

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

**Webinar
May 5, 2021**

Approved August, 3, 2021

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INDEX OF MOTIONS

1. **Approval of agenda** by consent (Page 1).
2. **Move to approve proceedings from February 3, 2021** by consent (Page 1).
3. **Move to accept the 2020 Albemarle Sound-Roanoke River Striped Bass Stock Assessment and Peer Review Report for management use** (Page 8). Motion by Chris Batsavage; second by Emerson Hasbrouck. Motion carried (Page 9).
4. **Move to remove issue 1 from the PID and maintain existing goals and objectives** (Page 25). Motion by Ritchie White; second by John Clark. Motion carried (Page 29).
5. **Move to remove issue 2, biological reference points, from consideration for Draft Amendment 7** (Page 29). Motion by David Sikorski; second by Megan Ware. Motion carried (Page 36).
6. **Move to maintain issue 7, recreational release mortality in the development of Amendment 7** (Page 36). Motion by Marty Gary; second by Joe Cimino. Motion carried (Page 40).
7. **Main Motion**
Move to remove issue 4, the rebuilding schedule, from further consideration in Amendment 7 (Page 40). Motion by Justin Davis; second by John McMurray. Motion amended.
8. **Motion to Amend**
Move to amend to include the following text: add options for measures to protect the 2015 year class in the development of Draft Amendment 7 (Page 41). Motion by Megan Ware; second by Dave Sikorski. Motion carried (Page 45).

Main Motion as Amended
Move to remove issue 4, the rebuilding schedule, from further consideration in Amendment 7 and add options for measures to protect the 2015 year class in the development of Draft Amendment 7. Motion carried (Page 47).
9. **Move that issue 5, regional management, be removed from consideration in Draft Amendment 7** (Page 47). Motion by John McMurray; second by Mike Armstrong. Motion approved by consensus (Page 50).
10. **Move to include issue 6, conservation equivalency in Amendment 7** (Page 50). Motion by Ritchie White; second by Megan Ware. Motion carried (Page 52).
11. **Move to include issue 9, coastal commercial quota allocation in Draft Amendment 7** (Page 53). Motion by John Clark; second by Justin Davis. Motion failed for lack of a majority (Page 58).
12. **Main Motion**
Move that the female SSB and fishing mortality triggers be removed from consideration from Draft Amendment 7 and to task the Technical Committee with developing options for a more effective standard for recruitment based triggers (Page 59). Motion by John McMurray; second by Roy Miller. Motion substituted.

INDEX OF MOTIONS (continued)

Motion to Substitute

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

Main Motion as Substituted

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

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

ATTENDANCE

Board Members

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

Adam Nowalsky, NJ, proxy for Asm. Houghtaling (LA)
Kris Kuhn, PA, proxy for T. Schaeffer (AA)
Loren Lustig, PA (GA)
G. Warren Elliott, PA (LA)
John Clark, DE (AA)
Roy Miller, DE (GA)
Craig Pugh, DE, proxy for Rep. Carson (LA)
Mike Luisi, MD, proxy for B. Anderson (AA)
Russell Dize, MD (GA)
David Sikorski, MD, proxy for Del. Stein (LA)
Pat Geer, VA, proxy for S. Bowman (AA)
Chris Batsavage, NC, proxy for J. Batherson (AA)
Jerry Mannen, NC (GA)
Bill Gorham, NC proxy for Rep. Steinberg (LA)
Marty Gary, PRFC
Bryan King, DC
Max Appelman, NMFS
Sherry White, USFWS

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

Guests

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

Greg DiDomenico, Cape May NJ
Evan Dintaman
Chris Dollar, CBF
Frazer Dougherty
John Duane
Julie Evans
Peter Fallon
Lynn Fegley, MD DNR
James Fletcher, Wanchese Fish Co
Toby Frey
Tony Friedrich, SGA
Thomas Fuda
Alexa Galvan, VMRC
John Gans, TRCP
Paul Genovese, MD DNR
Steven Gewirz, Potomac Investment
Lewis Gillingham, VMRC
Angela Giuliano, MD DNR
Charlton Godwin NC DENR
Willy Goldsmith, SGA
Melanie Griffin, MA DMF
Pam Lyons Gromen, WildOceans
David Gulman
Nathaniel Hancock, NC DENR
Jon Hare, NOAA
Brendon Harrison, NYS DEC
Bill Hoffman, MA DMF
Carol Hoffman, NYS DEC
William Hoffman
Harry Hornick, MD DNR
Jesse Hornstein, NYS DEC
Asm. Eric Houghtaling, NJ (LA)
Rachel Howland, NC DENR
Glenn Hughes
Brent Hunsinger
Steven Jackson, US FWS
Desmond Kahn
Patrick Keliher, ME (AA)
Carrie Kennedy, MD DNR
Shawn Kimbro
Thomas Kosinski
Adrienne Kotula
Rob LaFrance, Quinnipiac Univ
Ed Lambert

Guests (continued)

Wilson Laney, NCCF
Arnold Leo, NY
Tom Little, Ofc. Asm Houghtaling
Carl LoBue, TNC
Chip Lynch, NOAA
Shanna Madsen, VMRC
John Maniscalco, NYS DEC
Casey Marker, MD DNR
Genine McClair, MD DNR
Joshua McGilly, ODU
Dan McKiernan, MA (AA)
Conor McManus
Kevin McMenamin
Nichola Meserve, MA DMF
Rex Messing
Steve Meyers, Williamsburg, VA
Mike Millard, US FWS
Steve McKinnen, US FWS
Chris Moore, CBF
Clinton Morgeson, VA DWR
Brandon Muffley, MAFMC
Allison Murphy, NOAA
Brian Neilan, NJ DEP
Jeff Nichols, ME DMF
Tyler O'Neill
George O'Donnell, MD DNR
Zane Oliver, VCCS
Derek Orner, NOAA
Patrick Paquette, MA SBA
Ian Park, DE DFW
Wesley Phillips
Mike Piper
Kelly Place, Williamsburg, VA
Mike Plaia
Nicholas Popoff, US FWS
Will Poston
Evan Privolos
Jill Ramsey, VMRC
Stephanie Rekemeyer, NYS DEC
Harry Rickabaugh, MD DNR
Jason Rock, NC DENR
Mike Ruccio, NOAA
Patrick Rudman
Leonard Rudow

Daniel Ryan, DC
Cody Sands
Alexei Sharov, MD DNR
Greg Shute
Jared Silva, MA DMR
Melissa Smith, ME DMR
Somers Smott, VMRC
Ross Squire
Rene St. Amand, CT DEEP
Michael Standl DE DFW
Norm Staunton
David Stormer, DE DFW
Jason Surma, Woods Hole Group
John Sweka, US FWS
George Sylvestre
Chad Tokowicz, MRAA
Michael Toole
Jim Uphoff, MD DNR
Chris Uранеck, ME DMR
Taylor Vavra, StripersForever
Beth Versak, MD DNR
Ralph Vigmostad
Mike Waive, ASA
Craig Weedon, MD DNR
Ben Whalley
Peter Whelan, Portsmouth, NH
Margaret Whitmore, VA DWR
Meredith Whitten, NC DENR
Kate Wilke, TNC
Angel Willey, MD DNR
Logan Williams
John Williams
Brian Williams
Charles Witek
Steve Witthuhn, Greenland, NY
Michael Woods
Chris Wright, NOAA
Rob Yagid
Dennis Zambrotta
Dan Zapf, NC DENR
Jordan Zimmerman, DE DFW
Erik Zlokovitz, MD DNR
Rene Zobel, NH F&G

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

CALL TO ORDER

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

APPROVAL OF AGENDA

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

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

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

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

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

APPROVAL OF PROCEEDINGS

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

MS. KERNS: No hands.

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

PUBLIC COMMENT

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

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

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

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

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

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

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

COMMISSION CHAIR ADDRESSES THE BOARD

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

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

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

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

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

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

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

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

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

PRESENTATION OF STOCK ASSESSMENT AND PEER REVIEW PANEL

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

uncertainty in the potential causes in defining recruitment.

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

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

NORTH CAROLINA'S MANAGEMENT RESPONSE TO ASSESSMENT

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

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

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

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

Amendment 2, with expected approval by our Marine Fisheries Commission in mid-2022.

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

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

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

Again, we have the ability to generate estimates with about a week or two lag time, so we are

hopefully going to be able to keep those harvest levels below those new TALs. The Wildlife Resources Commission runs that creel survey in the Roanoke River Management Area, and we run the one in the Albemarle Sound Management Area. With that, I'll be happy to take any questions from anybody from the Board, thank you.

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

MS. KERNS: Mike Luisi is the only hand.

CHAIR BORDEN: Mike.

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

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

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

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

changes, when you have results like you have. I thank you for that. I appreciate it, Charlton, thank you.

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

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

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

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

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

We do still have some older fish in there, and we do still see some tag returns from the northern states. But again, as our population

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

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

CHAIR BORDEN: Toni, any other hands?

MS. KERNS: Mike Luisi.

CHAIR BORDEN: Mike.

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

CHAIR BORDEN: Toni and Bob, to that point.

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

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

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

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

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

MS. KERNS: Correct.

CHAIR BORDEN: Toni, any other hands?

MS. KERNS: No, Mr. Chairman.

TECHNICAL COMMITTEE REPORT

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

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

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

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

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

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

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

CHAIR BORDEN: Questions for Kevin? Toni?

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

CHAIR BORDEN: Ritchie White.

MR. G. RITCHIE WHITE: Thanks, Kevin. Notice the discussion about flows possibly being brought in to future assessments. Has the Technical Committee given any thought to this for Chesapeake Bay and the

other producer areas as something to be looked at, as it relates to the poor recruitment we've been having?

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

CHAIR BORDEN: Any other questions, Toni?

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

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

UPDATE ON NORTH CAROLINA MANAGEMENT PROGRAM

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

MR. CHRIS BATSAVAGE: I think Charlton's slides covered a lot of that. What it showed was, what we're doing in place right now is we've put in measures to end overfishing starting in 2021, with the very low quotas for the commercial and recreational fisheries in the Albemarle Sound and Roanoke River, and that has resulted in much shorter seasons, and lower bag limits to ensure that we end overfishing and start rebuilding the stock as soon as possible. As Charlton mentioned, we're further developing Amendment 2 to the North Carolina

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

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

MS. KERNS: I see no hands.

CHAIR BORDEN: Thank you very much, Chris.

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

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

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

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

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

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

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

MS. KERNS: You have Mike Luisi.

CHAIR BORDEN: Mike.

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

CHAIR BORDEN: Any other hands up?

MS. KERNS: No additional hands.

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

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

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

MS. KERNS: I see no hands.

CHAIR BORDEN: Motion stands approved by unanimous consent.

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

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

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

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

WORK PRIORITIES

CHAIR BORDEN: Before we start this, Toni Kerns had asked for a minute to address the Board, in regard the issue of prioritizing issues

and work availability, in terms of how much staff time and PDT time is available to address these issues. Toni, do you want to address the Board?

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

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

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

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

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

CHAIR BORDEN: Mike, and then followed by John.

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

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

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

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

CHAIR BORDEN: John Clark.

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

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

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

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

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

CHAIR BORDEN: Dennis Abbott.

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

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

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

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

PUBLIC COMMENT SUMMARY

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

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

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

In response to these results, the Board initiated Addendum VI in 2019, to end overfishing and bring fishing mortality to the target level in 2020. The Addendum VI measures are designed to achieve an 18 percent reduction in total removals coastwide, and they were implemented in 2020. Also, part of Addendum VI, the circle hook requirement when fishing for bait for the recreational fishery, was implemented in 2021. In August, 2020, the Board initiated the development of Amendment 7 to the striped bass fishery management plan, to address a number of issues facing striped bass management.

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

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

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

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

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

As I mentioned, public comments were accepted on the PID through April 9, 2021. Eleven public hearings were conducted via webinar for 11 jurisdictions, and 491 individuals attended the hearings. That number does not include State staff, Commission staff, or Commissioners and Proxies. Some of these individuals did attend multiple hearings.

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

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

ADVISORY PANEL REPORT

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

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

In the following slides, I'll provide a summary of both the public comments, as well as the Advisory Panel recommendations for each issue in the PID. Each slide will note either PC for

public comment, or AP for Advisory Panel, to make it clear what each slide is covering. As we all know, the PID covered a broad range of issues, so the public comments we received also covered a wide range of topics.

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

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

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

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

Some additional general comments about the general focus of Amendment 7. Some of the public comments noted concern that a rebuilding plan has not been put in place yet to address the overfished stock, and that the Board should focus on rebuilding the stock. Some comments noted concern about changing

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

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

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

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

Then there were only a few comments that support changing the biological reference points at this time. The Advisory Panel also recommends Issue 2 be removed from Amendment 7 consideration. The AP noted that the comments from the public were very

clear in support of maintaining the current reference points, based on 1995 as the reference year.

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

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

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

Continuing with public comment on Issue 4, as Issues 3 and 4 are presented together in the PID. A majority of public comment support maintaining the current ten-year rebuilding timeline, and note that the Board should adhere to this ten-year rebuilding timeline. There were a few comments that would support a faster rebuilding timeline. For example, five to seven years was a common suggestion. Overall, the comments expressed concern that there is no rebuilding plan in place to address the currently overfished stock, and the public comments noted they would like to see the Board take quicker action, in response to the management triggers. On Issues 3 and 4, the Advisory Panel also recommends removing the spawning stock biomass and the fishing mortality base triggers, as well as the ten-year rebuilding plan from Amendment 7 consideration.

The AP noted public support for maintaining these SSB and fishing mortality-based triggers, as well as support

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

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

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

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

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

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

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

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

The Advisory Panel also recommends that Issue 6 be included in Draft Amendment 7. The AP specifically noted concerns about the reliability of MRIP data, and the use of MRIP data in conservation equivalency proposals, and that this issue with MRIP data needs to be discussed, particularly when the MRIP PSE is above 50 percent.

The AP also noted that stronger accountability measures for conservation equivalency need to be put

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

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

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

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

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

Many commenters specifically noted the ongoing release mortality study that is being conducted by the Massachusetts Division of

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

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

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

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

Many comments over all stated this issue should be removed from consideration for Draft Amendment 7. There were some comments in support of pursuing an RHL or quota system in Amendment 7, and these comments noted that the recreational sector needs to be held to the same standard as the commercial sector.

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

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

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

Then finally, these AP members noted that recreational accountability at a sector level is in place for other species, and so should be considered for striped bass. Moving on to Issue

9, which is coastal commercial quota allocation. Similar to Issue 8, there were fewer comments received overall that addressed this issue.

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

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

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

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

There was some AP discussion about states that currently receive a commercial quota allocation, but do not have a commercial fishery. One AP member noted concern that some states use their commercial

quota to support a recreational bonus program. However, other AP members commented that states do have the authority to decide how they use their commercial quotas.

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

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

Then there were some comments expressing concern that the 2015-year class is approaching the slot limit, and if the slot limit needs to be reevaluated, then potentially changed to protect this year class. Then related to

commercial gear, there were some comments supporting a ban on commercial gillnets, and other comments on commercial gear included support for developing a metric to track commercial discard mortality.

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

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

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

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

They also noted there should be some discussion on the use of slot limits in general. The AP also identified the importance of protecting spawning in pre-spawned fish, and the AP noted that area closures

should be considered to protect these fish, and states may need to coordinate to consider potential closed areas and other measures that may be region specific. The AP also supports increased and stronger enforcement, and then additionally the impacts of predation on striped bass and the shifting distribution of the stock was brought up as well. Again, here is the list of the ten issues from the PID.

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

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

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

CHAIR BORDEN: John McMurray.

MR. JOHN G. McMURRAY: I've got a quick question on what constitutes a form letter, because I think there is a little bit of confusion there with the public. Emilie, you seem to indicate that if an individual endorsed the opinions of an organization, then that becomes a form letter, but I'm pretty sure that is not the case. Can you clarify that for me?

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

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

CHAIR BORDEN: Other questions, Toni?

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

MR. BORDEN: Marty.

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

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

There are certainly some pros. I got a chance to listen to what the folks from Maine and New Hampshire said, where if it was a regular hearing pre-COVID in brick-and-mortar structure, you know we would have gotten the report. You really didn't get a feel for how

those people articulated their feelings. I thought there was some bonuses to that. But the flip side of that, and my last point on this is, for the public feedback is, there are certainly folks that struggled.

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

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

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

CHAIR BORDEN: Thanks, Marty. Dr. Davis.

DR. JUSTIN DAVIS: This is a question for Emilie or Toni, and it regards the statement we heard in the presentation that many members of the public have commented that the Commission does not have a rebuilding plan in place for striped bass at the time. This is something I've heard quite a bit from our constituents in Connecticut, and I think it's one of the things out there that is sort of undermining public

faith in Commission management of the species.

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

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

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

CHAIR BORDEN: Justin, are you finished?

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

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

MR. McMURRAY: Yes, sorry. I had trouble with my audio there, I'm back up. I did have a follow up, and it was more of a comment, because I know that there is a tendency to value form letters to some extent. We shouldn't and we can't do that here, because some might not understand this, because I understand some exist in an environment surrounded by peers. But for most of the public all this is very difficult to understand.

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

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

MS. KERNS: You have Dennis Abbott.

CHAIR BORDEN: Dennis.

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

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

CHAIR BORDEN: Toni, any other hands up?

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

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

MS. KERNS: Des Kahn.

CHAIR BORDEN: Go ahead.

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

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

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

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

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

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

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

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

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

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

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

MS. KERNS: Jim Fletcher.

CHAIR BORDEN: Jim.

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

If you look at the salmon spruce bud worm, and its ability to reduce the Atlantic salmon population, you could see where the problem is. But we are not addressing the problems with what we're doing. I beg you to get back to some basic science, and look at where the true problem is. We have animals that lay a million eggs, and we cannot figure out how to get the populations up.

We need to get back to basic science, and not what we're doing. But all of this has been done,

no one is asking the question, why aren't a million eggs from one fish replacing the stock? Thank you for your time, and like I say, for three days I've listened to it, and basically, we're not looking at where the problem is. Thank you for allowing me to comment.

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

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

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

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

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

CHAIR BORDEN: We're going to move on with the agenda. We've got two more really brief comments. Emilie has already commented on, I believe on the

stock assessment schedule. Do you want to comment further, Emilie on the timeline?

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

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

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

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

It's not necessary to give your reasons, because the process that I intend to follow after that is we're going to go back to that same list, and we're going to go through each one of the items. Everyone on the Board is going to have the ability to add detailed comments on the item. What you do when we come back from the short break, is basically to offer your summary opinion, and you don't need to defend it.

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

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

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

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

CHAIR BORDEN: How about seven?

MR. LUISI: Or seven, seven if you want. It's just yesterday we got in a bind, and the five minutes happened so fast, and we weren't able to make a vote, because we were all doing our caucus.

CHAIR BORDEN: Seven minutes.

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

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

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

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

(Whereupon a recess was taken.)

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

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

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

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

was back then when they start talking about moratoriums.

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

DRAFT AMENDMENT 7

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

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

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

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

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

MR. MICHAEL ARMSTRONG: As I read this document, and what is happening with the fishery. We have to be laser focused on building an SSB, not wordsmithing, not refining things, and not including

things that do not have a direct impact on F. F is the only tool we have to build this SSB back.

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

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

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

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

I would like to get back to having the, I know that I get criticized sometimes for using the term, you know we have our resident stock areas. Conservation equivalency could be dealt with at a different time. Recreational release mortality is super important. Recreational accountability, we have a Rec Reform Workgroup that I know that you are familiar with that is working with the Council.

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

CHAIR BORDEN: PRFC.

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

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

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

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

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

DR. DAVIS: I think Connecticut is looking at this through three lenses, what will the current state of the science support moving forward on. What do we

need to take immediate action on to address before 2022, when we're going to get the next stock assessment, and potentially have to take our next management action?

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

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

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

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

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

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

think it is a very important issue, and we would like to see it stay in. Thanks.

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

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

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

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

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

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

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

MR. WHITE: Correct.

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

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

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

MS. KERNS: No.

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

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

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

CHAIR BORDEN: John Clark.

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

CHAIR BORDEN: All right, thanks, John. Any other members of the Board want to comment? Toni, hands?

MS. KERNS: Yes, I have John McMurray, Marty Gary, and Mike Luisi.

CHAIR BORDEN: Okay, John McMurray.

MR. McMURRAY: Thank you, Mr. Chair. I support removing Issue 1. I think the current

goals and objectives are entirely appropriate, given striped bass life history, particularly those objectives related to the maintenance of a broad age structure, and an abundance of older, larger fish in the population. As the Board knows, there is no stock recruitment relationship, and spawning success really depends on environmental conditions, and a diverse age and size structure.

It is important to hedging against those poor recruitment years. Maintaining enough older, larger fish in the population provides a buffer against periods of average to below average recruitment, and lastly, the public is overwhelmingly in favor of keeping current goals and objectives intact. It's hard not to think that any tweaking of the goals and objectives is intended to liberalize how we manage this fishery, and I'm pretty sure the public overall doesn't want that.

CHAIR BORDEN: Thanks, John. Marty Gary.

MR. GARY: I'll pass on my turn as the previous speakers covered me. Thank you.

CHAIR BORDEN: Mike Luisi.

MR. LUISI: You know I agree with John. But I also think that it doesn't hurt at times to revisit the objectives of the fishery. The last time that we set goals and objectives was almost 20 years ago. I think it's important for the public to understand that by considering new objectives, not that they have to be that different.

But by considering them, it doesn't mean they have to. There is always a status quo alternative, as part of the decision making. But it might be important to factor in some of the comments that may not have been part of the majority on maintaining status quo on this, for goals and objectives, and just giving it some thought.

What do we really want from this fishery? At this point right now, I'm going to object to this motion. I would like this to be developed a little bit more, and get some PDT comment, and get their thoughts from the Board, from how this could be developed a little bit differently, and how we can look at this fishery

differently. It's been 20 years, and the ocean is changing, the environment is changing. I think it's worth consideration, so thank you, Mr. Chairman.

CHAIR BORDEN: All right, Toni, who else do you have that hasn't spoken on the list?

MS. KERNS: You have Pat Geer, Tom Fote, Justin Davis and Dennis Abbott.

CHAIR BORDEN: Pat Geer.

MR. PAT GEER: More of a point of clarification. If we decide that we're going to maintain the existing goals and objectives, does that mean, as John put it, we would not have the ability to tweak the wording in these objectives? I mean it would remain exactly the same, because it has been 20 years, and there are new words and verbiage that could be used to update this. I don't want to change the objectives and the goals, but would we still be allowed to rework some of the wording in the goals and objectives if we do not move forward with this as an issue?

CHAIR BORDEN: Tom Fote.

MR. FOTE: I'll make mine real strong. I agree with Mike Luisi.

CHAIR BORDEN: Thanks, Tom, for being brief. Justin Davis.

DR. DAVIS: I had my hand up to make a motion on a subsequent issue, so I will defer speaking on this one.

CHAIR BORDEN: Okay, Toni, would you remind me of the last name, was it Dennis Abbott?

MS. KERNS: That is correct.

CHAIR BORDEN: Dennis Abbott.

MR. ABBOTT: I support this motion. I think the public has spoken clearly, and I hope that the Board members, if we could take a vote on this,

we would see if they agree. If we try to change it, I don't think the public sentiment will change, and it will show that they are happy with the present goals and objectives.

CHAIR BORDEN: Toni, are there any other Board members that have not had an opportunity to speak once?

MS. KERNS: There are not, but I don't know if you want us to answer Pat Geer's question.

CHAIR BORDEN: I'm going to have to defer to you.

MR. LUISI: Yes, I would like an answer to that if you can, thanks.

MS. KERNS: I'm actually going to defer to Bob. I'm not sure if we can tweak language and not change the meaning or not, so I am going to ask him to respond.

CHAIR BORDEN: Bob.

EXECUTIVE DIRECTOR ROBERT E. BEAL: If the Public Information Document, Public Hearing Document doesn't include the notion of changing the goals and objectives, then those are locked in. We can't modify those, because we didn't bring that idea out to the public, and provide the public an opportunity to comment on potential changes.

You know the Board can even just bring the current versions out to the public, and see what they have to say, and decide if they want to make changes later or you stick with status quo. It's up to the group. But something needs to be in the public hearing draft of the amendment to be able to modify the goals and objectives later on.

CHAIR BORDEN: Pat, does that answer your question?

MR. GEER: Yes, it does, thank you, Mr. Chairman.

CHAIR BORDEN: Toni, once again, are there any Board members that have their hands up that haven't already spoken?

MS. KERNS: You have no additional hands, Mr. Chair.

CHAIR BORDEN: I'm going to call the question. I'll give you a two-minute break to caucus on this, and then we'll reconvene. We're going to reconvene. Before I call the vote, I'm going to take two comments from any member of the public. You're going to be limited to one minute. Maya is going to put a clock up, and you have to adhere to the timeline. Are there any members of the public that want to comment?

MS. KERNS: The first two names I got were Patrick Paquette and Evan Dintaman.

CHAIR BORDEN: That's it, so Patrick, you are first.

MR. PATRICK PAQUETTE: My comment is more of a question, or a reference for consideration. The public has clearly, and I am one of those who believe that conservation equivalency needs to be severely limited or eliminated from this FMP. My question is.

CHAIR BORDEN: Patrick, this is on the motion. You have to comment on the motion.

MR. PAQUETTE: My question is, does the flexibility objective have to be edited or removed, in order for later on conservation equivalency to be dealt with in the document, because there is that flexibility objective, that one objective, that one line? I believe it is the fifth line, has been referenced by this body, by this Board in the past regarding conservation equivalency. I'm just bringing that up so that the public can achieve later motions.

CHAIR BORDEN: It would be my view that the Board has a right to deal with conservation equivalency later on. But if the staff disagrees with that they can speak up.

MS. KERNS: I think that you can still limit conservation equivalency, and keep the current goals and objectives as they are. The Board would have to be very clear on their rationale and objectives.

MR. PAQUETTE: Thank you for the clarification.

CHAIR BORDEN: Thank you, Patrick. The other name, Toni, I didn't get a chance to write it down.

MS. KERNS: I believe it is Evan Dintaman, and I'm sorry if I pronounced your name incorrectly.

CHAIR BORDEN: Evan.

MR. EVAN DINTAMAN: That's fine, thank you so much, guys. I just wanted to kind of speak to the Board. I am an angler that represents a lot of voices in the Maryland fishing community. I know and I've spoken to Mike in the past. I think the public comment was overwhelmingly unanimous, and I think a lot of very smart voices showed up in the public comment. I think a lot of very passionate voices showed up in the public comment.

I encourage the Board to frame their decision making to regain the trust of the public in managing this fishery. I've already heard a couple times in the last 10 to 15 minutes, Board members suggesting going against what was very clear public guidance and public comment. I encourage the Board to keep framing all of your discussions today around what is best for this fishery to quickly rebuild it, and listen to the unanimous public comment. Thank you.

CHAIR BORDEN: Thank you, Evan. I'm going to go back to the Board. **We have a motion on the table, move to remove Issue 1 from the PID, maintain the existing goals and objectives.** All those in favor, please raise your hand, and Toni, give me a count, please when you finish that.

MS. KERNS: Will do, Mr. Chair, I'm just going to let the hands settle. Okay, I have New York, the District of Columbia, U.S. Fish and Wildlife Service, Rhode Island, Maine, Massachusetts, New Hampshire, Pennsylvania, Connecticut, and North Carolina. I will put your hands down. The hands are down, Mr. Chair.

CHAIR BORDEN: Hands down, please.

MS. KERNS: Yes, I put them down, we're good.

CHAIR BORDEN: All those opposed, vote no, raise your hand.

MS. KERNS: I'm going to let the hands settle for a second. I have Delaware, New Jersey, NOAA Fisheries, Virginia, Potomac River Fisheries Commission, and Maryland. I will put your hands down for you. I have done that, Mr. Chair.

CHAIR BORDEN: Any abstentions? Hands up.

MS. KERNS: I see no hands.

CHAIR BORDEN: Any null votes?

MS. KERNS: I see no hands.

CHAIR BORDEN: Okay, so Toni, would you give me the final count, please?

MS. KERNS: Emilie, can you give me that count?

MS. FRANKE: Yes, Mr. Chair, I have 10 in favor and 6 opposed.

CHAIR BORDEN We have 10 in favor, 6 opposed, no abstentions, no null votes. The motion carries. The next motion is by David Sikorski. David.

MR. SIKORSKI: This is David Sikorski; the ongoing Legislative Proxy from the state of Maryland. **I move to remove Issue Number 2, biological reference points from consideration for Draft Amendment 7, and if I receive a second, I would like to provide some brief justification.**

MS. KERNS: We have a second from Megan Ware.

CHAIR BORDEN: Motion made by Mr. Sikorski, and seconded by Megan Ware. David, you want to comment.

MR. SIKORSKI: Yes, sir, thank you. Then I'll be as brief as possible, but possibly repeat some

things. The public and Advisory Panel input on this issue is crystal clear, and I believe now is not the time to consider changes in BRPs. The on-water fishing experience that comes from an increased abundance in broad age structure, which is reflected in our goals and objectives, is what the public wants.

That is crystal clear. Having estimates that show that we are not achieving the current BRPs is not a reason to change them. I think it is fair to say that this would be changing the rules in the middle of the game, while the public is very concerned about the status of this stock. I think we can take this issue up in a future benchmark stock assessment.

Now is the time to focus on controlling F. Mr. Armstrong's comments about being laser focused on controlling F is key, and that is why I make this motion today, again to reflect what the public and the Advisory Panel has clearly stated in the great work that they have done to advise us as a Board, thank you.

CHAIR BORDEN: Thank you, David. Megan, would you like to offer comments?

MS. MEGAN WARE: Yes, please. Thank you, Chair. Similar to Mr. Sikorski, I think it is very clear from the public comment that people want to see the Commission strengthen its commitment to meeting the current reference points, not loosen the reins here. I think that means changing fishing mortality to meet the SSB target, not lowering the SSB target to meet our F rate. If people want to see changes to the reference points, I would rather see the Stock Assessment Subcommittee continue to prioritize the development of the two-stock spatial model, and see the reference points that come out of that modeling effort, rather than change to another set of empirical reference points at this point. I'll also highlight Toni's comment; I think it is imperative that we pare down the issues in this draft amendment in the most critical ones.

This has the potential to be one of the most complex amendments I've seen, in terms of the number and complexity of issues and alternatives. As we have seen in the past, this complex and confusing

management document and long public hearings, generally impact the quality of the public comment we receive. We really have to start prioritizing issues as a Board, and for me that does not include reference points.

Then I would just finally like to say, I disagree with a previous comment that some of the stakeholders don't understand the consequences of their comments. The stakeholders I've talked to are very informed about striped bass management, and I think they completely understand what they are saying. I don't think we can discount the overwhelming public comment we got.

CHAIR BORDEN: I'm now going to take three comments from anyone that wants to support the motion, and then I'll do the same things for three people that want to oppose it. If you want to speak in favor of this motion, raise your hand. Toni.

MR. LUISI: Mr. Chairman, this is Mike, can you give us a minute to caucus? This is a big deal, and I just want to make sure.

CHAIR BORDEN: Mike, you're going to be able to caucus at the end of this. If you need extra time, I'll give you extra time.

MR. LUISI: I just thought you asked for the question. I thought you called the question, I'm sorry.

CHAIR BORDEN: No, no, I haven't called the question. I'm asking for up to three individuals that want to speak in favor of it, and then I'm going to let up to three individuals speak in opposition to it.

MR. LUISI: Okay, I'm sorry about that. I appreciate that. I'll likely raise my hand for opposition, so just let me know when you get to that.

CHAIR BORDEN: Okay, you will, I'm going to be equal on the treatment. Toni, do you have

anyone that wants to speak in favor of it? Who are the top three?

MS. KERNS: The first three names I saw were Justin Davis, John McMurray, and Mike Armstrong.

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

DR. DAVIS: Mr. Chairman, Connecticut strongly supports this motion. I think there was a clear signal from the public in the public comment, that none of the stakeholders, the vast majority of stakeholders are not interested in seeing the Board change reference points at this time. I agree that I would like us eventually to get to a place where we're managing with model-based reference points. I'm optimistic that as we move forward, and hopefully get to a multi-stock model, and you advance the science we're going to get there, but we're not there yet.

Until that time, I don't know what we would use as a basis for justifying a new set of empirical reference points, when it's clear that the current set of empirical reference points reflect a broad consensus of stakeholders, of what they want the stock to look like. For those reasons, and the reasons stated previously that we really need to be focused on rebuilding the stock right now. I strongly support this motion.

CHAIR BORDEN: John McMurray.

MR. McMURRAY: I support the motion. For those who think we need to revisit, well, we'll have a new benchmark coming up that could give us a better scientific basis for changing BRPs, should we decide we want to do that. Right now, the use of any other reference point would be arbitrary.

It's clearly intended to allow more harvest, at a time when the stock really can't handle it. It's probably not in the best interest of the majority of the fishermen along the coast. There is no scientific justification that I'm aware of for selecting any other set of empirical reference points, and they should only be changed when and if they could be calculated from a peer review population model.

CHAIR BORDEN: Mike Armstrong.

MR. ARMSTRONG: Others have said similar things to what I'm going to say, but I'll say it very briefly. I get nervous seeing a target that we have never hit. That is bad management policy. But I'm still going to vote for this, because I don't think now is the time to work on reference points.

I think it's very important to take another crack at it, but I don't think we have the analytical tools to do it right now. The TC doesn't have enough time to do it, and all we would do, I think the threshold is fine. We would lower the target a little. I don't think we need to address it right now. That's it.

CHAIR BORDEN: Toni, could you take all the hands down, please?

MS. KERNS: I've done so.

CHAIR BORDEN: Anyone that wants to speak in opposition to the motion, raise your hand. The first three names, Toni.

MS. KERNS: The first three names that came up were Tom Fote, Jason McNamee, and John Clark.

CHAIR BORDEN: Tom Fote.

MR. FOTE: I have to be consistent how I manage all fisheries, and I basically look at reference points. What we're supposed to do is actually goals that we can reach. I fought for summer flounder reference points, because we could never reach that thing, and it came down from 400 million pounds to 130.

The same thing with bluefish, we are now basically under constraints to build this stock, and where there is no way that we can do any management measures, it's more environmental cause. I want to put in reference points based on science, not just based on the numbers somebody sticks up in the air.

CHAIR BORDEN: Justin McNamee, excuse me, Jason. I'm combining two names.

DR. McNAMEE: That's quite all right, Mr. Chair. I'm sure you're juggling a lot of names. Thank you for the opportunity to speak. This is a challenging one. I am opposed to this, but I agree with a lot of the things that folks have said. My biggest challenge here is, for the case of striped bass, there is an issue with the current construct of the biological reference points.

This seems like the opportunity through an amendment process, to address some of those issues. We have a peer reviewed assessment, it's only a couple years old. We've got good information to work with. We see, I agree with some of the comments. I don't know if they were actually made on this call or in some of the discussions beforehand.

There is an issue with recruitment right now, so productivity in the stock seems to be affected. That is what I'm getting at. We need biological reference points that recognize those things, that recognize the population dynamics and feedback. It doesn't make sense to me to continue to have these targets and thresholds that have a weak connection back into the population dynamics.

The only reason I'm objecting to this is not that I want to see the reference points lowered or raised, or whatever. It's not about that in my view, it's about having good biologically based defensible reference points that can react to some of the things that we're seeing in the environment. We don't have that right now.

I know the stock assessment team investigated things like SPR reference points last time they found them, to not be feasible. But there are other things we can look at. I'm not sure if they had time to fully investigate it, since they were also simultaneously working on two separate models for review.

This seemed like the opportunity to investigate with a focus, some new opportunities for reference points, not just empirical. We also have an ecosystem group out there that has a multi-species model that has striped bass in it. Maybe there is an opportunity

there, even just having a chance to look at some other options with the empirical methods seemed worthwhile to me. I just wanted to get on the record to say, you know I think our current reference points keep a cynicism about us trying to lower the goalposts. I think that is a poor characterization. I don't think it's fair. That is not what I'm trying to do. I think we should have reference points that connect back into the population dynamics as we know them, and this seems like the opportunity to investigate those types of options.

CHAIR BORDEN: I've got John Clark next.

MR. CLARK: I can't say it any better than Jason did, he really summarized things really well, and I would just add, I don't want to see us limit our flexibility to look at this. I'm not even sure what it means to remove from the Amendment. This means we're what, set in stone for the time of Amendment 7? I mean obviously we're going to put this into adaptive management, but this is such a critical issue, this has to stay in the amendment. Thank you.

CHAIR BORDEN: Let me go back. Toni, if you would take down the hands, I'm going to ask whether or not there are other individuals that have not spoken, that would like to speak in favor of it, and see how many hands go up.

MS. KERNS: We have one hand that has gone up. But I just want to clarify. If the issue is removed from consideration of the draft amendment, it carries over the old reference points, so they are not removed from the management document itself. They are still there, just we're not drafting options for other methods. Max Appelman.

CHAIR BORDEN: Max.

MR. MAX APPELMAN: I actually have a process question. Jay Mac got me thinking. My understanding is that there isn't really science to support a change, like model-based reference points aren't available right now.

That could be possible with the next assessment, and if we removed biological reference points from the amendment, does that also mean we can't put new dialogue into the amendment that talks about some of the points that Jason was raising, and maybe the direction that we would like to see for reference points? Is that not possible if we remove this from the draft amendment?

CHAIR BORDEN: Staff. Toni.

MS. KERNS: Emilie, I think I'll take this one to help you out, since you've not done this before. Max, if the Board wants us to include work that the TC has been trying to do or considering. We can include that as part of the background, we would just need direction from the Board about what information you wanted, the Board would want us to have in the document to frame it.

CHAIR BORDEN: Max, do you have a follow up?

MR. APPELMAN: Yes, just a quick one, thank you. Yes, what I heard there Toni was, if reference points are removed in the form of developing alternatives that go out for public comment, that does not preclude the Board from updating the background sections of the document, to give a little more insight as to what our overall path forward looks like for reference points.

MS. KERNS: That is correct, because reference points would be a part of the background section already.

CHAIR BORDEN: Thanks, Toni, anyone else in favor of the motion that wants to speak? If not, I'm going to go to those that are opposed. Any other hands up, Toni?

MS. KERNS: I have no other hands.

CHAIR BORDEN: Okay, if you could lower all the hands. Anyone that wants to speak in opposition to the motion who hasn't already spoken, please raise your hand.

MS. KERNS: I only have two names, Marty Gary and Joe Cimino.

CHAIR BORDEN: Okay, Marty, you're up and then Joe. Then I plan to caucus for, Mike Luisi asked for a little bit of extra time, so we'll go three minutes on the caucus, and then we'll call the question. Marty and then Joe.

MR. GARY: I don't want to overly complicate things. I had two technical questions that I think are pretty easy, and then a comment. Is it okay to ask those?

CHAIR BORDEN: Yes.

MR. GARY: Okay, and I don't know if this would be Katie or Emilie, or whoever on staff thinks they can do it. I've heard multiple references today on this hearing, and also in the public comment that there is no scientific basis for changing biological reference points. From where I sit, I'm not even sure the reference points would change.

I just think we need to keep them in there and keep the discussion on the table. I ask a fundamental question to everyone. How well have these existing biological reference points served us, given the trajectory to where we are now. With that in mind, the technical questions I had is, given the fact that folks have said, and most recently Max had just said, there is no scientific basis for changing it.

My question would be to Katie or whoever can answer it. Was there a scientific basis for establishing the existing biological reference points? If the answer to that is yes, I would like to know what it is. To me it isn't clear that there is a scientific basis for them. That is my first one.

DR. KATIE DREW: Yes, so this is Katie, I can answer that question. I would say it's a combination, so right. With striped bass we struggle to find that stock recruit relationship, so we can't have MSY based reference points, so that that relationship is very uncertain and environmentally driven. The traditional MSY reference points are off the table. The SPR, you

know 30 percent, 40 percent SPR values that we've used for other species in that situation, have not been working that they produce reference points, or levels of SSB that the TC did not consider realistic with the associated F levels. The reason we went with the SSB 1995, is that it's a value that was associated with the ability to produce strong year classes that was associated with the expanded age structure, and an abundance that managers wanted to manage towards. It's a combination, I think, it does reflect the management desires, in terms of that. You know we can't say, this is the exact right biological reason for this reference point.

But it has some backing, in terms of the observed empirical qualities of the stock that are consistent with both stock health and management desires. The F levels I would say, do have a strong scientific basis in that regard, that we are then linking the behavior of the population that we've seen in the past in the behavior of the fisheries, to that SSB target and that SSB threshold.

To ensure that there is a meaningful linkage between the F rates that we're trying to manage towards, and the SSB rates that we're trying to manage towards. I think when people say there is no scientific basis, I think they mean there is no traditional model-based reference points that are available for this stock, and I would agree with that. But I think there is a scientific basis or scientific advice behind these reference points.

MR. GARY: Okay, thank you, Katie. Now let folks decide for themselves how they would like to take your response. The second somewhat technical question is, if the biological reference point component of this is pulled from the document, and then we continue to go down a line where we don't, if the target is not hit, despite the constraints that have been applied to it. We've gone through two rounds, 2015 and 2020. What happens?

CHAIR BORDEN: Staff.

DR. DREW: Yes, I'm sorry. Is that a question from like a scientific perspective, or is that a question from the management perspective?

MR. GARY: I guess the management perspective. If we don't hit the target, because we keep status quo, what happens?

MS. KERNS: I'm looking that up, Marty. Bob, do you know that? Bob has his hand up, thank goodness, my savior.

CHAIR BORDEN: Bob.

EXECUTIVE DIRECTOR BEAL: I don't have the plan open in front of me, but generally if you don't hit the target, you need to adjust your management measures to get to reduce mortality, or whatever it takes to get to the target, if you're talking about biomass targets, and or F targets.

MR. GARY: I understood, Bob, and I appreciate it. That is the answer I was expecting, and thank you for your patience, Mr. Chairman. I guess my last observation or comment is, and I'll be done. This is a really, really important topic, and I know others wanted to weigh in as well. But I keep going back, this is not a new discussion for anybody that is listening in. I keep going back to October, 2014, when we were in Mystic, Connecticut for the annual meeting of the Striped Bass Board, and I think it was like an 8- or 9-hour meeting, and we had quite a vigorous discussion about this issue. I keep thinking back to the comments that Mark Gibson made. Basically, I mean this is all captured in the document. But basically, he was struggling, and he basically said that if we're going to be left with these two lines, these thresholds and targets that we're dealing with now, with the existing biological reference points. We're going to have "a tortuous management process for as long as any of you are going to be here, trying to keep your SSB between those lines."

That caught my attention, and it caught quite a few other people's attention. My point is that in a room full of really smart people, arguably the smartest person in the room questioned these BRPs. That is why it is such an important

topic to discuss today. I'm not even necessarily advocating that we change them.

I'm wondering if we need to step back, take just a broader view of how we're using this tool, and ask the question. Is this tool serving us well, given the way the stock has performed? I don't think the stock is in good shape. I'm not advocating for liberalization. But I think this tool may actually be hampering us.

I think we need to look at it again. I don't know from a technical perspective, if there are other ways that we can address this. But the BRPs the way they are now, I'm very concerned how this may play out. I don't know if I did a great job articulating that concern, but hopefully you all sort of got the picture on that. Mr. Chairman, thank you so much for your patience, and allowing me to talk. Thank you.

CHAIR BORDEN: Joe Cimino, and then we are going to go to a break.

MR. JOE CIMINO: There seems to be a sentiment that has put this motion up, that because the vast majority of folks want to have the same goals for this species, that the BRPs shouldn't even be touched. I have great concerns with that, because two major things happened. During the last assessment, which we accepted for management, we were told, and Emilie reiterated it here today, that the recalibrated MRIP estimates completely changed our understanding of the historic catch for this species.

Therefore, we had a completely new understanding of what the stock has been doing this entire time. Many people have mentioned to me that does not mean we have to change reference points, but I do believe a discussion needs to happen, and I also completely support as concerns that the other significant event was that the Commission has moved forward with multispecies management for the striped bass stock being a complete driver for menhaden reference points. I don't see how we can't at least leave the door open for a discussion on reference points.

CHAIR BORDEN: We're going to take a three-minute break, and then when we come back, we'll vote on the

motion. This is the caucus opportunity, thank you. Toni.

MS. KERNS: Yes, Mr. Chair.

CHAIR BORDEN: I think we've gone up to three minutes.

MS. KERNS: Yes, for sure.

CHAIR BORDEN: Okay, so we're going to reconvene. As I did before, I'm going to take two public comments on it. I would ask the public to limit their comments to one minute, so Toni, do we have any members of the public that want to speak on this?

MS. KERNS: I'm going to give one second for any hand to go up. I have one name. I'll let that person start, and the next name I see, if I get another one, I'll call on that person. Mike Waine.

CHAIR BORDEN: Mike.

MR. MIKE WAINE: Thank you, Mr. Chairman, Mike Waine with American Sportfishing Association. I appreciate the discussion here; I just want to add a little bit more context. Under the existing reference points, the striped bass population and its fishery was very hoppy in the mid-2000s.

You could see that in the figures, you can see that on the water. The abundance of the population was realized by anglers, and that created incredible fishing opportunities for our industry. That hoppy fishery trickled down. The economic benefits, all aspects. I mean the tackle industry, the charter boats, the broader coastal economies along the Atlantic coast.

Right now, the focus should be on controlling fishing mortality, and reference points and changing them is just distraction. Remember what the Chairman said in his opening remarks. This is your flag ship species, and ASMFC needs to stay serious about rebuilding it. Thank you.

CHAIR BORDEN: Thanks, Mike. Have we got anybody else, Toni?

MS. KERNS: Brian Williams. Brian, you just have to click on your microphone to unmute yourself.

MR. BRIAN WILLIAMS: Just bear with me, guys. Just literally stepping off the boat right now after a morning of fishing for striped bass. I'm a full-time fishing guide, and I just want you guys to know the fishing public has made it apparent to speak in favor of conservation.

If most of the public that isn't as active in the fishery, even knew that this was being talked about, the idea of lowering our goal posts, to make it appear as if the stock is not overfished. To tell these children that I see walking down the street right now, they may never see as many striped bass in the water as there are today ever, due to a measure potentially like this. That is just absurd. That's all I have to say. Thank you.

CHAIR BORDEN: Thanks for the comment. We're going to go back to the Board, and call the vote. All those, as we did before, all those in favor of the motion, please raise your hand.

MS. KERNS: Hey, Mr. Chairman, I think the names have settled. I have New York, District of Columbia, U.S. Fish and Wildlife Service, Maine, NOAA Fisheries, Massachusetts, New Hampshire, Pennsylvania, Connecticut, and North Carolina. I'll put your hands down. I'm ready, Mr. Chair, for the next vote.

CHAIR BORDEN: All right. All those opposed, please raise your hand.

MS. KERNS: I have Delaware, New Jersey, Rhode Island, Virginia, Potomac River Fisheries Commission, and Maryland. I'll put your hands down. I'm ready.

CHAIR BORDEN: Any abstentions?

MS. KERNS: I see no hands.

CHAIR BORDEN: Any null votes?

MS. KERNS: I see no hands.

CHAIR BORDEN: The final tally is what?

MS. FRANKE: Mr. Chair, I have 10 in favor, 6 opposed, 0 null votes, and 0 abstentions.

CHAIR BORDEN: The motion passes 10, 6, 0, 0.
Next motion is by Marty. Marty, you're up.

MR. GARY: Okay, Mr. Chairman.

CHAIR BORDEN: Marty, can I interject one quick comment? I intend to continue this meeting until five o'clock. We're kind of slowly moving through these issues. At five o'clock, I'm going to look for some guidance from Bob or Toni on whether three things should happen. We should continue the discussion for a time certain.

We should break, and reschedule a follow up session, or we should plan on continuing the dialogue at the summer meeting. If Toni and Bob can consult, and give me some guidance on what their preferences are at that point. You've got an hour to think about it. Marty, excuse me for interrupting. You're up.

MR. GARY: In the interest of proceeding in logic order, does it matter to you. We're going to go through all the items anyway. Do you want to go in chronological order?

CHAIR BORDEN: It doesn't make any difference, because I said at the start, we're going to take up every item.

MR. GARY: Okay, so let me jump to, I don't know which numbers Emilie had. Emilie, can you pop up the slide that had all the items? Is that possible?

MS. FRANKE: Sure, thanks, Maya.

MR. GARY: Thank you, Maya, thank you, Emilie. I had mentioned this before, and going back to the workgroup, where multiple members last summer, you know this is a predominantly recreational fishery. I would like to move to

maintain recreational release mortality, and recreational accountability in the amendment, and help me with the wordsmithing if we can, staff, and link these two. I'm trying to be helpful to consolidate them, so two messages. Keep Number 7 and 8 in the amendment, and link them together, if that makes sense, Mr. Chairman.

CHAIR BORDEN: Marty, actually consistent with the advice I gave at the start, we're going to talk about each one of these. I realize that that would accelerate some of the discussions, but there is also a potential that we conflate discussions, and it might drag it out. If you could, I will be happy to recognize you to make two motions in a row. Just make a motion on each issue separately.

MR. GARY: I would be glad to do that, Mr. Chairman, so I would go ahead and make a motion to maintain recreational release mortality in this amendment, and also make a motion to maintain recreational accountability in this amendment.

CHAIR BORDEN: If you could fashion the first, it's two motions, so deal with them separately, please. **Marty, as I understand it, it's your intent to move to maintain recreational release mortality in the development of the amendment.**

MR. GARY: Yes, Mr. Chairman, do you want justification?

CHAIR BORDEN: Wait until I get a second. Do I have a second?

MS. KERNS: You have Mike Luisi.

CHAIR BORDEN: Motion by Marty Gary, seconded by Mike Luisi.

MR. LUISI: No, Mr. Chairman, I'm not going to second the motion. I had my hand up for a question for Marty, so I'm not seconding the motion.

CHAIR BORDEN: Do we have a second on the motion?

MS. KERNS: Joe Cimino.

CHAIR BORDEN: Who was that, Toni?

MS. KERNS: Joe Cimino.

CHAIR BORDEN: Oh, excuse me. Thanks, Joe. Okay, so Marty, you get the first bite of the apple, then we'll go to Joe, and then I'll recognize Mike Luisi for his question. Marty.

MR. GARY: Thanks, Mr. Chairman, I'll just be brief. The workgroup, multiple members identified recreational release mortality as an important issue, maybe the most important was quoted by several of the members. As we all know, it's predominantly a recreational fishery, and recreational dead discards are a large proportion of that mortality. I think it's logical to maintain that in the Amendment. It will be a huge task to grapple with, but this is something that needs to stay in the document. Thank you.

CHAIR BORDEN: Thanks, Marty. Joe, as the seconder.

MR. CIMINO: Thanks for the opportunity, Mr. Chair. I think, you know we've heard a lot of comments on the importance of this, and I agree with Marty, so I will just keep it that brief.

CHAIR BORDEN: Mike Luisi.

MR. LUISI: No, I'll keep it really brief. I had my hand up more for the accountability issue, but I totally support the inclusion of release mortality as part of what this Amendment focuses on. I think back to discussions that we've had, and some Board members thought that this is one of the highest priorities. I look forward to working with the Board to address the issue, and I'll support this, thanks.

CHAIR BORDEN: All right, as I did before, I'll take up to three Board members that want to speak in favor, and then I'll go to those that are opposed. If you want to speak in favor, please raise your hand.

MS. KERNS: The first three names I have are Max Appelman, Chris Batsavage, and Tom Fote.

CHAIR BORDEN: Okay, Max.

MR. APPELMAN: To be clear, I'm not necessarily speaking in favor or against at this point, but I do have a clarifying question about the intent of keeping this in to the makers and seconders. You know I think we've spent a lot of time, and the TC has spent a lot of time over the last year, exploring recreational release mortality. My question is, is the intent here to focus on the release mortality rate, which is what the TC has really delved into, or the idea of the high amount of releases and tools, to try to control that? That is my question.

CHAIR BORDEN: Marty, to that point.

MR. GARY: I'm sorry, I missed the last part of that. Max, I hate to ask you to reiterate.

MR. APPELMAN: Yes, I think there are two components of recreational release mortality when you say that term. You hear the release mortality rate, which we got a report from the Technical Committee that said, you know that is really not the issue, it's more about the sheer number of fish that are being caught. I was curious if the intent of moving forward with this item was to address the amount of fish that are being caught and released, as opposed to efforts to lower the release mortality rate.

MR. GARY: Well, I'll just say briefly, Max, I don't know what the exact answer would be. I think we're concerned about the rate. But we've also heard there may be very few options that we can employ to reduce it. I think everybody is concerned about it. How we can do that, we're already advancing a number of different actions with circle hooks. States are going forward with their own initiatives to educate anglers on proper handling. But we all, I think know, that affecting that rate is going to be really challenging, right. I think it's a little bit of everything. I'm also acknowledging that it's really important for us to grow our angler base too.

It's the future to get new anglers introduced. It's really challenging, but I think I'm just acknowledging the magnitude of the problem, and that it needs to be part of this document. It might not be a to-the-letter answer for you, but I hope that captures some of the thoughts I have on it.

MR. APPELMAN: Follow up if I may.

CHAIR BORDEN: Go ahead, Max.

MR. APPELMAN: No, that's helpful. I support this motion, so long as it is focused on what we would say is a catch and release issue. I recognize that it is a very important part of this fishery. I think we all know that it has been for a very long time, and it will continue to be an important part.

But it's also, when we're hearing calls to control fishing mortality, and this is really the only sector of the fishery that doesn't have direct management controls. I think those are the reasons why I would support keeping this in the document, and exploring tools to try to control the catch and release component.

CHAIR BORDEN: Then I've got Chris Batsavage, and then Tom Fote is after that.

MR. BATSAVAGE: I think I could support the motion for the reasons already stated. I do share some of the concerns that Max raised, I guess in terms of what the options would look like. You know we heard plenty of ideas, such as barbless hooks, you know closed seasons or areas, better handling practices, which I think are all very good.

But I think we're starting to really challenge ourselves, as far as how we can implement management measures that are enforceable, as opposed to just better practices. I mean, if this is included, I'm curious to see just what kind of options we would have to accomplish this.

CHAIR BORDEN: Tom Fote.

MR. FOTE: Just the numbers that came out of the last meeting we were at, 52 percent of the recreational mortality comes from catch and release, 48 percent of the overall mortality comes from catch and release. We can't bury our heads in the sand over this issue. We need to look at, how do we basically stop those huge numbers of fish being killed, which denies the public fish to take home to eat, because we're basically catch and releasing them, and killing so many fish. I'm basically looking at; how do we handle that? Maybe we can't find the answers, but it should be in the information document, since it's basically 52 and 48 percent of the mortality.

CHAIR BORDEN: All right, so we're now going to move on to the individuals that want to speak in opposition to it. Toni, if you would lower the hands. Anyone that wants to speak in opposition to this motion, please raise your hand.

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

CHAIR BORDEN: Okay, so I'm going to speed up the process. Are there any members of the public that want to speak on this issue?

MS. KERNS: Two members of the public.

CHAIR BORDEN: Okay, so Toni, would you call those names off, please?

MS. KERNS: Yes. I have Greg Shute and Mike Waine.

MR. GREG SHUTE: Yes, my name is Greg Shute. I just wanted to comment on the fact that the catch and release mortality is a function of the fact that we have a very high participation fishery, and if you start targeting that, the really only way to reduce that is to reduce participation.

I'm a fishing guide. I also rep for a boat company, where I sell boats to the public. The last thing I think we need to target is participation. If anything, I actually think we need to accept the release mortality going up, in order to release overall mortality. If that is the way we can actually reduce mortality, while keeping participation high.

CHAIR BORDEN: Thank you. Next.

MR. WAINE: Thank you, Mr. Chairman, Mike Waine again with American Sport Fishing Association. I'll be really brief. I echo some of the comments that I heard during the discussion. This is going to be a tough one to really get a handle on. We've got a lot of public participation in this meeting and in this process.

I just challenge the public and the anglers out there to really take a hard look at what they all can do to try to address this, because there aren't great management solutions here. I think keeping this in the document will help keep it on everybody's mind. We're going to have to try and find solutions together, because there aren't great kind of common-sense management measures that can be easily implemented to address this. Thanks so much.

CHAIR BORDEN: Thanks, Mike. We're going to take a two-minute caucus, and then I'm going to call the motion. Maya, could you please leave the clock on, and just put it on two minutes, please? Thank you.

MS. KERNS: Mr. Chairman, for the issues that remain in the document, or are staying for development. It will be helpful for the Board to give some guidance to the PDT on what aspects of that issue they want to explore. Otherwise, we're not really going to have a lot to bring back to the Board in August.

CHAIR BORDEN: Thanks, Toni, good point. Okay, two-minute caucus. All right, we're going to reconvene.

MS. KERNS: Mr. Chairman, Dave Sikorski put his hand up before you broke.

CHAIR BORDEN: Okay, David. We'll grandfather you.

MR. SIKORSKI: Sorry, Mr. Chairman, I was just going to speak to Toni's last comment before the break at the appropriate time. It doesn't

have to happen now, regarding guidance on this topic at the appropriate time, so please call the question if that's what you choose to do at this point.

CHAIR BORDEN: Yes, and then I'll come back to you, David. Okay, so all those in favor of the motion, please signify by raising your hand.

MS. KERNS: I'm just letting the names settle. A lot of folks in favor here on this one. I have New York, Delaware, District of Columbia, Fish and Wildlife Service, New Jersey, Rhode Island, Maine, NOAA Fisheries, Massachusetts, New Hampshire, Pennsylvania, Connecticut, North Carolina, Virginia, Potomac River Fisheries Commission, and Maryland. This just might be everyone.

CHAIR BORDEN: All right, if you could lower the hands, Toni, please. All right, all those opposed raise your hand.

MS. KERNS: There are no hands.

CHAIR BORDEN: No hands, any abstentions?

MS. KERNS: No hands.

CHAIR BORDEN: Any null votes?

MS. KERNS: No hands.

CHAIR BORDEN: Okay, so the vote count officially, Toni, is what?

MS. FRANKE: Sixteen in favor.

CHAIR BORDEN: What is it again, Maya, you were broken up.

MS. FRANKE: Sixteen in favor, Mr. Chair.

CHAIR BORDEN: Okay, so it's 16 in favor, 0 opposed, 0 abstentions, 0 null votes, motion carries. Marty, we're back to you with the second half of your motion.

MS. KERNS: Mr. Chair, if it's okay, could we get some guidance from Dave Sikorski? If he was going to give us some, it would be very helpful to the PDT.

CHAIR BORDEN: Okay, David, do you want to comment?

MR. SIKORSKI: Yes. I have broad shoulders, but I don't know if I can carry this weight here. You know, we've talked about release mortality quite a bit, and rightfully so, as Mr. Fote mentioned. That snapshot we received in the benchmark assessment is eye opening to many of us. But it's a snapshot, and we need to recognize the dynamics of this highly complex fishery.

I don't know what the guidance is, because I feel like it's so state by state, and there are choices that each state has to avoid, high periods of discard mortality, like we can in Maryland by closing fisheries during the summertime, like we do right now with our CE proposal that we're operating under.

It's complicated, and in some series of conversations about tradeoffs, and I just really want to put a pin in what Greg Shute mentioned, the member of the public, that we all need to start thinking about these tradeoffs, and of course harvest is a 100 percent mortality kind of situation, you know harvest that fish, it's dead.

Release mortality, if we assume the coastwide average, of course it's a 91 percent chance that fish is going to survive. We really need to take that to heart, to maintain access and do what's right to turn this stock around. I don't have any specific guidance, and I don't know how much time we have to talk about it further. But I just wanted to get that out on the record. Mr. Shute made a great point.

CHAIR BORDEN: Thanks, David. Marty, on your second motion, please.

MR. GARY: Mr. Chairman, thank you. Originally, as I had mentioned was hoping to make your job a little bit easier by linking the two, but I understand you want to deal with them discretely. I'm happy to defer, and allow others to champion the remaining items, or I can go forward. Whatever your pleasure is.

CHAIR BORDEN: Well, I offered you an opportunity to do it. If you want to do it, please do it, and if not, I'll ask any other members of the Board that want to make motions, and we'll open it up, it's really your preference.

MR. GARY: Yes, I'll go ahead and defer to the greater good of the Commission.

CHAIR BORDEN: Okay, so the floor is open for new motions then. Toni, who do we have on the list? While Toni is doing that, we're going to need to work on removing some items from the discussion, just to limit it. Toni made it abundantly clear that there is a limited amount that the system can deal with, so some issues have to get either rejected or moved to the trailing actions, or the conservation equivalency mechanism. Toni, who do we have that wants to speak?

MS. KERNS: On my list I have Justin Davis, Megan Ware, and Ritchie White.

CHAIR BORDEN: Okay, so we'll take those in order. Dr. Davis.

DR. DAVIS: I could make a motion at this point, if that is appropriate.

CHAIR BORDEN: Certainly.

DR. DAVIS: I move to remove Issue 4, the rebuilding schedule from further consideration in Amendment 7.

CHAIR BORDEN: Okay, so it's a motion by Dr. Davis, is there a second?

MS. KERNS: I have John McMurray.

CHAIR BORDEN: John McMurray, thank you, John. Justin, do you want to speak to it?

DR. DAVIS: Sure, thank you, Mr. Chairman. I think it's appropriate to remove this issue from further consideration in Amendment 7. I think we heard a clear signal from the public that they think stock rebuilding is extremely important, and that the current timeline there is certainly no support, I don't think, for extending the timeline. We did hear some comments in favor of potentially considering shorter timeframes than 10 years.

In my estimation 10 years is an appropriate timeframe, given the biology of the species. My comments that I made back at the beginning of this meeting, discussing how this Board is still subject to the trigger that we tripped back in 2018, for the 10-year rebuilding timeframe. I just think the public should rest assured that this Board is cognizant of that, and that we will be adopting the measures necessary going forward, to achieve stock rebuilding by 2029.

We'll get an updated stock assessment here next year, and then have an opportunity to see how well we're doing along that rebuilding timeframe, and adjust as necessary. Essentially given that we are in a rebuilding process right now, just starting out. I don't think there is any justification for considering a different timeline, or really messing with it at this point, so that is why I've made this motion.

CHAIR BORDEN: John McMurray. John, would you like to comment as the seconder?

MR. McMURRAY: I think Justin pretty well covered it. I mean, we made a promise to the public with Amendment 6, and we should keep it. I know there is some question on whether or not we can rebuild in 10 years, but when you look at the rebuilding that happened in the mid-'80s and early '90s, well we were in a much worse position back then. We certainly can rebuild, and we should absolutely try. Thank you.

CHAIR BORDEN: All right so, Toni, if you could take all the hands down. Anyone who wants to speak in favor of the motion, please raise your hand now. Toni, would you call off the first three names.

MS. KERNS: I have Megan Ware; she is the only one.

CHAIR BORDEN: Okay Megan, you're it.

MS. WARE: Oh man. I'm actually planning to do a motion to amend, or it could be a friendly, depending on how it's taken. I can do that now or wait.

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

MS. WARE: Okay. I am just going to say this really slowly, Maya, because part of this was in something else. **But move to amend to include options for measures to protect the 2015-year class, in the development of Draft Amendment 7**, and if I get a second, I will provide rationale. This would just be a second sentence on to the motion.

CHAIR BORDEN: We have a motion to amend, do we have a second to the motion to amend?

MS. KERNS: David Sikorski.

CHAIR BORDEN: David, so we have a motion to amend, Megan, do you want to site the justification, and then I'll go to David.

MS. WARE: Yes, thank you. You know I've heard a lot of stakeholders express pretty strong concerns about where this stock is headed. While I don't think we are at the place where the stock was in the 1980s, at this point we have had five years of average or below average recruitment.

It is this repeated poor recruitment that got us in trouble last time, so I think how we deal with this 2015-year class could be kind of make or break on where this stock goes, and how successful we are in rebuilding. Going back to the addendum we just did, the TC did produce projections for the Board, which

indicated that we could have a roughly 40 percent probability of hitting the SSB target by 2029.

Really, the key to that projection is whether the statistic holds, and whether that statistic holds is dependent on what catch and recruitment look like, kind of in the interim. So far, we've continued to have lower recruitment, and based on the MRIP numbers I saw, I think 2020 recreational landings were higher than 2019.

I'm not sure what the commercial landings were, but speaking just on the recreational, I believe they were higher. It is also concerning that we have this strong 2015-year class moving through the system, and as history has shown, this usually corresponds to a spike in catch. I really do believe the success of reaching that 10-year rebuilding timeframe is going to be dependent on what we do with this 2015-year class. I think this is warranting a discussion to the Board.

CHAIR BORDEN: Thanks, Megan. David, do you want to comment as the seconder?

MR. SIKORSKI: Yes sir, thank you. From the Chesapeake Bay perspective, I think history has already shown that we've had challenges in constraining fishing mortality, when we have a high abundance of fish. Unfortunately, recent Addendum VI measures probably failed to meet reducing fishing mortality on this 2015 stock, as implemented by all three Bay jurisdictions.

I really have the utmost concern of the impact we're already having on these fish. I think the best way to address this is to be laser focused on limiting fishing mortality on these fish that are left in the system, recognizing that they hold a lot of the hope for the future, as we all cross our fingers and hope that 2021 brings us brighter recruitment projections.

CHAIR BORDEN: All right, so once again, let me see a show of hands of those who want to speak on the motion to amend. Toni.

MS. KERNS: I'm just cross-referencing the list that I had for the first three names that I had seen before. I had John McMurray, Justin Davis, and Dennis Abbott.

CHAIR BORDEN: John McMurray.

MR. McMURRAY: This is a welcome addition. If we want to rebuild it's important to protect those strong year classes. That is exactly how we rebuilt last time. There was emphasis on the husbanding one-year class through the process. It's particularly relevant now, considering that the 2015s are largely just recruiting into the fishery, into that slot limit. I think this is critical, and I hope we get some guidance from, should this pass, get some guidance from the TC on how that might look. How do we protect the 2015-year class?

CHAIR BORDEN: Justin Davis.

DR. DAVIS: I certainly appreciate the intent of this motion. I've been a strong proponent of the slot limit. But I will admit that there is a potential concern with this 2015-year class aging into the slot in coming years. I guess I've got two questions, one is that is this really a motion to amend, or is a motion to substitute?

In that is the intent here to remove the rebuilding schedule issue from Amendment 7, but somehow include this issue about new measures, as sort of a different issue, or is the intent here to keep the rebuilding schedule issue in the Amendment, and add to that issue the consideration of these new measures? That is one question. The second question I have is, thinking about the intersection of this with the stock assessment process.

Is the intent here to essentially develop measures that we would potentially implement for the 2022 fishing year, ahead of getting the stock assessment and a picture of where the stock is at, which we would normally use as the basis for changes to management? I guess that is two questions, probably best directed to the maker of the motion.

CHAIR BORDEN: Megan.

MS. WARE: Yes, so Justin, the motion I had sent to staff was to maintain the 10-year stock rebuilding

timeline, and then include options for measures to protect the 2015-year class. My intent is not to have alternatives in the document to consider a different rebuilding timeline, but instead to include alternatives that protect the 2015-year class.

I consider that kind of a part of rebuilding, but I am not specifically looking to include alternatives on the rebuilding schedule. In terms of your second question about timing. You know if these measures are a part of the Amendment, I think it would kind of be locked into whatever that Amendment schedule ends up being, and that may depend on how many more issues we add to this document. I'm not sure if I can totally answer that question. I think it just depends when we finish the Amendment.

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

DR. DAVIS: Thank you for the clarifications, Megan, that was helpful. I think if the record reflects that the intent here is not to consider different options for rebuilding schedules, but to maintain the 10-year rebuilding schedule, and then add in this potential development of new measures to protect the 2015-year class, I'm good with that.

I guess I am concerned that if we are adding this into the document at this point, to me this is sort of adding a new issue to the document of changing fishery measures potentially in 2022. But it is my understanding that this will go back out for another round of public comment, correct? The public will have an opportunity to take a look at the Draft Amendment and comment on these potential measures. Is that correct?

CHAIR BORDEN: Toni.

MS. KERNS: I thought the question was to Megan.

MS. WARE: Yes, that is correct, and Justin I'll just note. There were comments about protecting the 2015-year class in our public comment record, so that is where I got this from.

CHAIR BORDEN: Okay, so the next person I have on the list is Dennis Abbott, and then we'll go to the people that want to oppose this. Dennis Abbott.

MR. ABBOTT: I fully support Megan's thoughts, but it strikes me that if we're amending it, we're going to remove Issue 4, and then include options for measures. It seems to me as Justin said, it should be a substitute motion, rather than what is put forward, because if we don't remove Issue 4, it's just not correct the way it's put forward, I think. I think that we should have a substitute motion.

MS. KERNS: Mr. Chairman, I thought Megan's intent was to add this text to Justin's motion, and I just want to clarify that with Megan.

CHAIR BORDEN: Megan.

MS. WARE: That's correct. Another option is, I could do a motion to substitute and add a sentence at the end that says maintain the 10-year rebuilding timeframe, if that is clearer.

CHAIR BORDEN: Since a number of speakers have suggested clarifying this, Megan, you and David want to withdraw the motion to amend? If you do, I will recognize you to make a substitute motion.

MS. KERNS: David, it's not their decision to withdraw, it would have to be the full Board. I do think that we didn't write the text down correctly as Megan asked for it. It should say, move to amend to include the following text, and just put that following text in front of.

CHAIR BORDEN: Megan, does that reflect your intent?

MS. WARE: Yes, thank you.

MS. KERNS: Maya, will you just write add options, put add in front of options.

CHAIR BORDEN: All right, is that what your intent is, both Megan and David?

MS. WARE: Yes, for Megan.

MR. SIKORSKI: Yes, Sir.

CHAIR BORDEN: I'm going to go to the noes. Anyone that wants to speak in opposition to this, please raise your hand.

MS. KERNS: I have Roy Miller, Tom Fote, and Mike Luisi.

CHAIR BORDEN: Roy.

MR. MILLER: Thank you, Mr. Chairman, it's not really in opposition. I just have a comment. We've already heard from others that the 2015 year class has entered the coastal recreational fishery. I'm just concerned that by trying to protect that particular year class, we're going to have a sliding scale over the years of varying size limits, that will add a layer of complexity, I think, to our management that we may not intend at this point in time. I'm concerned about trying to protect a year class that is already in the fishery.

CHAIR BORDEN: Tom Fote and then Mike Luisi.

MR. FOTE: Yes, I think this motion should have been made two years ago as a separate motion to basically protect that year class until we reach 95 percent of the size that they should be to spawn, the females. That's what we did in '82, we started doing that for the '82-year class. At this point in time, and we're talking adding this to this Amendment.

It's not going to go in place for three years. I think if you want to do this, it should be handled separately as an addendum that is going out now, but also if you're going to do that, are you going to raise the size limits, because when we basically did this in the '80s to rebuild the stocks, we actually had no size limit on the high end, but just on the low end to

protect that year class, until they spawned at least once. That was if I remember right 34 inches, and you had to change your regulations every year, to basically do that.

Now that is a difficult process every state has to go through the regulations. This is why it is confusing. I think it should be a separate amendment or an addendum going out, but not included in this one, because this would take too long to basically have any effect.

CHAIR BORDEN: Next we have Mike Luisi.

MR. LUISI: I'm going to say that while I understand the interest here from the management perspective, on trying to focus management efforts on a year class to try to manage that year class. I can't support that. I think the rebuilding schedule should be part of the Amendment, part of the discussion that we have, and so this whole discussion that is happening right now, I have a lot of concern with.

I think that what would end up happening as a result of trying to protect a particular year class, is going to be an inequity to the resource, depending on where that year class stands, whether it's resident stock, coastal stock. It's going to be too complex in already complex regulations, and I think we can come up with something better, so I'm not going to support it.

CHAIR BORDEN: Toni, if you could put down all the hands, and then is there anyone else that hasn't already spoken that wants to speak in favor of the motion to amend?

MS. KERNS: I just took the hands down, so I just want to see in favor. I have Mike Armstrong.

CHAIR BORDEN: Okay, so Mike on the favorable side, you're the last person to speak. Mike Armstrong.

MR. ARMSTRONG: I support this, I mean with a lot of reservations. It's hard to move the slot around. We all know the pit falls of changing the rules. But we've got five-year classes locked and loaded, with nothing behind 2014. We have the 2015-year class, and 2014 was not bad out of the Hudson. That is all we've got

to rebuild with. You know we targeted that for 0.2, and we have never achieved it, so I've got to assume we didn't hit it this time. We have to start doing draconian things to get this stock back. That is the bottom line for me, and so I support that.

CHAIR BORDEN: Hands down. Now Toni, anyone else on the no side? Any hands up? While Toni is waiting for the hands to come up, I'm not going to take public comments on this, until we get an amended motion, or we go back to the original motion. Toni, any further people want to comment on?

MS. KERNS: Max Appelman.

CHAIR BORDEN: Max, you're up, you're the last.

MR. APPELMAN: I know a lot can happen to a year class, you know from birth to year six, and I'm curious if there is any available information from the Technical Committee or science staff that can shed some light on the magnitude of that year class now, relative to, you know that recruitment estimate that we saw. I don't know if that question is coming across right. But I think it would be helpful to know if that year class stayed big, or if it has sort of diminished already.

CHAIR BORDEN: Max, I guess I would just comment that if in fact this stays in, and I'm not arguing one way or another. I think the technical people will be charged with looking at a wide range of issues, including what you just suggested, looking at the potential on the issue and the implications. We have no more noes. I'm going to declare a two-minute caucus on the motion to amend, and then call the question. Toni, times up?

MS. KERNS: I think so, we forgot to set the clock. I apologize. But it seems like two.

CHAIR BORDEN: That's all right, I looked at my watch. Is everyone ready for the question on

this? Okay, so all those in favor of the motion to amend, signify by raising your hand.

MS. KERNS: I have New York, Rhode Island, Maine, Massachusetts, New Hampshire, Pennsylvania, Connecticut, North Carolina, and Maryland. I'll put your hands down. I'm ready for the next vote.

CHAIR BORDEN: All those opposed to the motion, raise your hand.

MS. KERNS: I have Delaware, New Jersey, Virginia, and Potomac River Fisheries Commission. I'll put your hands down. I'm ready for the next vote.

CHAIR BORDEN: Any abstentions?

MS. KERNS: I have NOAA Fisheries and Fish and Wildlife Service. I'll put your hands down, I'm ready.

CHAIR BORDEN: Any null votes?

MS. KERNS: No hands.

CHAIR BORDEN: Okay so, what I have is 9 yesses, 4 noes, 2 abstentions, 0 nulls, is that correct?

MS. FRANKE: Yes, Mr. Chair, I have that as well.

CHAIR BORDEN: Okay, so motion passes. You're back to the amended motion. Toni, I think we should combine these two texts into a single motion, so everybody understands exactly what is being. Okay, thank you. Any further discussion on the amended motion? Any hands up?

MS. KERNS: I have Justin Davis.

CHAIR BORDEN: Justin.

DR. DAVIS: I guess I just wanted to reiterate, it's my understanding that it was clear in the record that this does not open the opportunity for consideration of other rebuilding schedule timelines. I still think this is sort of strange that we're removing an issue from the Amendment, but then we're adding options to that issue. But I guess if everyone feels the record was

clear enough on what we're doing here, I'm okay with that.

CHAIR BORDEN: Thanks, Justin, anyone else on this? Does anyone need a caucus on this? Any hands up?

MS. KERNS: I have no Board members with hands up.

CHAIR BORDEN: Okay, so I'm going to take two comments from members of the public. Toni, if you're a member of the public and you want to comment on this amended motion, please raise your hand.

MS. KERNS: I have Mike Waine.

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

MR. WAINE: Thank you, Mr. Chairman, Mike Waine, ASA. This is actually a question; you can decide whether it's in order or not. I'm just curious, like what happens, this is just a hypothetical, what happens if the next benchmark assessment gives us spatially explicit reference points, and that significantly changes where we are now.

Does that impact the rebuilding timeframe? You know, for those of you that have been following this for bluefish, I've been asking the same question, so I was just looking for a little clarity. If you want to say, let's talk about this later, I'm fine with that too.

CHAIR BORDEN: Does staff want to comment on that? Any staff?

MS. KERNS: Mr. Chairman, if we get a new assessment and the Board decides they want to change the reference points, then depending on the status of the stock at reference points, then the Board would then make changes to the measure, or respond to the change in reference points. It's really hard to give an answer to that question, Mike, because you would be

essentially starting a new clock if you started to judge the fishery in a new manner, unless the Board determined otherwise.

CHAIR BORDEN: Thank you, Toni. Does anyone need a caucus on this? Any hands up?

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

CHAIR BORDEN: Okay, so we'll take a two-minute caucus, please.

MS. TINA L. BERGER: Mr. Chairman, can the motion be read into the record at some point before the vote?

CHAIR BORDEN: Yes.

DR. DAVIS: Mr. Chairman, this is Justin Davis. I'll apologize, my hand was up from before, I was not indicating that Connecticut needs to caucus on this.

CHAIR BORDEN: Okay, let me ask the question again then, does anybody need time for a caucus? Any hands up?

MS. KERNS: No hands.

CHAIR BORDEN: Okay, so we're going to take the question, I'll read the motion into the record: Move to remove Issue 4, the rebuilding schedule from further consideration in Amendment 7, and add options for measures to protect the 2015-year class, in the development of Draft Amendment 7. That's the motion. All right, all those in favor of the motion, signify by raising your hand.

MS. KERNS: We have New York, Delaware, Rhode Island, Maine, Massachusetts, New Hampshire, Pennsylvania, Connecticut, North Carolina, Virginia, PRFC, and Maryland. I will put your hands down.

CHAIR BORDEN: Toni, lower the hands, please. All those opposed to the motion, please raise your hand.

MS. KERNS: New Jersey. I will put your hands down, I'm ready.

CHAIR BORDEN: Okay, any abstentions? Raise your hand.

MS. KERNS: Two abstentions, NOAA Fisheries and Fish and Wildlife Service.

CHAIR BORDEN: Please put down the hands, any null votes?

MS. KERNS: No null votes.

CHAIR BORDEN: Okay, Maya, the final count, please, or Emilie.

MS. FRANKE: Mr. Chair, this is Emilie, I have 12 in favor, 1 opposed, and 2 abstentions.

CHAIR BORDEN: No null votes, so the vote is 12 in favor, 1 no vote, 2 abstentions, 0 null votes, the motion carries. Bob Beal, we are up to five o'clock. Would you like to provide some guidance on the issue of continuing, and it could be, continue for a while, for a time certain, or schedule another meeting? We still have a number of issues to go through.

EXECUTIVE DIRECTOR BEAL: Yes, I suggest we keep going. I know it's getting late, and it's a bit painful, but you know we're on Issue 4 out of basically 10, but the public is here. There are, I don't know last time I checked a couple hundred people on the line. You know, I think we owe it to the public to keep working through this.

I know it's painful, maybe we do another check in in an hour or so, and see how people are doing. I know we have had Board meetings where fatigue has caused some decisions that were rushed through, and we don't want to get to that point. But I think we can keep going. If people need a little bit of a break right now, maybe take a five-minute break, but I think we should probably keep pushing through as best we can.

CHAIR BORDEN: Okay, so the Board has heard the guidance, thank you very much for that. I

believe, Toni, correct this if this is wrong. We've got Chris Batsavage who wants to make a motion, is that correct?

MS. KERNS: I believe that that was the next person on the list, yes.

CHAIR BORDEN: Then Tom Fote is next after that, so Chris, you're up.

MR. BATSAVAGE: Sorry, Mr. Chair, my hand went up by mistake, but I am not prepared to make a motion.

CHAIR BORDEN: Okay, thank you very much, Tom Fote.

MR. FOTE: Neither am I. My hand was down for something else.

MS. KERNS: Okay, then we'll take the next set of hands for motions. I had John McMurray and John Clark and Ritchie White.

CHAIR BORDEN: All right, John McMurray.

MR. McMURRAY: I move that Issue 5, regional management, be removed from further consideration in Draft Amendment 7. When the Chair is ready, I'll provide rationale if you would like me to.

CHAIR BORDEN: I'll come back to you. Do we have a second?

MS. KERNS: Mike Armstrong.

CHAIR BORDEN: Somebody has an open microphone; I'm getting some back feed. It's a motion by Mr. McMurray, seconded by Mr. Armstrong. All right, John, do you want to comment on the motion, and then I'll go to Mike.

MR. McMURRAY: Yes, thank you, Mr. Chairman. The science to develop a regional management model isn't there. A model was rejected by a peer review panel at the 66th Stock Assessment Workshop, and no other model has passed peer review that I'm aware of. Absent that, you know what are we going to use to inform separate regional management programs? I

think it would be premature at this point. There is also the issue of practicality. Striped bass that spawn in the Chesapeake Bay, Delaware/Hudson, they all mix along the coast. As far as I'm aware, there is no practical way for an angler or a commercial fisherman to distinguish among them.

Plus, stock measures could really only be applied within the estuary where the fish originate, and even then, reference points specific to say, the Chesapeake Bay, which produces 80 percent of the coastal stock. You know it's questionable whether they are appropriate if they don't account for the impacts and the needs of those fish, once they exit the Bay and begin to migrate along the coast.

CHAIR BORDEN: All right, thanks, John. Mike Armstrong, do you want to comment as the seconder?

MR. ARMSTRONG: Very briefly, I think John covered it. We don't have the analytical skills and the data to manage like that yet. I don't know if it's appropriate for this Amendment at some point to call for moving forward with the two-stock model, which will be a lot of generating new data. But I'm not proposing that, but I do support taking this up now.

CHAIR BORDEN: All right, so let me reverse the order on how I count on the votes. Instead of going in favor and opposed, anyone opposed to this motion? If you're opposed to it, please raise your hand.

MS. KERNS: I see no hands raised right now for opposed.

CHAIR BORDEN: That was exactly the reason I reversed it, is because this motion is consistent with kind of the consensus comment when we went around to the different jurisdictions. Is there anyone on the support side that would like to speak at this point? If not, I'm going to ask whether or not there is any objection to

approving this by consensus. Anyone that wants to speak in favor of it can speak in favor or it, otherwise I'm going to ask the question of the Board.

MS. KERNS: You have Mike Luisi is the only one.

CHAIR BORDEN: Mike Luisi, you're up.

MR. LUISI: No, as I'm just looking at this, Mr. Chairman. I do apologize. I am opposed to removing this issue, so I should have put my hand up earlier. I think that the regional management of this fishery is something that we have abdicated for, for years since Addendum IV.

We, not just we in Maryland, but Virginia, Potomac River, Delaware, New York in the Hudson. I think this is an important consideration. I'm sorry I had my hand up at the wrong time, but I certainly do not support removing Issue 5 from this Addendum, and I'm strongly going to advocate for keeping it in.

CHAIR BORDEN: Okay, so does anyone on the Board want to speak in favor of this motion? If you do, raise your hand.

MS. KERNS: I have Dave Sikorski.

CHAIR BORDEN: Is that the only one on the list?

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

CHAIR BORDEN: Okay, so David, you get the last say on this. I am going to go to the public, as I've done before. David.

MR. SIKORSKI: Yes, I just wanted to state for the record that I generally support this motion, but I also respect Mr. Luisi's concerns, given Maryland's long focus on trying to return to some better regional management and some consistency there. I think where we are is we're waiting on science and the multi-stock model, or two-stock model to help guide this action. Personally, I think we're at a point now where we can remove this, but I would love some clarity on when we might be able to revisit, assuming that this motion was to pass.

CHAIR BORDEN: David, I think the answer to that is you can revisit this at any point we're going to take a management action. You could basically reinsert it into any subsequent action. If it's proposed as an amendment, and Toni can correct this, we probably would have to do that as part of an amendment, unless we can framework it, or use adaptive management. Toni.

MR. SIKORSKI: Thank you, Sir.

MS. KERNS: Thank you, David. If it is the intent of the Board to want to take this up later on, we can make sure that it's something that can be addressed through the adaptive management section.

CHAIR BORDEN: Okay, thank you, Toni. If you could lower all the hands. Anyone in the public that wants to comment on this? I'm going to take a couple of points, you'll be limited to one minute, and then I'm going to call the question. We'll take a two-minute caucus at the end of this. Any hands up, Toni?

MS. KERNS: I just have one hand, and that is Julie Evans.

CHAIR BORDEN: Julie, you're up.

MS. JULIE EVANS: I'm kind of new to this forum, but I'm not new to striped bass. I just hope that everybody keeps in mind that we all have, up and down this coast, a potential for offshore wind turbines and that industry, to have an effect on all our migratory species, especially the striped bass. I haven't heard anywhere where this is being taken into consideration. I am the voice of the East Hampton Town Fisheries Advisory Committee, and I'm hoping that everyone looks to their waters and what is coming to populate them besides fish, thank you.

CHAIR BORDEN: Thank you, Julie, so back to the Board. We're going to take a two-minute caucus break. Maya, if you could run the clock,

please. All right, we're going to reconvene. Is everyone ready for the motion? Toni, are you ready?

MR. LUISI: David, can I ask a quick question, before you call the question?

CHAIR BORDEN: Go ahead, you can ask a question, but the debate is over.

MR. LUISI: The debate is over, you said?

CHAIR BORDEN: Yes. But if you want to ask a clarifying question, go ahead.

MR. LUISI: I'm not arguing whether to support or not support the motion. I just want to make sure. The regional management has been very important for the Chesapeake Bay, especially in Maryland, and I heard Toni talk about the adaptive management response that we could do. I just want to be clear.

I mean I'm okay with taking this out, I mean I just talked with my Commissioners, and we're okay with removing it from this process, because it's not ready for primetime at this point. But I want to know how do we get it back in without doing another amendment? Is it an addendum process, or how do we get regional management considered again? Just so I can speak to my stakeholders on that.

MS. KERNS: David, do you want me to answer that?

CHAIR BORDEN: Toni.

MS. KERNS: Mike, what we're hearing from folks on some of these issues is that there are some things that they'll want to take on, once we have more information, or following the end of this document. We can ensure that those measures have the option to do it through and addendum, and we'll adjust the adaptive management sections accordingly, and then the Board can make that choice of whether or not they want to do it through an addendum, or an amendment. But it will be the Board's choice.

MR. LUISI: Okay, and so does that need to be clarified in this type of motion?

CHAIR BORDEN: No, I don't think so. The record is clear.

MR. LUISI: Okay. Well, you know down the road we'll hold the Board to the record, and yes, I appreciate that. Thank you, Mr. Chairman for giving me that opportunity to just ask that question. Maryland is going to support this, thank you.

CHAIR BORDEN: Okay, so all those in favor, please raise your hand.

MS. KERNS: Mr. Chairman, could you just ask if anybody is in opposition? It looks like to me everybody is in favor.

CHAIR BORDEN: Well, I actually tried to do that before. Anyone have an objection to approving this motion by consensus? Any hands up?

MS. KERNS: I have one hand, I have Virginia.

CHAIR BORDEN: Okay, so motion is approved by consensus, and I note that the Commonwealth of Virginia is in opposition to it.

MR. GEER: Excuse me, I'm not in opposition, I lowered my hand.

CHAIR BORDEN: Okay. Motion stands approved by consensus. Toni, who do we have next? We've got Ritchie White; I think next on the list.

MS. KERNS: That is correct.

CHAIR BORDEN: Okay Ritchie, you're up.

MR. WHITE: I don't have the number, if you put the issues up, I can do it by number. **The conservation equivalency, so Issue number 6, I make a motion to include that in the document. If it passes, then I have some options for the PDT, thank you.**

CHAIR BORDEN: My question, Ritchie, is do you want to include the options as part of the

motion, or do you want to keep this clean, and just deal with it as the way you proposed it?

MR. WHITE: I would rather keep it clean and have it in the document, then if the options need a vote or not, then we could deal with that if this is still in the document.

MS. KERNS: I have a second.

CHAIR BORDEN: Okay, so we have a motion by Mr. White, is there a second?

MS. KERNS: Megan Ware.

CHAIR BORDEN: Megan Ware, so Ritchie, do you want to speak to the motion, and then Megan is up.

MR. WHITE: Sure. I think this issue the public was the most clear on. The public is extremely upset with the way conservation equivalency is presently working, and it really needs to have some changes to it. That is the justification, thank you.

CHAIR BORDEN: Megan, you're up.

MS. WARE: Yes, I'll just note Maine is a state which has used conservation equivalency in the past. But I think kind of reflecting on the experience we had with the last addendum, and what I saw in the public comment. This is a measure that is certainly contributing to lowering public confidence in the management process. I think it is impacting some of the outcomes of our management actions, so I do support including this option, continuing discussion, and thinking about how we can maybe put some bounds on it, thank you.

CHAIR BORDEN: All right, so back on the pros and cons. Does anyone want to speak in favor of it? If you do, raise your hand.

MS. KERNS: For in favor, the first three names that I saw were Jason McNamee, Justin Davis, and David Sikorski.

CHAIR BORDEN: Okay, Jason.

DR. McNAMEE: I'll just be quick, and note my support for this. Again, I think we heard a lot of comments about conservation equivalency. It seems like in the case of striped bass it needs some additional sideboards put on it. I will suggest though that I think it should be cross walked with the existing conservation equivalency guidelines that the ASMFC already has. But other than that, I'm supportive of this, and think it will help with the way people are thinking about conservation equivalency in the case of striped bass.

CHAIR BORDEN: Justin.

DR. DAVIS: I certainly support the motion. It was apparent to me after the Addendum VI process that we have some work to do on this issue. I don't approve of removing conservation equivalency altogether from the FMP, because I think there are legitimate reasons to use it. But I certainly think we need to tighten up the guidelines around its use for the species.

I also think this kind of like thing like mode splits, this is a larger issue than just striped bass. I appreciate Jason McNamee's comments that this should be cross walked against sort of overarching Commission policy about this topic. But I just don't think we can engage in another addendum process to potentially change measures on striped bass, without fixing this issue.

CHAIR BORDEN: Let's see, I've got David Sikorski.

MR. SIKORSKI: Yes, my shortest comment of the day. I'll say ditto to Jason and Justin's comments, thank you.

CHAIR BORDEN: We've had three pros, Toni, if you would lower the hands. Anyone that wants to speak in opposition to the motion, please raise your hand.

MS. KERNS: I see no hands in opposition.

CHAIR BORDEN: No hands. Does anyone else care to speak in favor of it? Any hands up?

MS. KERNS: Dennis Abbott.

CHAIR BORDEN: Dennis.

MR. ABBOTT: I probably don't have to say anything at this point, because I think that there has been a shift in how we're going to deal with conservation equivalency. But this is the first item of the ten that we're dealing with, that really gets to the meat and potatoes of why we have Amendment 7 in the works, and how we got to be overfished and overfishing occurring.

A little history, in 2009 I was quoted widely that conservation equivalency, as I said was "death by 1000 cuts," and that was in 2009. There was some reaction to that, positive reaction to that. But we continued on our merry way. In 2012 I stated again, and I quote, "we have a canary in the mine that will probably fall off its perch pretty soon, as it deals with conservation equivalency."

At that time, we didn't take any action to limit our catch and change our regulations. In 2020, I said that the ink wasn't even dry on the latest addendum, when states had their CEs in the works. It directly showed after these CEs or conservation equivalencies were approved, that we went from a proposed 18 percent savings with a 50 percent probability of success down to 15.

In large part, I think that our application of conservation equivalency has surely been a part of how we got there. As many of you know, I'm in strong opposition of conservation equivalencies, but I think that we can probably make some substantial changes in how we accomplish conservation equivalencies, and so on and so forth. I think Ritchie White is going to explain to you some of the ways that, if we use conservation equivalency, we can do it a lot better than what we have in the past. Thank you.

CHAIR BORDEN: Is there anybody else that wants to speak on this? Any hands up on the Board, Toni?

MS. KERNS: No hands, Mr. Chairman.

CHAIR BORDEN: Okay, any members of the public that want to speak on this? I'm going to try to move this along.

MS. KERNS: No hands, Mr. Chairman.

CHAIR BORDEN: Okay, is there any objection to approving this by consensus? Any hands up?

MS. KERNS: No hands, oh, one hand, Mr. Chairman.

CHAIR BORDEN: Which jurisdiction?

MS. KERNS: New Jersey.

CHAIR BORDEN: Okay, so the motion is approved by consensus, and the minutes will note that the state of New Jersey was no. All right, I've gone through my list, does anyone else care to go on the list.

MR. WHITE: Excuse me, Mr. Chair. Do you want at this point, do you want options for the PDT on conservation equivalency?

CHAIR BORDEN: I'm not sure that we need a motion, but Ritchie, it would be helpful if you or Megan would like to put some suggestions into the minutes, which the PDT could look at.

MR. WHITE: Yes, my intent on this motion was, that just not myself but other people could provide options for the PDT. But I have three. The first would be to require a conservation equivalency proposal to provide 125 percent of savings, instead of the 100 percent presently required, so that would be one.

Second would be to require conservation equivalency proposals at thresholds of success, using a 75 percent probability of success. That would be another one. The third would be conservation equivalency will not be allowed, if stock is overfished or overfishing is occurring.

Again, I'm open, the vote clearly allows other options in there, thank you.

CHAIR BORDEN: Okay so, those are suggestions. I would hope that we can avoid making those as a motion. Those would be referred to the PDT for examination. Are there any other suggestions that people would like to refer to the PDT? Megan.

MS. WARE: I think what Ritchie provided is a good start, and I would be interested also in what the PDT has to come up with, or what others have.

CHAIR BORDEN: Any other guidance from any of the Board representatives?

MS. KERNS: Mr. Chair, I have three additional other folks, and I'll just reaffirm what you said is that we'll take all the suggestions to the PDT, and then when the Board gets a take at the document, that is when they can either decide to remove issues from it or not, before it goes out for public comment. I have Mike Luisi, Pat Geer, and Joe Cimino.

CHAIR BORDEN: Okay, Mike Luisi.

MR. LUISI: I don't have any suggestions on this. I'm going to support having this in the Amendment. I think, well it's already been approved. But we're not at the point right now where we need to start adding in, you know the different ways for which these alternatives are going to be developed.

I think the PDT can take some guidance, and I look forward to working through this. Conservation equivalency is one of the things that we've used in the past here in our state, and I look forward to the conversation. But I'm not ready at this time to provide guidance, but I look forward to what the PDT has to put together, so thanks.

CHAIR BORDEN: Okay, so I've got Pat Geer and then Joe Cimino.

MR. GEER: I agree with what Mr. Luisi said. I would also like to point out that the Commission does have a conservation equivalency policy, and after what we went through with Addendum VI, where we had

somewhere in the vicinity of 43 different plans, it may warrant dusting that off and looking at it, and trying to come up with some new protocols that could be used. I'm not prepared to add anything else at this time, as far as recommendations.

CHAIR BORDEN: Joe Cimino.

MR. CIMINO: I have rarely seen an item more demonized than this. I think it's a shame. You know we all struggle with MRIP estimates, there are point estimates to talk about, you know accountability in this way, I think is a little bit misguided. It isn't for the benefit of the stock. Those states that don't take CE have time and again by Board members here said they don't need to take action.

We're moving towards a place where a state that is continually increasing their harvest, but they're the only bad player, wouldn't have to do anything, as long as they're taking the coastwide measures. On the flip end of this, we have to talk about the reality of the paper exercise that we're looking at.

Where we're pretending that 2020 measures will have the same stock conditions, the same environmental conditions, the same fishing pressure as 2017 on paper, to prove we're going to need 125 percent reduction. It's just punitive, it's not a consideration for the stock. I don't know why we keep going down this road, thank you.

CHAIR BORDEN: Anything else on this issue? If not, Toni, have we exhausted the list of people that wanted to make motions?

MS. KERNS: I have Tom Fote.

MR. CLARK: I was on the list, Mr. Chair.

CHAIR BORDEN: That's correct, I apologize, Tom, you're up for a motion.

MR. FOTE: Not for a motion.

MR. CLARK: That was me, it was John Clark.

MS. KERNS: John, we're not to the motions yet.

MR. FOTE: I was up to talk about something after listening to Joe, and that is what I wanted to discuss. The fact is, that when we put in regulations on other species, like summer flounder. We basically took the fish away from the south, this was in the early parts of the management plan, and award it to New York and New Jersey, and Massachusetts and Connecticut.

The other states didn't have to take any real cuts, we just put sizes and bag limits in that we already had, where the south took huge cuts, and actually reduced their catch, and then we set quotas based on that catch for equivalency. I mean that is one of the reasons conservation was recruited in the plan, was to make sure that didn't happen. Sometimes it's really more stable to take a reduction by putting a certain size limit, but the reduction will be 22 percent or 25 percent, while some states say, well I'm staying status quo, and their reduction is only 2 percent. Some states feel the uneven burden of not having conservation equivalency, and that was why it was put in the plan. It was basically not to penalize some states over others.

CHAIR BORDEN: John Clark, did you ask to make a motion?

MR. CLARK: I did, Mr. Chair, I'm sorry for jumping the gun there. I thought I had been in the list before. I didn't realize you were still taking comments.

CHAIR BORDEN: No, no, go ahead, John. Perfectly all right, go ahead, John, you've got the floor.

MR. CLARK: Not a big surprise here, I would like to move to include Issue 9, coastal commercial quota allocation in the draft amendment.

CHAIR BORDEN: We have a motion by Mr. Clark, do we have a second?

MS. KERNS: I see no hands.

CHAIR BORDEN: Let me ask again, we have a motion by Mr. Clark, do we have a second for the motion?

MS. KERNS: Justin Davis.

CHAIR BORDEN: Seconded by Justin Davis. If you would like to speak to that.

MR. CLARK: Yes, thank you, Mr. Chair. We've brought this up many times from Delaware, that the quotas of course are based on data that is extremely old. Everybody on, well most of the Commissioners here have been through other allocation questions just recently, where we were saying that we had to reallocate, based on data that was nowhere near as old as this striped bass data.

I understand that this is a sensitive question, and I think this can be included in the Amendment, and done in simple matters, a matter of shifting from some jurisdictions to the other. We're not looking to increase the coastal quota; we just want it to be something where it is distributed more equitably. Thanks.

CHAIR BORDEN: Justin, would you like to comment?

DR. DAVIS: Sure, thank you, Mr. Chairman. That obviously touches on a larger issue that we've been dealing with a lot lately in the Commission process, which is quota allocation. I think any time any jurisdiction feels that their outdated quota allocation is disadvantaging other fishery, and they need consideration for additional opportunity. I think we all need to be receptive to that, and be willing to give it full consideration.

I do have some concerns about this, you know potentially maybe slowing down the amendment process, given that it's something of a different animal than the other issues we're considering. But we've also voted today already to take a fair number of things out of this document. I think at this point it's fair to

leave this in, continue to work on it. Maybe we'll decide at the next stop on the road that we need to split this off into its own action, but at this point I would support leaving it in. Thanks.

CHAIR BORDEN: As we've done before, anyone that wants to speak in favor of the motion, please raise your hand.

MS. KERNS: I have Dennis Abbott.

CHAIR BORDEN: All right, Dennis, you're the only yes, so you have the floor.

MR. ABBOTT: I think this is an issue of fairness. In talking to my friend, Craig Pugh from Delaware, when we were able to have face-to-face meetings. It was interesting getting what I would consider his side of the story, and as I say, what we do I don't know, but it is very fair to give this commercial quota issue a chance, or a look right at this point.

CHAIR BORDEN: All right, so that was the yesses, anyone want, hands down Toni, please.

MS. KERNS: Mr. Chair, there are two other hands that went up while Dennis was speaking for in favor, so do you want to go to those two individuals?

CHAIR BORDEN: Please.

MS. KERNS: They were Mike Luisi and Marty Gary.

CHAIR BORDEN: Mike Luisi.

MR. LUISI: I wasn't necessarily speaking in favor. While I certainly agree. We've been dealing with a lot of allocations, both at the state and federal level recently. I think Delaware needs to have their commercial fishery have a look. I just don't know that it fits in this Amendment.

I need to caucus with my other Commissioners, but I think that this is one of those pieces of what got brought up during the public comment period and through the scoping period, where this could be one of those things that could fall into an addendum, that kind of works parallel with the Amendment, since the

Amendment is going to take on a longer process. I just don't know that it fits. I talked with John Clark and others, but that is kind of where I am right now.

I think it's going to bog things down a bit, but we did remove some stuff today that I didn't necessarily approve. But it is the Board's action, and so I almost need to kind of regroup and think about what we have left on the table, and whether or not this syncs in with the actions that need to be taken. I just need to give it a little bit more thought, but I just wanted to voice my opinion on the record.

CHAIR BORDEN: I've got Marty next, please.

MR. GARY: I think Justin and Mike framed it up pretty well, Justin particularly with the rationale for including it. I think the theme here is, there are a lot of us that would like to support this, but we're struggling with how it fits in. PRFC is going to vote this up, and at the very least if it isn't successful in being integrated, then hopefully as Mike said, it could be dealt with in parallel, so we can be attentive to Delaware's concerns.

CHAIR BORDEN: All right, thank you, Marty. Anyone else before I go to the noes? Anyone wants to oppose this, please raise your hand.

MS. KERNS: Mr. Chair, the hands are very mixed now. I think people may have been confused. Is it all right if I put the hands down, and let folks put their hands back up?

CHAIR BORDEN: Please.

MS. KERNS: All right, if you want to speak against the motion, please put your hand back up. All right, that seems much cleaner. I have Joe Cimino, John McMurray, and Chris Batsavage.

CHAIR BORDEN: Joe.

MR. CIMINO: I don't want to take more time, but I want to be clear to Delaware that we are

very sympathetic on this issue as well, but I'm in the same place Mike Luisi is. I just don't see how it fits. I would rather take this up as soon as we can in an addendum process later. Thank you.

CHAIR BORDEN: John McMurray.

MR. McMURRAY: Mr. Chair, I'm not opposed to doing this, but I have a question for staff, if I may. What sort of analysis and time commitment is this going to create, and how is it likely to affect the timeline?

CHAIR BORDEN: John, I just offer a personal comment. Given the fact that we probably already have too many issues included in this at this point to get it through the system in a timely basis. One of my thoughts is, at the end of this when we actually know what we've got for priorities from the Board.

We should basically ask the staff to look at it from the perspective of, which of these issues could be integrated through a different process, either a framework or adaptive management, or whatever. In other words, we're not saying we're not going to move forward with them, but we might move forward with them under a different process.

Then they could come back to us at the next meeting, and kind of answer that question. I think we would get a better sense of what is possible, and in what timeline, and by which methodology. Does that sound like a reasonable thing to ask to address your point?

MR. McMURRAY: Yes, thank you.

CHAIR BORDEN: Okay, so I've got Chris Batsavage.

MR. BATSAVAGE: I don't support including this in the Amendment for the reasons given. Allocation issues are challenging, and although this one could potentially be a little more straightforward, like some allocation issues we've done in the past. It could also get very complicated very quickly, and sometimes the commercial allocations tend to do that.

I would be concerned including it in with the other issues, especially since we've included one issue that looks at options to protect the 2015-year class. That

seems to be a little more time sensitive, and I think it would be best to address this in a separate addendum, in which case I do support your looking at this, just not in this Amendment. Thanks.

CHAIRMAN BORDEN: Anyone else care to speak in favor of it or opposed? If you want to speak in favor of it raise your hand now. Any hands up, Toni?

MS. KERNS: I have Craig Pugh.

CHAIR BORDEN: You have who?

MR. KERNS: Craig.

MR. CRAIG PUGH: Thank you, David.

CHAIR BORDEN: Craig, you're up, sorry about that.

MR. PUGH: We've been looking for this movement for a long, long period of time. Delaware's allocation has been different than the rest of the coastwide allocation in its disbursement, and it's been to our degradation to our economic structure and our fisheries in the state of Delaware, which happened to be one of the points that was brought up Monday in the climate change thing, as far as fishermen and the communities, and how they are affected.

I can tell you that this degradation and this lack of recognition of our fishery, as in regards to the rest of the coast, is something that we think of every day, and how the Commission goes about responding to this issue that we've had for a number of years, I would say well over 25 at this point. I'm watching New York get reallocated eels.

I'm watching different allocations, we did menhaden, I was there for that in 2017, and we're getting ready to do it again it looks like. I kind of wondered why the state of Delaware keeps getting pushed in the corner. I know

we're the little state of Delaware, but I would recognize that we go back.

Our fishermen and our communities are important to us. This issue is of great, great and vast importance in our state. As far as I'm concerned, it's our number one issue. We are recognized, or the Basin is recognized as possibly contributing up to 20 percent to the coastwide allocation. We certainly have never been recognized for that, or for whatever reasons. At any rate, our quota is rather miniscule compared to our neighbors, or maybe even our further neighbors. We do know that there is some quota out there that already exists, that is not being accessed, and has not been accessed for well over seven years.

Some sort of new distribution of that would be okay, would be fine. But at least some reaction to our plight of 25 years would be a positive for our fisheries in the state of Delaware. I'm not, if it seems to be the wish of the Board to put this in a separate addendum, we're in favor of that too. But please, please address this. This has been going on for way, way too long. We're trying to heal the wounds, not make them worse. I've got another little story, now that I have the floor.

I kind of feel like I'm on a different planet sometimes. I fished, I prosecuted the shad fishery in the mid-eighties, mainly because we didn't have striped bass, and striped bass was certainly in a moratorium during that period. I could tell you we would fish for, oh about 60 days, with about 300 yards of webbing. It ranged anywhere from 5.5 to 4-inch webbing, some down to 3.5.

During that period on those days, it would be from March through April. We would catch 6 striped bass through that two-month period. That is not the case today. Today we cannot prosecute other fisheries, because our nets fill with striped bass, and we have nowhere to go with them, as far as quota goes.

The other fisheries are kind of discounted. We've changed our gear, it's much larger now. We don't target the other species anymore, because they are kind of out of that marketplace that is in the sweeter spot. We've gotten much, much better at like dead

discards, and what we catch goes to market. We're proud of that, we've worked at that really, really hard. We're looking for a little recognition here. Thank you, and I appreciate the time.

CHAIR BORDEN: Craig, thank you very much for the comments. Anyone else who wants to speak on this, please raise your hand.

MS. KERNS: I don't know if these are in favor or against any more, Mr. Chairman, but I have Eric Reid, Jim Gilmore, and Mike Luisi.

CHAIR BORDEN: Okay, and then after that I plan to ask for a couple of public comments, and then move on to call the question. Eric Reid.

MR. ERIC REID: Very quickly. I support this motion, but I would also support another mechanism that may be more timely, and faster than this Amendment. Either way, it has to be addressed. Thank you.

CHAIR BORDEN: Okay, Jim Gilmore.

MR. JAMES J. GILMORE: Just in a question. I agree this needs to be looked at. But I share the concern of others that this could slow things down tremendously. The question is, if we, and amendments typically take a long time to go. If we did this as an addendum, could that run parallel to this? Do we have to wait for the amendments to be completed before we could look at the allocation, or could we run it parallel? If we could, I think that would be a better way to address this in a more timely manner.

CHAIR BORDEN: Thanks, Jim. Toni, who was the third person you had on the list?

MS. KERNS: Mike Luisi.

CHAIR BORDEN: Mike, you already spoke once. If you want to make a quick comment, go ahead.

MR. LUISI: I wanted to make a quick comment to address. I was kind of where Jim was, and I think that this issue would be better served through an addendum, which wouldn't bog down a couple year process on an amendment. That was the question I was going to have for Toni, or Bob and staff, you know.

If we were to substitute at this point, and I would look to maybe Jim, or John to make a substitute motion, to initiate an addendum. Is that going to really tie staff up at this point, as far as trying to do two things at once? Just looking for guidance on that, because I think it is something that definitely needs to be addressed, but I don't think it belongs in this amendment, honestly. I mean that is just where I am.

CHAIR BORDEN: Just a comment from the Chair's perspective. I would prefer to actually vote on this, and see where the vote goes. I still intend to ask the staff at the end of this to go forward and look at whatever the list is we have, and figure out, number one what the workload is, whether or not they can get it done on a timely basis, and whether or not there is another way of accomplishing it.

If they do that, and if this passes it will be on the list, and it will get included in that evaluation. I would prefer not to make motions to amend. I think we should just vote it up or down, and then deal with it based on the result. Are there any members of the public that want to comment on this? If so, please raise your hand.

MS. KERNS: I don't see any hands, Mr. Chair.

CHAIR BORDEN: Okay, so I'm going to afford a two-minute caucus, then we'll come back and vote. All right, we're back in session. Toni, are we all connected?

MS. KERNS: Yes, we are, Mr. Chair.

CHAIR BORDEN: All those in favor of the motion. Let me read the motion. Motion to include Issue 9, coastal commercial quota allocations in draft Amendment 7. Made by Mr. Clark, and seconded by

Dr. Davis. All those in favor of the motion, please signify by raising your hand.

MS. KERNS: I have New York, Delaware, New Hampshire, Connecticut, Potomac River Fisheries Commission, and Maryland. I will put your hands down. I'm ready.

CHAIR BORDEN: All those opposed, raise your hand.

MS. KERNS: I have New Jersey, Rhode Island, Massachusetts, Pennsylvania, North Carolina and Virginia. I'm ready.

CHAIR BORDEN: All right, any abstentions?

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

CHAIR BORDEN: Two, any null votes?

MS. KERNS: One null vote, Maine.

CHAIR BORDEN: One null vote, okay so is the count 6 to 6?

MS. KERNS: Emilie?

MS. FRANKE: That is correct, Mr. Chair, with two abstentions and one null.

CHAIR BORDEN: You were a little broken up, actually there is a siren going on in the background someplace. If the vote is 6-6-2-1, is that correct?

MS. FRANKE: Yes, that is correct.

CHAIR BORDEN: Okay, so motion fails for lack of a majority. Okay, I'm going to ask now, so it's part of the record that given the fact that this was basically a tie vote. I would like the staff to examine this whole issue in the context of what I discussed earlier, basically to look at it and look at what other mechanisms are available, and then report at the next Board meeting.

I think it's only fair, given the fact that it's a tie vote. It stays out of the Amendment, so everybody is clear, it's going to stay out of the Amendment. But if there are options for moving this forward, staff will provide us guidance.

MS. KERNS: We'll do that, Mr. Chair, in consultation with John Clark, because I'll need some specifics from what the state of Delaware is looking for, in order to better inform the Board of a timeframe and mechanism.

CHAIR BORDEN: John, is that agreeable to you and your delegation?

MR. CLARK: Yes, Mr. Chair. In other words, this would be sort of the start of an addendum process, I take it, to address this issue. Toni will get with me and we'll look at how we can get this moving at the next meeting, I hope. Thanks.

CHAIR BORDEN: Yes. The only thing I would comment, John. This does not commit the Board to an addendum. All I want is the two staffs to collaborate on it, and figure out what needs to get done, what the staff work is, and what an expeditious process is. Then the Board will decide at the next meeting whether it moves forward, and if so, how. Is that all right?

MR. CLARK: Okay, that will work. Sure.

CHAIR BORDEN: Okay, so Toni, do we have anyone else on the list for motions?

MS. KERNS: I have two hands that are up, and can we open it up to anybody else that has a motion? Because I don't know if some people's motions have gone, since we have taken care of some things. On the list I have John McMurray and then Justin Davis.

CHAIR BORDEN: All right, John.

MR. McMURRAY: We haven't touched on Issue 3, management triggers, and there seemed to be a lot of public concern regarding the last trigger, that deals with JAIs. **I have a motion. I would move to task the TC with developing options for a more effective**

standard for a recruitment-based trigger, using juvenile abundance indices.

MS. DRZEWICKI: Can you just repeat the last part of that motion, please?

MR. McMURRAY: Yes. Developing more effective standard for a recruitment-based trigger, using the juvenile abundance indices.

CHAIR BORDEN: Okay, so we've got a motion by John McMurray. Is there a second?

MS. KERNS: I have Roy Miller.

CHAIR BORDEN: Seconded by Roy Miller. John, you want to speak to this?

MR. McMURRAY: Sure, thank you, Mr. Chairman. Management trigger 5 defines recruitment failure as three consecutive years when the juvenile abundance indices fall below 75 percent of all values in the time series. That has only occurred once in the entire 63-year history of the Maryland JAI, and that was in 1985, after Amendment 3 had been adopted, and the rebuilding plan was in place.

It hasn't been tripped, despite the poor recruitment we've been seeing in recent years, which has certainly contributed to the current state of the stock. Management Trigger 5 needs to be revised to render it more effective. I also think it should probably compel rather than suggest that the management board take action to address recruitment.

I think that the Board should really consider revising that management trigger, maybe do a three-year rolling average or by revising the description of recruitment failure. You know the precise form of that revision should be left up to the TC, but it is definitely a concern we heard from the public during the public hearing process. Thanks.

CHAIR BORDEN: All right, Roy, do you want to comment?

MR. MILLER: I would just add to what John said, that it also may merit looking at the one-year-old index, as well as the juvenile index, in case there is an extraordinary mortality event, or something of that nature. I just think this whole issue of our juvenile abundance trigger needs another look. Thank you.

CHAIR BORDEN: All right, so we've got a valid motion on the table. Does anyone want to speak in favor, if you do raise your hand, please?

MS. KERNS: Mr. Chairman, I have Justin Davis.

CHAIR BORDEN: Justin, you're up.

DR. DAVIS: I'll start by saying, I do support this motion. But I've got a question for the maker of the motion. It seems like implicit in this motion is that we're leaving Issue 3 in Amendment 7, the management trigger issue. Is the intent here that we would only be going forward, taking a look at the recruitment-based trigger, and not potentially taking a look at the other triggers within the FMP?

CHAIR BORDEN: John.

MR. McMURRAY: Well, the intent was that we would only look at the JAI or Trigger 5. If you want to add, or make a friendly amendment to make that specific, I would certainly accept it.

CHAIR BORDEN: Justin, do you want me to come back to you?

DR. DAVIS: I guess I would ask; would it be appropriate to deal with this motion, vote it up or down, and then potentially entertain motions relative to the other triggers that are included under Issue 3, or would you rather just sort of deal with it all now?

CHAIR BORDEN: Well, if you have a suggestion, so we can make it comprehensive, so we don't have to have multiple motions. I think it will actually speed things up. Suggest to John that the motion be perfected, John and Roy, that it be perfected in the following manner. Justin, if you want a minute to think about that, I'll take some people on the other side.

DR. DAVIS: Sure, that sounds like a plan. Thank you, Mr. Chairman.

CHAIR BORDEN: Okay, so on the no side, obviously Justin is going to work on a variant of this. Who would like to speak in opposition? If you're in opposition, please raise your hand.

MS. KERNS: Mike Luisi, are you in opposition, or were you in favor?

CHAIR BORDEN: I already asked for the people in favor, and the only hand that went up was Justin.

MR. LUISI: Mr. Chairman, I'm in favor of including this. But I don't know that we need to get into the specifics of the triggers. I think, like we have done with the other issues, we should just include it, and let the Plan Development Team working with staff, and working with the Board, develop it over time, rather than getting into the details of each one of the triggers. The way we've been working today has been more, you know it's been a little bit more high level, and so I think that is where we need to be.

CHAIR BORDEN: Thanks, Mike. Somebody has an open microphone, because I'm hearing discussions. Anyone in opposition to this who would like to speak?

MS. KERNS: I have Tom Fote.

CHAIR BORDEN: Tom Fote, you're up.

MR. FOTE: I'm in opposition to breaking it out. We should just move the whole thing and include it into the document, not just the recruitment-based triggers. Until we basically put everything together, I'm not supporting it.

MR. McMURRAY: Mr. Chair, can I take a crack at perfecting the motion?

CHAIR BORDEN: Actually, John, before you do that let me see if Justin wants to verbalize his

thoughts, and then I'll come directly back to you. Justin.

DR. DAVIS: I think I would rather defer to John, and give him first crack, if he wants to try to clarify the motion.

CHAIR BORDEN: Okay, so John, you're up.

MR. McMURRAY: I would move that female SSB and fishing mortality triggers, and rebuilding schedules be removed from consideration for draft Amendment 7, and to task the TC with developing options for a more effective standard for a recruitment-based trigger, using the juvenile abundance indices.

CHAIR BORDEN: This would be a substitute motion, perfected motion. John, is that what you're suggesting, because I've got to get Roy Miller's permission?

MR. McMURRAY: If that is the easiest way to do it, yes.

CHAIR BORDEN: Roy, is it agreeable to you to perfect this motion?

MR. MILLER: Yes.

CHAIR BORDEN: Okay, so John, if you could repeat that slowly, staff will take this motion off and then you can put up the revised motion on the board.

MR. McMURRAY: **Okay, move that the female SSB and fishing mortality triggers, and rebuilding schedules, be removed from consideration for draft Amendment 7, and to task the TC with developing options for a more effective standard for a recruitment-based trigger using the juvenile abundance indices.**

MS. KERNS: John, just a point of clarification. We already removed the rebuilding schedule from the Amendment, if I am correct. Emily, right?

MS. FRANKE: That is correct.

MS. KERNS: I don't think we need that in the motion.

MR. McMURRAY: Okay, so let's go ahead and delete that then.

MS. KERNS: My other question to you, John, while you are still perfecting. Are you trying to only be able to look at the recruitment-based triggers with a juvenile abundance index, or is that one of maybe two or three ways that you could get them?

MR. McMURRAY: No, the intent is to only look at Trigger 5.

MS. KERNS: Okay, but could they look at that trigger with something other than a juvenile abundance index? I don't know what it would be, but I'm just putting it out there.

MR. McMURRAY: I think leaving that option open for the TC would be a good idea, yes. Why don't we delete using the juvenile abundance indices?

MS. KERNS: Okay, and we know, through this record will know that that is one of the things that we want to look at.

MR. McMURRAY: Mr. Chair, would you like me to read that again into the record?

CHAIR BORDEN: Please.

MR. McMURRAY: Move that the female SSB and fishing mortality triggers be removed from consideration for draft Amendment 7, and to task the TC with developing options for a more effective standard for a recruitment-based trigger.

CHAIR BORDEN: That's a motion by Mr. McMurray, and as I understand it, it is still seconded by Mr. Miller. Roy, is that correct?

MR. MILLER: That is correct.

CHAIR BORDEN: Okay, so we have a motion. Discussion pros on the motion. Does anyone want to speak in favor of the motion? Toni?

MS. KERNS: I see no hands up currently.

CHAIR BORDEN: Okay, anyone want to speak opposed to the motion, raise your hand.

MS. KERNS: I see two hands, nope three hands. Mike Luisi, Tom Fote, and Max Appelman.

CHAIR BORDEN: Mike Luisi.

MR. LUISI: While I appreciate the interest of considering what we do with the triggers. What I don't like at this point is that we're being specific about which elements of the triggers of Amendment 6 are being considered for change. I think we went through a process over the summer this year.

We had a working group that spoke about the challenges that the triggers present regarding timing for management change, and for incorporation of new science into those triggers. I am completely comfortable with exploring how the triggers set themselves forward, you know I'm completely fine with how the triggers are evaluated.

But singling out just the recruitment trigger, and leaving everything else alone is not something I can support. I think the entire trigger mechanism needs to be reevaluated. Honestly, I'm just going to say it. You know over the last few hours we have cut and diced up this Amendment to the point where, you know we took a lot of really important things out of it.

I'm frustrated, but if triggers are something that we can still focus on, because triggers are going to be what dictate our management actions. I think this needs to be evaluated holistically, and not just one of the many triggers that we have, and I'm not going to support this motion. But I do support maintaining the trigger portion of this Amendment in the Amendment, so thank you.

CHAIR BORDEN: Tom Fote.

MR. FOTE: I support what Mike just said. I'll keep it short.

CHAIR BORDEN: Okay, thanks for being brief, Tom. Max.

MR. APPELMAN: Yes, I agree with Mike, and I agree with the sentiment about the recruitment trigger for sure. But I think all five of these triggers need a fair scrub. They worked very well for most of the time under Amendment 6. But given the last two assessment cycles, I think it's pretty clear that they could benefit from an update that aligns more with the realities of what we're seeing, a highly variable F.

These triggers are based on point estimates, and I don't think it's going to fare well for the Board, and the public, and the stakeholders moving forward with each iteration of the assessment. I'm hoping that all of the management triggers get a fair scrub in Amendment 7.

CHAIR BORDEN: Let me ask one more time, because we only had, I think either no one or one person spoke in favor. Anybody that wants to speak in favor at this point, raise your hand.

MS. KERNS: You have John McMurray, the maker of the motion with his hand up.

CHAIR BORDEN: John, you've had two bites of the apple, so please be quick.

MR. McMURRAY: Very quickly, just to be clear. The public was very, very clear that it wants to maintain all of these triggers, and to take them out of the document, except for the fifth trigger. That's why I tried to just address that trigger. Thanks.

CHAIR BORDEN: Okay, so are we ready for a vote on this? Are there any members of the public that want to comment on it, and if so, raise your hand at this point?

MS. KERNS: Mr. Chair, I don't have a member of the public, but Mike Luisi has his hand up.

CHAIR BORDEN: Mike.

MR. LUISI: I don't know if this is the appropriate time, but I think following the procedure that we've used over the last, I don't know, four hours now. I would be inclined to make a motion to substitute, and staff might have to help me here on what alternative this is. But I would be inclined to make a motion to, just to reconsider triggers in this Amendment.

Let staff work on things, and talk with industry and with management, and the PDT, and come up with different approaches for how these triggers could be more well integrated, based on the timing, and the issues that came up during our working group sessions, where there were a number of things that were considered to be problematic.

I don't know if you could help me out with a motion, I would be inclined to make that motion to include this trigger alternative in the plan, not just for the recruitment-based triggers, but for all the triggers to be reconsidered. If you're willing to accept that as a motion to substitute. Yes, I guess it's not an amendment but a motion to substitute.

CHAIR BORDEN: You're entirely within your rights to make a substitute or motion to amend. But you've got to be specific on the language.

MR. LUISI: How about I do that? Yes, I can be specific. Motion to substitute, to keep management triggers in Amendment 7 for analysis and consideration by the Board.

CHAIR BORDEN: All right, we have a motion to substitute. Is there a second by Mr. Luisi?

MS. KERNS: I have Mike Armstrong.

CHAIR BORDEN: Mike Armstrong. Okay, so Mike Luisi has already spoken to it. Mike Armstrong, do you want to speak to it?

MR. ARMSTRONG: Yes. I don't have a lot to add. I was part of the Working Group, and we did look at all these triggers. They are a little bit problematic, and I think they could be tweaked to be more effective, and keep us from chasing our tail a little bit too much, without getting rid of their effectiveness.

CHAIR BORDEN: All right, so you've heard from the maker of the motion and the seconder. Anyone want to speak in favor of this motion? If you do so, please raise your hand.

MS. KERNS: I see one hand, Max Appelman, oh two, Justin Davis.

CHAIR BORDEN: Okay, Max and then Justin and then I'll go to the noes.

MR. APPELMAN: I definitely support this motion. I'll just add that I don't think this is going to add, it's not a very analytical topic in my mind, to let the PDT go to the drawing board, do some retrospective analysis maybe. But I don't see this really slowing down progress on Amendment 7, so I support the motion, and I do hope that this passes.

CHAIR BORDEN: All right, Justin Davis.

DR. DAVIS: I'm really torn on this, but I think I am going to support the substitute motion. I agreed with John McMurray, that I think the priority should be taking a look at that recruitment-based trigger. But I think it's fair at this point to keep this issue in as a whole, and take a look at these management triggers.

I don't want anyone to construe that with sort of an attitude that we ought to relax these triggers, and make it easier for the Board to avoid a management response when the stock is overfished, or goes into overfishing. If anything, we could take a look at these triggers and find ways to make them more strict, or find ways to make them more effective at spurring the Board into action. I do think it's really important to have effective triggers.

I guess I'm not ready at this point to remove the entire issue, other than the recruitment-based trigger from the document. I would like to see some more consideration and some more analysis. But I will be, down the road, looking at it through that lens of ensuring that we have effective triggers in place that will sort of hold the Board's feet to the fire, and make us take effective management action when the stock is overfished or in overfishing. Thanks.

CHAIR BORDEN: If someone would like to speak in opposition to the motion, please raise your hand at this point.

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

CHAIR BORDEN: Okay, let me just ask, we've done the pros and cons. Are there any members of the public that want to speak on this?

MS. KERNS: Just giving a moment. I see no hands.

CHAIR BORDEN: Okay, so does the Board want to caucus on this? One minute caucus?

MS. KERNS: I see a hand for a caucus.

CHAIR BORDEN: Okay, so we'll have a one-minute caucus.

MS. KERNS: Mr. Chairman, at the end if we do indeed keep all of the management triggers in, I can clear what the Board is looking for, for the Trigger 5. But I think we'll need some guidance for the PDT for these other triggers on what types of changes or options you may be looking for. We would be looking for that afterwards.

CHAIR BORDEN: All right, so are you ready for the question? Given the lack of no votes on this. Could I see a show of hands of individuals that are opposed to it?

MS. KERNS: I have two hands, North Carolina and New York.

CHAIR BORDEN: We better vote on it, we've got more than one. All those in favor of the motion to substitute, please signify by raising your hand.

MS. KERNS: I'll read that list. Delaware, U.S. Fish and Wildlife Service, New Jersey, Rhode Island, Maine, NOAA Fisheries, Massachusetts, New Hampshire, Pennsylvania, Connecticut, Virginia, Potomac River Fisheries Commission, and Maryland. I'll put the hands down, and I'm ready.

CHAIR BORDEN: All those opposed.

MS. KERNS: New York and North Carolina. I'm ready.

CHAIR BORDEN: Any abstentions?

MS. KERNS: No abstentions.

CHAIR BORDEN: Any null votes?

MS. KERNS: No null votes.

CHAIR BORDEN: Okay, so the motion passes. What I have is 13-2-0-0, is that correct?

MS. FRANKE: Yes, that is correct, Mr. Chair.

CHAIR BORDEN: Okay, so motion passes. What other issues do we need to deal with?

MS. FRANKE: Mr. Chair, this is Emilie. The only issue the Board has no addressed so far is Issue Number 8, recreational accountability.

CHAIR BORDEN: Okay, let's deal with that issue.

MS. BERGER: Mr. Chairman, I believe you need to vote on the main motion.

CHAIR BORDEN: Oh, excuse me. Thank you very much for pointing that out. **Now we have a main motion has been substituted.** Given the vote, is there any objection to approving it by consensus? Does anyone object?

MS. KERNS: I see no hands.

CHAIR BORDEN: No hands, motion stands approved by consensus. Thank you very much for pointing that out. Okay, so as was noted, we have one more issue to deal with, recreational accountability. Does someone care to make a motion on it?

MS. KERNS: You have Mike Armstrong.

CHAIR BORDEN: Mike, you're up.

MR. ARMSTRONG: Thank you. Motion to remove Item 8, recreational accountability from further consideration in Amendment 7.

MS. KERNS: Ritchie White is your seconder.

CHAIR BORDEN: We have a motion by Mr. Armstrong, second by Ritchie White. Discussion on the motion. If you're in favor of the motion, raise your hand and I'll call on you.

MR. ARMSTRONG: Mr. Chair, could I speak first?

CHAIR BORDEN: Yes, I'm just trying to move this on. Go ahead, Mike, and then I'll call on Ritchie.

MR. ARMSTRONG: The concept of accountability, of course everyone embraces it. But with using MRIP data, it is a fool's errand to try and use hard quota type system with recreational fishery. The data moves around because of randomness, because of weather, because of movement of fish, and it has nothing to do with a good-faith effort to put in a rule to control things. I think we've seen accountability is a big mess in fluke and other fisheries. I oppose it.

CHAIR BORDEN: Ritchie.

MR WHITE: Mike said it all, thanks.

CHAIR BORDEN: All right, so anyone that wants to speak in favor of the motion, please raise your hand and I'll call on you.

MS. KERNS: I have Dave Sikorski, Jason McNamee, and Mike Luisi.

CHAIR BORDEN: Okay, so David.

MR. SIKORSKI: You know I support this motion, because this term has gotten this issue all wrong, recreational angler accountability causes certain assumptions out there as the public discusses this. I think what we're trying to do here is better account for recreational catch. The previous speakers, you know had some really important points on that.

I just want to flag the concept that all of us as member states that all have recreational fisheries, really have a responsibility to focus on what we can do on a local level, maybe addressing certain low hanging fruit, if you will. You know, for example in Maryland, our for-hire fishery is accepting some electronic reporting, which helps in accountability in the recreational sector, and it's a great example of steps they've taken in the last year.

We know that the private recreational angler is willing to do what it takes to better manage this fish. This fishery and all fisheries, but we just have to develop some tools, and it's going to take a lot of hard work and funding. Frankly, I think climate change focus is a fresh new way to maybe look at some of this, and really try and find the balance between using this resource and protecting it when necessary. Thank you.

CHAIR BORDEN: Jason.

DR. McNAMEE: Thank you, Mr. Chair, very much support everything that has been said so far. I also just wanted to note. I think a lot of this discussion got conflated with the conservation equivalency discussion, just from my perception of the discussion during the public hearings. But it's not that I'm against accountability. I think accountability is great. It's just I don't think we have the tools available to do that in a meaningful way in the recreational fishery at this point. I am supportive of this motion. Thank you.

CHAIR BORDEN: Mike Luisi, I think.

MR. LUISI: Yes, I'll support. Real quick, I'll echo what the other speakers said. Dave Sikorski spoke to the issue that I was going to bring up, so Maryland is going to support this. Thank you.

CHAIR BORDEN: All right, thank you, if someone would like to speak in opposition to the motion, please raise your hand.

MS. KERNS: I have two hands, Joe Cimino and Jim Gilmore.

CHAIR BORDEN: Could you repeat the first one, Toni?

MS. KERNS: I have Joe Cimino and Jim Gilmore, as well as Eric Reid.

CHAIR BORDEN: Okay, so Joe Cimino, you're up.

MR. CIMINO: I have concerns with this issue on both sides. It's amazing to me that some of the same people that feel the data aren't useable for this, are the same ones that say that folks that try and use conservation equivalency should be held accountable to this same exact data. But there are some challenges here, and I do not think that the recreational fishing community should necessarily be held accountable to (faded out) but I wouldn't entirely be opposed to exploring this more. That's not to say that I'm speaking for all of New Jersey here.

CHAIR BORDEN: Jim Gilmore.

MR. GILMORE: Actually, I'm not in opposition to the motion, but I'll follow along with what Joe just said. You know we can't do this because of the information, the data we have to track it. But does that not mean it is not a significant problem. In the last two weeks since the season opened, I've gotten, I won't go into the details, but two blatant disregards by recreational fishermen for any of the rules we have.

Again, that may be related to COVID, and I think that is exactly the excuse we have. But I think we need to continue discussing how we're going to get some accountability, despite the fact that we don't have a good system now. But I will support the motion,

because I think at least it's as Mike said, a fool's errand at this point. Thank you.

CHAIR BORDEN: Eric Reid.

MR. REID: Well, if this is a fool's errand, I guess that makes me a fool. That's the first point I guess I should make. I recognize the magnitude of this topic. This is a giant effort to rebuild striped bass, and in my mind turning a blind eye to accountability is really counterproductive. The main component of this fishery is an open-access fishery.

If you look at MRIP effort data from 2015 to 2020, and you plug in almost all modes, all oceans, it shows that effort from 2019 pre-COVID to 2020 during COVID was up 8 percent. It also shows that it was up 17 percent over the entire time series, and actually three or four states had the highest effort on striped bass in the time series. It's a runaway train, equity in this fishery is a whole, meaning both open access and the limited access portions beg for accountability.

Earlier today, I think it was about 12 hours ago, a joint action effort that we probably all know about with the Mid-Atlantic and the Commission, a recreational reform initiative was mentioned as maybe being something that could deal with this. But in my opinion, it will not have a direct impact or bearing on striped bass, which is solely managed by the Commission. For these reasons, this fool opposes this motion. Thank you.

CHAIR BORDEN: All right, so let me go back and ask one more time, anybody want to speak in favor?

MS. KERNS: I have Pat Geer's hand up, I don't know if it's in favor or against.

MR. GEER: It's against.

CHAIR BORDEN: We'll let you go whichever direction you want to go in.

MR. GEER: All right, I appreciate that. I mean I completely understand the concerns with, you know the data isn't quite there and we're concerned, you know the fool's errand and things like that. But we don't have any accountability in our recreational fishery for striped bass. We're saying the MRIP data isn't good enough.

Well, in Virginia, with our cobia fishery, which our PSEs are a lot worse than they are for striped bass. We just recently had to take a 41 percent cut in our harvest, because of the MRIP numbers, because of an accountability measure that is in that plan. I'm kind of concerned about not having any recreational accountability at all. I understand the concerns with trying to have something, but we need to really start looking at this more carefully. If we're going to allow conservation equivalency, there has got to be some accountability for those plans.

CHAIR BORDEN: Thanks, Pat, anyone else want to speak on this? Any hands up, Toni?

MS. KERNS: You have Emerson Hasbrouck, Mike Luisi, and Eric Reid put his hand back up.

CHAIR BORDEN: I'm only going to call on people once, so give me the list again, please. Mike Luisi already spoke.

MS. KERNS: The only person that has not spoken is Emerson.

CHAIR BORDEN: Okay, so Emerson, you're the last speaker.

MR. EMERSON C. HASBROUCK: When you call the question, we're going to need time to caucus here, because I'm opposed to this motion. We really need to start a discussion about accountability in the recreational fishery. You know, there was some discussion a few hours ago about how, you know we set standards to reduce fishing mortality, and then we don't meet those targets, and then there is no accountability for that.

If we're going to go forward, and if we're going to rebuild this resource, and if we're going to rebuild it in

a timely manner, recreational accountability has to be part of this. I think some people are confusing accountability with accounting. Those are two different things. But we need to have accountability here. If we're going to establish some targets, in terms of how we're going to build this resource, and if we don't meet them then what are we going to do? Accountability gives us the ability to do something about that. Thank you.

CHAIR BORDEN: Toni, are there any members of the public that want to speak to this?

MS. KERNS: Give me a second to have hands up. I see Patrick Paquette and Mike Waine.

CHAIR BORDEN: Okay, so Patrick, you're up. If you would limit your comment to a minute, please, and then Mike Waine is next.

MR. PAQUETTE: Thank you, Mr. Chairman, Patrick Paquette from Massachusetts Striped Bass Association. The subject is a valid subject, but it should be dealt with at the Policy Board level at the ASMFC, so that there is a comprehensive policy regarding how to approach this subject. From a personal point of view, anglers in the northeast absolutely begged the ASMFC not to go to 2 fish.

Anglers in the northeast absolutely begged the ASMFC to react as we saw the first 7 out of 10 years of decline in juvenile recruitment. The ASMFC continued to let more catch 'em all and kill 'em all states. We would love to not pay the consequences for overfishing in other states in Massachusetts, where we've been begging, begging, begging for conservation, more restriction on striped bass harvest up and down the coast. If we're going to talk about recreational accountability, get ready for a state-by-state discussion, because we're quite frankly tired of greedy states, putting us in positions that are ruining our fisheries.

CHIAR BORDEN: Thank you, Patrick. Mike Waine.

MR. WAINE: Thank you, Mr. Chairman, Mike Waine with ASA. I feel like we've tried to address this at the federal level, through the Rec Management Reform. You know the anglers are accountable to the management measures. You all set the size limits, the bag limits and the seasons, and the anglers go out and follow that. If those measures miss the mark, in terms of what is supposed to be achieved, the accountability is on the managers.

I would echo the comments that have been made, like the data do not support, the MRIP data do not support point estimates, and using those to evaluate performance on an annual basis, and that is what we're trying to do with the Rec Reform in the Mid-Atlantic, and trying to keep this on a level where it makes sense. I wish I had a little bit more time, but I'll yield back, thanks.

CHAIR BORDEN: Thanks, Mike, so I'm going to declare a one-minute caucus, and then we're going to vote on it. Toni, are you ready?

MS. KERNS: Yes, Mr. Chair.

CHAIR BORDEN: Okay, so all those in favor of the motion, please signify by raising your hand.

MS. KERNS: I have Delaware, U.S. Fish and Wildlife Service, New Jersey, Maine, NOAA Fisheries, Massachusetts, New Hampshire, Connecticut, North Carolina, and Maryland. I will put the hands down, and I am ready for the next vote.

CHAIR BORDEN: All those opposed, raise your hand.

MS. KERNS: I have New York, Rhode Island, Pennsylvania, Virginia, and Potomac River Fisheries Commission. I am ready for the next.

CHAIR BORDEN: All right, all those who wish to abstain, raise your hand.

MS. KERNS: No abstentions.

CHAIR BORDEN: No abstentions, any null votes?

MS. KERNS: No null votes.

CHAIR BORDEN: Do I have it correct, 10-5-0-0?

MS. FRANKE: Yes, Mr. Chair, that is correct.

CHAIR BORDEN: Okay, so the motion passes. Any other issues to come before the Board today? Let me just add that I realize there are a number of issues under other types of suggestions, and my recommendation would be, is take those up at the next Board meeting.

We're obviously going to have to revisit a number of the decisions we made today, and I still think it's desirable. Now that the Board knows what the tasks are, what the priorities are for the Commission, for the staff to look at it from the perspective of, what is the workload, how much can get done in a reasonable period of time.

Are there other mechanisms to work on some of these issues, with the intent that it would slim down the Amendment? If the staff does that, and then reports at the next meeting. Based on whatever the recommendation is from the staff, we could decide whether or not we wanted to pursue some of these through alternative strategies. Is that agreeable to the Board?

MR. LUISI: Can I ask a real quick question, Mr. Chairman, to staff?

CHAIR BORDEN: Yes, Mike Luisi.

MR. LUISI: Yes, thank you very much, it will be 30 seconds. Toni and Emilie, do you plan to have an Advisory Panel meeting between now and the August meeting, or do you think that you're going to be working on developing this and have a meeting post August? Because my question earlier had to do with Advisory Panel membership, which I can hold off on until August. I can work with the Commission Chair, Mr. Keliher on something with the Policy Board that we were considering maybe adding a commercial interest to the state of Maryland. Any feedback would be helpful.

MS. KERNS: I don't think we would, Mike, because I don't think we will have enough direction to take any issues to the AP yet. I don't anticipate a meeting.

MR. LUISI: If we put our package together for the August meeting that will be fine, and then we'll have a full AP, because we lost a few people through attrition and just other reasons. Okay, that's all I had. Thank you, Mr. Chairman for that, it gives me good guidance for getting things ready for the next couple months. Thank you.

CHAIR BORDEN: All right, thanks, Mike. Is there anything else under this agenda item to come forward, Toni or Emilie?

MS. KERNS: I have Jim Gilmore with his hand up.

CHAIR BORDEN: Jim.

MR. GILMORE: Mr. Chairman, do we need an overarching motion to move the as amended today over to the Plan Development Team?

CHAIR BORDEN: I'll defer to Toni.

MS. KERNS: We do not, Mr. Chair.

CHAIR BORDEN: Okay, so is there any other business under this agenda item? If not, we'll move on to the AP recommendations, and then Mike Luisi asked for a minute under Other Business.

MS. KERNS: I think Mike Luisi just said he doesn't need his minute under the Other Business, because he can hold off until August. I'm just going to note that Emilie and I are going to just take a quick glance at the PDT membership, and confirm with the states that all of those individuals are still available to continue working on the document, as it's been almost a year since we've had folks meeting to work on the document. We'll come back in August with probably more questions and directions for the Board in the development of these options, or sections of the Amendment.

CHAIR BORDEN: Toni, that sounds good. My only suggestion is, if you need Board input on the PDT

issues, composition, whatever. Just communicate to the Board via e-mail, if you need input.

MS. KERNS: That's the plan.

REVIEW AND POPULATE ADVISORY PANEL MEMBERSHIP

CHAIR BORDEN: Okay. Any other business? We're on the AP issue. Toni, who is handling that?

MS. BERGER: I can do it, if you would like.

CHAIR BORDEN: Okay.

MS. BERGER: For the Board's consideration you have in your materials the nomination form for John Worthington, a recreational angler from North Carolina. I submit to you his nomination for approval to the AP.

CHAIR BORDEN: Any comments on this? Any objections to approving this by consensus.

MS. KERNS: Mr. Chair, I just need someone to make the motion. I need a hand. **I have, Jim Gilmore is making the motion and Bill Gorham is seconding it.**

CHAIR BORDEN: Okay, so any discussion on this? Any hands up?

MS. KERNS: Bill Gorham.

CHAIR BORDEN: Bill. Bill, would you like to comment on this, or Jim?

MR. GILMORE: No, Mr. Chairman, I read his background and I think he would be a welcome addition.

CHAIR BORDEN: Okay, any objection to approving this by consent? Any hands up?

MS. KERNS: I see no hands up.

CHAIR BORDEN: Okay, so the nomination stands approved without objection. Any other business to come before the Board? Any hands up?

MS. KERNS: I see no hands.

CHAIR BORDEN: Okay, so I guess.

MR. WHITE: Mr. Chairman, I just want to thank you for doing a great job getting us through this difficult process in one day, thanks.

MR. SIKORSKI: I just raised my hand to second that. Thank you, staff and Mr. Chairman.

MR. GILMORE: I just want to know, where is hospitality tonight?

ADJOURNMENT

CHAIR BORDEN: Exactly. Okay, thank you very much, and let me just take one second to thank all the staff members that have worked on this, particularly Emilie and Toni and Katie in the office and Tina on Advisory reports. This is a good team effort, and they've all done a very admirable job, so thank you very much for all your work. The meeting stands adjourned.

(Whereupon the meeting adjourned at 6:20 p.m. on
May 5, 2021)