Luisi. John, do you want to speak to that and then I'll ask Mike?

MR. CLARK: I think everything has been said. You know I think Adam made a very valid point that this goes beyond the Striped Bass Board to decide whether CE should be in there. I don't even think it should go out to the public. Why give them an option that is not going to happen?

CHAIR BORDEN: All right, Mike Luisi, you're next.

MR. LUISI: Yes, I agree in a way with Justin Davis, but I think we get more constructive feedback on

the other options if we remove Option F. At the time when we got the initial reaction from the public, there weren't the other options for them to really break down and think about. It was easy to say remove it completely. But I think here, when they get a full scope of the guardrails that are being considered, it will be more productive if we get feedback on the guardrails, rather than removal.

CHAIR BORDEN: All right, we've had about eight speakers that have all voiced their preferences on this. Is there somebody new who would like to raise a different point, either pro or con?

MS. KERNS: You have no hands.

CHAIR BORDEN: Okay, I think I'm just going to call the question. I'll provide a one-minute caucus break. If you could put up the clock, please, Toni/staff.

MS. KERNS: That's a little trickier. Emilie, I don't know if you have the clock. I'll set a timer and I'll let you know when you have 10 seconds left.

CHAIR BORDEN: Okay that's great. One minute caucus. Thank you very much, Toni, so we're going to call the vote on this. As before, when you vote raise your hand and Toni will call of the names, and we'll tabulate them accordingly. All those in favor of the motion, signify by raising your hand.

MS. KERNS: Just going to let the hands settle for a second. I have Connecticut, Pennsylvania, New Jersey, District of Colombia, Massachusetts, Maryland, Delaware, North Carolina, PRFC, and Virginia. Emilie, do you have a count on that?

MS. FRANKE: Yes, I have 10 in favor.

MS. KERNS: I will take the hands down. Ready?

CHAIR BORDEN: All those opposed.

MS. KERNS: I have Maine, New Hampshire, New York, and Rhode Island that's four. I'll put the hands down.

CHAIR BORDEN: All right, abstentions.

MS. KERNS: I have two abstentions, NOAA Fisheries, and Fish and Wildlife Service.

CHAIR BORDEN: Any null votes?

MS. KERNS: Let me just get the hands down, now we can do the nulls. I have no null votes.

CHAIR BORDEN: All right so the vote is 10, 4, 2, 0. The motion passes. We're back to consensus mode. I don't see any, or I haven't heard any other suggestions for alterations. Here I'll just ask one more time. Does anybody want to change anything else in this section? We've removed one item. Any hands up?

MS. KERNS: No hands.

CHAIR BORDEN: Okay, so we will proceed on that basis, everything else stays in. All right, Emilie. I know we've got two tabled motions to deal with. What else do we have to deal with?

MS. FRANKE: Mr. Chair, that is all I have for my presentation.

CHAIR BORDEN: Okay, could we go back to the first, Megan Ware's tabled motion? We are at the end of the agenda item. Toni, do we need a motion to take this off the table at this point, or is it automatically on the table?

MS. KERNS: I believe we do, but I want Bob to correct me. I could be wrong.

CHAIR BORDEN: Bob.

EXECUTIVE DIRECTOR ROBERT E. BEAL: Actually, we do not need a motion, since it was delayed through a time certain.

CHAIR BORDEN: Time certain, that's what I thought. Thank you. This motion is on the table, it's ready to be voted on. We've had a discussion on the motion. I guess the only thing for members to reflect on is, and this kind of applies to both motions. These motions will basically require some additional work by either staff or PDT, so that would mean, if that's correct.

That would mean that the items would come back to the Board at the next meeting, where the provisions of the Amendment would be actually finalized. Are individuals ready to vote on this? Anyone want to speak to this to raise an issue you have not already raised?

MS. KERNS: I have two hands, Mike Luisi and Justin Davis.

CHAIR BORDEN: Mike, and then Justin.

MR. LUISI: I'm thinking back to the discussion that we had before on this. I absolutely support the development of a rebuilding plan for striped bass. However, I feel that the way that this motion reads it kind of handcuffs the PDT at developing one option for a certain time period to achieve spawning stock biomass rebuild.

I wonder if this could be written in a way which would task the PDT to develop a formal rebuilding plan for striped bass under Amendment 7, under Management Response to Recruitment Triggers, including status quo F target, and additional options to establish an F rebuild calculated for various time periods, not to exceed ten years. I think that gives the PDT a little more flexibility to give the Board and the public a bit more to digest and provide comment on, rather than identifying the time period of 2029 as the only other option other than status quo.

I would be prepared to make a motion, I guess it would be to substitute, since there would be some changes. But I piggy-backed a lot of the language here. That is kind of where I am. I can hold off and wait to get additional comments, but I'm prepared to do that whenever you want to call on me, Mr. Chairman.

CHAIR BORDEN: Let me take Justin and then after I take Justin, maybe I'll go back to Megan, and ask her whether or not she wants to change anything here, having heard the comment. Justin.

DR. DAVIS: I think Mike was kind of getting after what I was wondering is, process. If we voted to approve this motion, it would mean that the PDT

has to do some additional work, and the Board has to see the document again before we can approve the whole thing to go out for public comment. Is that correct?

CHAIR BORDEN: Yes.

DR. DAVIS: Okay, thanks. That is just a clarification I was looking for, and I think given what Mike was saying, if we're going to send this back to the PDT either way, I would prefer to give the PDT the latitude to look at this question of a rebuilding plan, and essentially have the freedom to decide if there are other options in here that might want to consider, other approaches they may want to take, rather than the motion being prescriptive about which options have to be put in the document.

CHAIR BORDEN: Megan, I said I was going to come back to you. You've heard the comments. Do you want to change anything? I think it could be a fairly simple change, by including some language like, not later than 2029.

MS. WARE: Yes, I'm generally willing, I guess to be a little more broad in this. I will say, I don't think we can go later than 2029, because the clock has already started, and according to our current management plan we're on the ten-year clock. I think we're beholden to that, unless we're then changing that element of the plan, which I don't think we can do that in this document and also vote on it. I guess what I'm trying to say. I think we're beholden to no later than 2029, but I am happy to consider language that would say something of no later than 2029, if that helps.

CHAIR BORDEN: You would be adding after the word by, no later than 2029?

MS. WARE: Yes, I think so. I'm just reading it.

CHAIR BORDEN: Take out by.

MS. WARE: Yes, I think that's what people are getting at.

CHAIR BORDEN: John McMurray, would that perfection be acceptable to you?

MR. McMURRAY: Yes, I'm looking at it now. I think that would be okay.

CHAIR BORDEN: Okay, so we have a perfected motion on the table. Any other discussion on this issue?

MS. KERNS: You have Max Appelman.

CHAIR BORDEN: Max.

MR. APPELMAN: Just for clarification. I think I heard this when the motion was initially made, but the intent here is just for the PDT to develop a rebuilding program to be codified into the Amendment, but not to also explore changes in measures to achieve this new F(rebuild) at the same time. That would be a subsequent action, did I hear that right?

CHAIR BORDEN: Does staff want to comment to that point?

MS. WARE: This is Megan, I can speak to my motion. Max, the intent here, I think you are kind of on it, is to establish a rebuilding structure in this Amendment, and then kind of leverage that upcoming 2022 assessment, to tell us what that F(rebuild) is, and where we are associated with it.

I think until we have that information, we don't know what the step is after that. We could find ourselves in a position where we're below F(rebuild) and that's great, or we could find ourselves in a position where we're above that, and that's not so great. I think the important part here is establishing that framework, so that we can leverage the 2022 assessment to tell us the information we need.

CHAIR BORDEN: All right, any other issues on this?

MS. KERNS: I have Mike Luisi.

CHAIR BORDEN: Mike.

MR. LUISI: I hate to be a pain in the ass. I guess it's clear in the record, but I was thinking more along the lines. I mean I think the change here is good, no

later than 2029. I just want to make sure it's clear that we are tasking the PDT to develop a formal rebuilding plan, rather than to consider a formal rebuilding plan.

I know that's a small modification for the language, but I think that sets the stage for an understanding that we are not going to formalize it and send this to the public now, that the PDT is going to develop something that we'll get to see at the next meeting. I'll just put that out there. Either way, as long as it's on the record I think it's clear, but it may be better to put it in the motion.

CHAIR BORDEN: All right, so any other changes to this? Do the makers of the motion or anyone else want to suggest a perfection? If not, I'm going to call the question.

MS. KERNS: You have Adam Nowalsky.

CHAIR BORDEN: Adam.

MR. NOWALSKY: I was just going to offer that if you felt, and other members here, I think Mike is leaning in this direction, that this may not be clear. I would prepare to attempt to substitute this that would go ahead and make it clear that we are tasking the PDT to include something, and that we have two options here. If it is your interpretation at this point, Mr. Chairman, that the record is crystal clear, that this motion as written is tasking the PDT to develop something for inclusion, and would not be limited to just these two options, then I'm fine with moving forward. But in the absence of that clarity, I would be prepared to offer that as a substitute at this point.

CHAIR BORDEN: As much as I hate to say this. This is an important issue, and I think we need to deal with this as a motion.

MS. KERNS: I think Megan is willing to take that as a friendly, Mr. Chair, as she has texted me.

CHAIR BORDEN: Megan. If you want to perfect this again, I'll allow that.

MS. WARE: I think the points have been well made, so let's do, move to task the PDT to develop a formal rebuilding plan, and Adam and Mike, if that is not what you were thinking, please let me know.

MS. KERNS: They don't have their hands up, so I'm going to take that as a thumbs up.

MR. NOWALSKY: Yes, the only other addition I would make here would be something that would reflect, not that this isn't limited, just Option 1 and 2, perhaps changing this to Options would include a status quo F target and another option that would establish. That would allow the flexibility for the PDT to develop something else or a variation of one of these options.

MS. WARE: I'm fine with that. I think we can say Options could include status quo, and then the description for the Option 2 I have in there.

CHAIR BORDEN: Okay, so Megan is suggesting another perfection to the motion. John McMurray, are you in agreement with that?

MR. McMURRAY: Yes, I'm okay with that, thank you.

CHAIR BORDEN: Okay, so any other perfections here?

MS. KERNS: No hands.

CHAIR BORDEN: No hands, so is there anyone who objects to this? Any hands up?

MS. KERNS: No hands in objection.

CHAIR BORDEN: Okay, so the motion is approved without objection. Now if we can go to the next motion, we're almost done here. We have a second motion. This second motion was tabled, it's now on the table for discussion. Is there anything new to be added to this? Any changes? Any hands up, Toni?

MS. KERNS: No hands.

CHAIR BORDEN: Any objection to approving this motion?

MS. KERNS: I see no hands.

CHAIR BORDEN: Motion stands approved without objection. Is there any other business? Is there an AP appointment?

MS. KERNS: Mr. Chair, it's up to Joe, or the state of New Jersey. We can do it through an e-mail vote if you would prefer. It's up to whatever Joe or the state of New Jersey would like.

CHAIR BORDEN: Joe Cimino, do you want to make a nomination for the AP?

MR. CIMINO: I appreciate that thought, Mr. Chair, but I'm perfectly happy doing that via e-mail vote.

CHAIR BORDEN: Okay that's fine, so anything else to come before the Board?

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

ADJOURNMENT

CHAIR BORDEN: Thank you all for your tolerance, I know we're way over the time deadline, but we plowed through a lot of information. This meeting stands adjourned.

(Whereupon the meeting adjourned at 6:37 p.m. on October 20, 2021)