

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

The Westin Crystal City
Arlington, Virginia
Hybrid Meeting

January 23, 2024

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1. **Approval of Agenda** by consent (Page 1).
2. **Approval of Proceedings from October 18, 2023** by consent (Page 1).
3. **Main Motion**
Move to approve in Section 3.1.1 Ocean Recreational Fishery Option B: 1 fish at 28” to 31” with 2022 seasons for all modes (Page 16). Motion by Mike Armstrong; second by Dennis Abbott. Motion amended.

Motion to Amend

Motion to amend to replace Option B with Option C: 1 fish at 28” to 31” with 2022 seasons for private vessel/shore anglers; 1 fish at 28” to 33” with 2022 seasons for the for-hire mode (Page 17). Motion by Justin Davis; second by Emerson Hasbrouck. Motion fails (Roll Call: In Favor – RI, CT, NY, NJ, PRFC, MD, DE; Opposed – NH, ME, VA, DC, NC, PA, NOAA, USFWS, MA; Abstentions – None; Null – None) (Page 22).

Main Motion

Move to approve in Section 3.1.1 Ocean Recreational Fishery Option B: 1 fish at 28” to 31” with 2022 seasons for all modes. Motion passes (Roll Call: In Favor – NH, ME, DE, MD, PRFC, VA, DC, NC, PA, NOAA, USFWS, CT, MA, RI; Opposed – NY, NJ; Abstentions – None; Null – None) (Page 23).

4. **Main Motion**
Move to approve in section 3.1.2 Chesapeake Bay Recreational Fishery Option C2: 19” to 24” slot, 1 fish for private vessels/shore anglers, 2 fish for for-hire, 2022 seasons (Page 23). Motion by Mike Luisi; second by Ingrid Braun. Motion substituted.

Motion to Substitute

Move to substitute to approve in Section 3.1.2 Chesapeake Bay Recreational Fishery Option B2: 19” to 24” slot, 1 fish for all modes, 2022 seasons (Page 26). Motion by David Sikorski; second by Pat Geer. Motion passes (Roll Call: In Favor – RI, MA, CT, NY, USFWS, NOAA, PA, NC, VA, DC, DE, ME, NH; Opposed – NJ, PRFC, MD; Abstentions – None; Null – None) (Page 27).

Main Motion as Substituted

Move to approve in Section 3.1.2 Chesapeake Bay Recreational Fishery Option B2: 19” to 24” slot, 1 fish for all modes, 2022 seasons. Motion substituted.

Motion to Substitute

Move to substitute in section 3.1.2 Chesapeake Bay Recreational Fishery Option C2: (19” to 24” slot, 1 fish for private vessels/shore anglers, 2 fish for for-hire, 2022 seasons) for 2024, and Option B2 (19” to 24” slot, 1 fish for all modes, 2022 seasons) beginning January 1, 2025 (Page 28). Motion by Mike Luisi; second by Ingrid Braun. Motion fails (Roll Call: In Favor – MD, PRFC, VA, NJ; Opposed – RI, MA, CT, NY, USFWS, NOAA, PA, NC, DC, DE, ME, NH; Abstentions – None; Null – None) (Page 30).

Main Motion as Substituted

Move to approve in Section 3.1.2 Chesapeake Bay Recreational Fishery Option B2: 19” to 24” slot, 1 fish for all modes, 2022 seasons. Motion substituted.

Motion to Substitute

Move to substitute in section 3.1.2 Chesapeake Bay Recreational Fishery Option C1: (19” to 23” slot, 1 fish for private vessels/shore anglers, 2 fish for for-hire, 2022 seasons) for 2024, and Option B2 (19” to 24” slot, 1 fish for all modes, 2022 seasons) beginning January 1, 2025 (Page 31). Motion by Mike Luisi; second by Justin Davis. Motion fails (Roll Call: In Favor – RI, CT, NY, NJ, MD, DE; Opposed – NH, ME, PRFC, VA, DC, NC, PA, NOAA, MA; Abstention – USFWS; Null – None) (Page 32).

Main Motion as Substituted

Move to approve in Section 3.1.2 Chesapeake Bay Recreational Fishery Option B2: 19” to 24” slot, 1 fish for all modes, 2022 seasons. Motion passes (Roll Call: In Favor – NH, ME, DE, PRFC, VA, DC, NC, PA, NOAA, USFWS, NY, CT, MA, RI; Opposed – MD, NJ; Abstentions – None; Null - None) (Page 32).

5. **Main Motion**

Move to approve in Section 3.1.4 Recreational Filleting Allowance Requirements Option B: For states that authorize at-sea/shore-side filleting of striped bass, establish minimum requirements, including requirements for: racks to be retained; skin to be left intact; and possession to be limited to no more than two fillets per legal fish (Page 33). Motion by Mike Armstrong; second by Cheri Patterson. Motion amended.

Motion to Amend

Motion to amend to remove “skin to be left intact” (Page 34). Motion by Marty Gary; second by Joe Cimino. Motion passes (Roll Call: In Favor – DE, MD, PRFC, VA, DC, NC, PA, NJ, NY, CT, MA, RI; Opposed – ME, NH; Abstention – NOAA, USFWS; Null – None) (Page 35).

Main Motion as Amended

Move to approve in Section 3.1.4 Recreational Filleting Allowance Requirements Option B: For states that authorize at-sea/shore-side filleting of striped bass, establish minimum requirements, including requirements for racks to be retained and possession to be limited to no more than two fillets per legal fish. Motion passes (Roll Call: In Favor – NH, ME, DE, MD, PRFC, VA, NC, DC, PA, NJ, NY, CT, MA, RI; Opposed – None; Abstentions – NOAA, USFWS; Null - None) (Page 36).

6. **Main Motion**

Move to approve in Section 3.2.1 Commercial Quota Reduction Option B: 14% reduction from ocean and Chesapeake Bay 2022 quotas with 2022 size limits (Page 36). Motion by Mike Armstrong; second by Cheri Patterson. Motion substituted.

Motion to Substitute

Move to substitute to approve in Section 3.2.1. Commercial Quota Reduction Option A status quo (Page 37). Motion by John Clark; second by Emerson Hasbrouck. Motion fails (Roll Call: In Favor – DE, VA, NY; Opposed – NH, ME, MD, PRFC, DC, NC, PA, NOAA, USFWS, NJ, CT, MA, RI; Abstentions – None; Null – None) (Page 42).

Main Motion

Move to approve in Section 3.2.1 Commercial Quota Reduction Option B: 14% reduction from ocean and Chesapeake Bay 2022 quotas with 2022 size limits. Motion amended.

Motion to Amend

Motion to amend to replace 14% with 7% (Page 42). Motion by Mike Luisi; second by Jeff Kaelin. Motion passes (Roll Call: In Favor – RI, MA, NY, NJ, VA, PRFC, MD, DE; Opposed – NH, ME, DC, NC, PA, CT; Abstentions

– NOAA, USFWS; Null – None) (Page 44).

Main Motion as Amended

Move to approve in Section 3.2.1 Commercial Quota Reduction Option B: 7% reduction from ocean and Chesapeake Bay 2022 quotas with 2022 size limits. Motion passes (Roll Call: In Favor – NH, ME, DE, MD, PRFC, VA, DC, PA, NJ, NY, CT, MA, RI; Opposed - NC; Abstentions – NOAA, USFWS; Null – None) (Page 45).

7. **Motion to approve in Section 3.3 Response to Stock Assessments Option B: Board could respond via Board action to change management measures by voting to pass a motion at a Board meeting** (Page 45). Motion by Justin Davis; second by David Borden. Motion passes (Roll Call: In Favor – RI, MA, CT, NY, USFWS, NOAA, PA, NC, DE, ME, NH; Opposed – MD, PRFC, VA, DC, NJ, Abstentions – None; Null – None) (Page 46).

8. **Main Motion**

Move to approve the following compliance schedule:

- States must submit implementation plans by March 1, 2024.
- The Board will review and consider approving implementation plans in March 2024.
- States must implement regulations by May 1, 2024

(Page 47). Motion by Mike Armstrong; second by David Borden. Motion amended.

Motion to Amend

Motion to amend to replace “implement regulations by May 1, 2024” with “implement recreational regulations by May 1, 2024, and all commercial measure in 3.2.1 effective January 1, 2025” (Page 50). Motion by Pat Geer; second by John Clark. Motion fails (Roll Call: In Favor – NH, ME, DE, MD, VA, PRFC, NC; Opposed – DC, PA, NJ, NY, CT, MA, RI; Abstentions – NOAA, USFWS; Null – None) (Page 51).

Main Motion

Move to approve the following compliance schedule:

- States must submit implementation plans by March 1, 2024.
- The Board will review and consider approving implementation plans in March 2024.
- States must implement regulations by May 1, 2024

Motion passes (Roll Call: In Favor – NH, ME, DC, NC, PA, NJ, NY, CT, MA, RI; Opposed – DE, MD, PRFC, VA; Abstentions: NOAA, USFWS; Null – None) (Page 51).

9. **Move to approve Addendum II to Amendment 7 to the Atlantic Striped Bass FMP, as amended today** (Page 51). Motion by Justin Davis; second by Raymond Kane. Motion passes (Roll Call: In Favor – RI, MA, CT, NY, NJ, USFWS, NOAA, PA, NC, DC, ME, NH; Opposed – DE, MD, PRFC, VA; Abstentions – None; Null – None) (Page 51).
10. **Move to approve New Jersey’s conservation equivalency proposal to allow the commercial quota to be shifted to the bonus tag program. The program will continue with its status quo tag administration and size limit of 24 to less than 28 inches. The starting commercial quota will be 200,798 pounds** (Page 53). Motion by Joe Cimino; second by Doug Grout. Motion passes by unanimous consent (Page 54).
11. **Move to approve Toby Lapinski representing Connecticut and Julie Evans representing New York to the Striped Bass Advisory Panel** (Page 54). Motion by Marty Gary; second by David Sikorski. Motion passes by unanimous consent (Page 54).
12. **Move to adjourn** by consent (Page 54).

ATTENDANCE

Board Members

Megan Ware, ME, proxy for P. Keliher (AA)	Adam Nowalsky, NJ, proxy for Sen. Gopal (LA)
Rep. Allison Hepler, ME (LA)	Kris Kuhn, PA, proxy for T. Schaeffer (AA)
Cheri Patterson, NH (AA)	Loren Lustig, PA (GA)
Doug Grout, NH (GA)	John Clark, DE (AA)
Dennis Abbott, NH, proxy for Sen. Watters (LA)	Roy Miller, DE (GA)
Mike Armstrong, MA, proxy for D. McKiernan (AA)	Craig Pugh, DE, proxy for Rep. Carson (LA)
Raymond Kane, MA (GA)	Michael Luisi, MD, proxy for L. Fegley (AA Acting)
Rep Sarah Peake, MA (LA)	Robert T. Brown, MD, proxy for R. Dize (GA)
Jason McNamee, RI (AA)	David Sikorski, MD, proxy for Del. Stein (LA)
David Borden, RI (GA)	Pat Geer, VA, proxy for J. Green (AA)
Eric Reid, RI, proxy for Sen. Sosnowski (LA)	Bryan Plumlee, VA (GA)
Justin Davis, CT (AA)	John Cosgrove, VA, proxy for Sen. DeSteph (LA)
Bill Hyatt, CT (GA)	Chris Batsavage, NC, proxy for K. Rawls (AA)
Rep. Joseph Gresko, CT (LA)	Chad Thomas, NC, proxy for Rep. Wray (LA)
Marty Gary, NY (AA)	Ingrid Braun, PRFC
Emerson Hasbrouck, NY (GA)	Dan Ryan, DC, proxy for R. Cloyd
Amy Karlnoski, NY, proxy for Assbly. Thiele (LA)	Max Appelman, NOAA
Joe Cimino, NJ (AA)	Rick Jacobson, US FWS
Jeff Kaelin, NJ (GA)	

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

Ex-Officio Members

Nicole Lengyel Costa, Technical Committee Chair	Mike Celestino, Stk. Assmnt. Subcommittee Chair
Jeffrey Mercer, Law Enforcement Representative	

Staff

Bob Beal	James Boyle	Jainita Patel
Toni Kerns	Caitlin Starks	Kristen Anstead
Tina Berger	Emily Franke	Jeff Kipp
Katie Drew	Tracey Bauer	Pat Campfield
Chelsea Tuohy	Madeline Musante	Kurt Blanchard

Guests

Brian Anisimov	Rob Beal, ME Marine Patrol	Sue Bertoline
Jerry Audet	Rick Bellavance	Jessica Best, NYS DEC
Pat Augustine	John Bello, Virginia Saltwater	Kevin Blinkoff, On The Water
Andrew Aus	Sportfishing Assn	Sinclair Boggs, MD DNR
Matt Ayer, MA DMF	Joseph Benevrine	Christopher Borgatti,
Mark Bannon, Plum Island	Bill Benton	Backcountry Hunters & Anglers
Surfcasters	Marc Berger, Lucky Strike	Jason Boucher, NOAA
Meredith Bartron, US FWS	Charters	Bonnie Brady, Long Island

Guests (continued)

Commercial Fishing Assn.	Peter Fallon, ME Assn.	Jesse Hornstein, NYS DEC
Brett Briggs, CCA	Charterboat Captains	Chris Horton, Congressional Sportsmen's Foundation
Mark Brown, Safari Girl Charters	Michael Fass	Edward Houde
Marty Brown	Lynn Fegley, MD (AA)	Jim Hutchinson, The Fisherman
Simon Brown, MD DNR	Glen Fernandes	Ben Hutzell
Jeffrey Brust, NJ DFW	Corrin Flora, NC DEQ	John Illingworth, MA Striped bass Assn.
Jack Buchanan, VIMS	Angela Forristall, NEFMC	Stephen Jackson, US FWS
John Budish	Tom Fote, JCAA	Robert Jeter
Ron Buffington, JLS Rods	Robin Frede, NEFMC	Dylan Jewell
Craig Cantelmo, Van Staal; Fin Addict Fishing	Johan Frenje	James Jewkes
Joshua Carloni, NH FGD	Sewell "Toby" Frey	TJ Karbowski, Rock & Roll Charters
James Cassin, NOAA	Anthony Friedrich, ASGA	Patrick Keliher, ME (AA)
Nicole Caudell, MD DNR	Tom Fuda	Gregg Kenney, NYS DEC
Luyen Chou	John (Jack) Fullmer, NJ Council of Divers and Clubs	Bryan King
James Christensen, Rod and Reel Charters	Ben Gahagan ,MA DMF	Thomas Kosinski, Sandy Hook Outfitters
Haley Clinton, NC DMF	Wayne Gatling	Aaron Landry, Rock and Sand Charter Company
Brian Cloutier	Paul Genovese, MD DNR	Toby Lapinski
Germain Cloutier	Steve George, NightStrikes	Thomas Lasala
Phil Coates	Surfcasting Guide Service LLC	John Lasofsky, Plum Island Surf Casters
Allison Colden, CBF	Ben German, NOAA	Travis Long
Margaret Conroy, DE DNREC	Lewis Gillingham, VMRC	Brooke Lowman, VMRC
Heather Corbett, NJ DEP	Jim Gilmore	Eric M.
Jamie Cournane, NEFMC	Jesse Gordon, Gordon & Petkos LLP	Shanna Madsen, VMRC
Caitlin Craig, NYS DEC	Kurt Gottschall, CT DEEP	Jill Maganza-Ruiz, November Rain Charters
Jack Creighton, Cape Cod Salties Sportfishing Club	Stephen Griffin, Griffins Guide Service	John Maniscalco, NYS DEC
Scott Curatolo-Wagemann, Cornell Cooperative Extension of Suffolk County	Paul Haertel	Charles Many
Brian Curry, Stellwagen Bank Charter Boat Assn.	Brian Hardman, Leaddog Charters	Nicholas Manzione
Lou DeFelice, Lucky Lou's Fishing Charters	Jake Hardy	Henry Marchetti
Mike Delzingo	Brendan Harrison, NJ DEP	Brian McCormick, Southern Girl Sportfishing
Patrick Denno	Willy Hatch	Neil McCoy, MA DMF
Thomas Devine	Kenny Hejducek, My Joyce Fishing Enterprises	Alex McCrickard, VA DWR
Greg DiDomenico	Daniel Herrick, MD DNR	Robert McDowell
Evan Dintaman	Eedy H.	Joshua McGilly, VMRC
Kurt Doherty	Jack Higgins, CCA	Emily McGuckin, American Littoral Society
Roman Dudus	Jaclyn Higgins, TRCP	Sue McKelvey
Wes Eakin, NYS DEC	Lucas Hilker	Dan McKiernan, MA DMF
Randy Edsall	Gabby Hill	Conor McManus, RI DEM
Julie Evans	Peter Himchak, Omega Protein	
	William Hoffman, MA DMF	
	Jeffrey Horne, MD DNR	
	Harry Hornick, MD DNR	

Guests (continued)

Kevin McMenamin, Annapolis
Anglers Club
John McMurray
Sean Mendyk
Nichola Meserve, MA DMF
Steve Meyers
Gabe Montemuro
Chris Moore, CBF
Jason Moore, Island Fly
Molly Moran-Ogren, RI DEM
Trevor Moss
Robert Moss
Brandon Muffley, MAFMC
Kenneth Murphy
Allison Murphy, NOAA
Keith Neubeck, CCA
Robert Newberry, Delmarva
Fisheries Assn. Inc
Anthony Notaro, Luckyhook
Charters
Conor O'Donnell, NH FGD
George O'Donnell, MD DNR
Zane Oliver
Tyler O'Neill
Ronald Owens, PRFC
Eric Packard
Patrick Paquette, MA Striped
Bass Assn.
Alexis Park, MD DNR
Joshua Perry
Michael Pierdinock, Stellwagen
Bank Charter Boat Assn.
Michael Pirri
Craig Poosikian
Will Poston, ASGA
Stephanie Pruffer, Yale Law
School
Dominick Pucci
Michael Quinan, Thompson
McMullan PC
Dan Radel, Asbury Park Press

Jill Ramsey, VMRC
Story Reed, MA DMF
Bailey Robertory, NOAA
Steven Robichaud
James Ronayne, CCA MD
Andy Roth
Cody Rubner, ASGA
Patrick Rudman
Leonard Rudow, FishTalk
Cody Runner
Gary Sacks
Rob Savino, CJ Victoria Fishing
Charters
Zachary Schuller, NYS DEC
Christopher Scott, NYS DEC
McLean Seward, NC DMF
Alexei Sharov, MD DNR
Colin Shea
Phillip Sheffield
Greg Shute, iFishMD.com
Charters
Philip Simon
Ethan Simpson, VMRC
Amanda Small, MD DNR
Michael Smolek, Upper Bay
Charter Captains Assn.
Somers Smott, VMRC
Julia Socrates, NYS DEC
Ross Squire, New York Coalition
for Recreational Fishing
Scott Steers, Lucky and Blessed
Fishing
Graham Stephens
ElizaBeth Streifeneder, NYS DEC
Kevin Sullivan, NH Dept. of
Energy
John Sweka, US FWS
Colin Temple
Mark Terceiro
Scott Thomas, Grumpys Tackle
David Tolbert

Michael Toole, Plum Island
Surfcasters
Jim Uphoff, MD DNR
Chris Uraneck, ME DMR
Taylor Vavra, Strippers Forever
Beth Versak, MD DNR
Leonard Voss
Charlie Walker
Eric Wallace
Mick Walsh, The College of the
Florida Keys
Peter Walsifer
Craig Weedon, MD DNR
Ben Whalley, Ben Whalley
Fishing LLC
Tim Wheeler, Bay Journal
Peter Whelan
Kyle White
Ritchie White
Angel Willey, MD DNR
Brian Williams, Badfish Fishing
Charters
John Page Williams,
Chesapeake Bay Magazine
Al Williams
Patrick Williamson, RI DEM
Michael Wissel
Charles Witek
Steven Witthuhn
Rich Wong, DE DNREC
Michael Woods, Backcountry
Hunters & Anglers
Chris Wright, NOAA
Philip Zalesak, Southern MD
Recreational Fishing
Organization
Daniel Zapf, NC DEQ
Frank Zappella, Grumpys Tackle
Jordan Zimmerman, DE DFW
Erik Zlokovitz, MD DNR
Renee Zobel, NH FGD

The Atlantic Striped Bass Management Board of the Atlantic States Marine Fisheries Commission convened in the Jefferson Ballroom of the Westin Crystal City Hotel, Arlington, Virginia, via hybrid meeting, in-person and webinar; Wednesday, January 24, 2024, and was called to order at 1:15 p.m. by Chair Megan Ware.

CALL TO ORDER

CHAIR MEGAN WARE: Good afternoon, everyone. We're going to go ahead and get the Striped Bass Board going. I'm going to call the Board to order. Before we get started, I wanted to thank Marty for his two years of service as Chair. Marty, I went back and looked at what we did over the last two years.

We had Amendment 7, Addendum I and a stock assessment. That is a ton of work to guide this Board through, so thank you for your service and for including me, so this is hopefully a smooth transition. Thank you.

APPROVAL OF AGENDA

CHAIR WARE: Our second item today is approval of the agenda. Are there any additions or modifications to the agenda, including Other Business items? Mike Armstrong.

DR. MICHAEL ARMSTRONG: Yes, I have other business. If there is time, if we're not beaten to a pulp at the end, I need about one minute to tell you about a study we're doing that involves citizen science and the collecting of data on terminal tackle. We've completed a year in Massachusetts.

What we're looking for are other states, so we would contact your INE department and hopefully find a way to recruit from your state. We need warmer water; we need other types of tackle. They study is online, I can give you how to reach what we've already collected, it's tremendous, so if there is time. I might have actually given the spiel I needed.

CHAIR WARE: I also see, I think David Borden has taken a potentially opportune moment out of the room, but he had mentioned an Other Business item. Mike Luisi, did you have another business item?

MR. MICHAEL LUISI: Yes, I was going to turn to David. Based on discussions that I've had with David Borden and you, Madam Chair, this morning. After everything is said and done today, we would like the opportunity to perhaps address, or at least discuss, a path forward over the coming months, as we build and lead into the next assessment. Some work that the Board could potentially take on, but I'll hold the details until then, if we have time.

CHAIR WARE: Is there any opposition to these additions? Seeing none; the agenda as modified is approved by consent.

APPROVAL OF PROCEEDINGS

CHAIR WARE: Next is approval of proceedings from October, 2023. Are there any edits to the proceedings that were in your meeting materials? Seeing none; those are approved by consent.

PUBLIC COMMENT

CHAIR WARE: Next is Public Comment. This is for items not on the agenda, so I'll look for either raised hands in the meeting room or on the webinar. All right, so there are two hands online. The first is Tom Fote. Tom, this is for items not on the agenda, and you have three minutes.

MR. THOMAS P. FOTE: This won't take three minutes. I sent a letter around to all the Commissioners, discussing my concerns on the producing areas, and then relating the history of how we basically got to where the Chesapeake Bay states were able to harvest the coastal migratory side.

My concern is that a lot of what we're having the problems with is the ecosystem, is basically the warm waters and everything else that is going on in the bays and estuaries. We're not doing enough research to basically figure out what's the problem. We also need to put Delaware and the Hudson River both back as producing areas, and to put in research to find out what they are contributing to the coastal migratory stocks.

As I see warming of the waters in the bays and estuaries, we're going to be traveling north. I'm

hoping that we basically start seeing, because of the change of temperatures and everything, that we get more production, maybe out of Connecticut estuaries. I know there has been a lot of talk for a lot of years about Navesink River, and other places in New Jersey, and also the Kennebec River.

I mean we're looking at Canada that now has a problem with the striped bass, it's not because there is too little, but because there are too many of them, and they are eating the Atlantic salmon as they come out of the Miramichi. I think we need to basically; I think of Wilson Laney doing all the tagging studies. But they are always done in North Carolina or up the shore of Virginia.

Because of the huge amount of striped bass that are off of New Jersey for the last couple of years, in the fall we should be doing testing up there, and basically the same kind of tagging study that Wilson was doing in the lower. I will basically only use two minutes of your time, thank you. The reason I'm bringing this up now is because at my last meeting as a Commissioner I basically asked that we do the same and include them in this addendum.

I'm asking that if we do a new addendum, please include this in. If you want to read about history, I know we have changed how we do the tags, because I was informed by a few people. But when I asked if this was the original way it was done, they said yes. They just want to show the percentages. Thank you for the time and thank you for the opportunity.

CHAIR WARE: Thank you, Tom. Next, we have Paul Haertel. Three minutes, Paul.

MR. PAUL HAERTEL: My name is Paul Haertel; I've been an avid striper fisherman for over 50 years. I would like to briefly talk about a few things that I hope you will consider for the next addendum or amendment. One thing is that we have more than enough stripers in a spawning stock biomass to produce a good spawn in the Chesapeake. The strict regulations that we have now, may increase the biomass somewhat, or perhaps keep it stable. However, due to many other factors, it is unlikely to improve spawning success. By preserving the

biomass, you are ensuring that fishing will be better than if you allowed the biomass to be further depleted.

The problem that we have now though, is that we have had very poor young of the year indexes for the Chesapeake Bay for the last five years. You finally seem to agree that we need to protect the 2015-year class, but I am urging you to take action to protect the last two above average year classes of 2017 and '18.

There is a lack of smaller stripers in and migrating from the Chesapeake. The best way to protect them would be to raise size limits for recreational fishermen, and ban commercial netting there until the stock is restored. Otherwise, when the biomass of larger stripers dies off, for whatever reason, there will be very few fish to take their place.

This is a Chesapeake problem, which is not as dire in other areas. On the other hand, the Hudson River stock has been very healthy. The New York Bight has become the striper capitol of the world, or the east coast, rather. Thousands of boats from various states have been descending on this area in both the spring and the fall.

We are experiencing what may be the best striper fishing in the last 50 years. While the catch and release crowd are thrilled with this, others who want to bring home a fish to eat are very angry. They want to know why they are so severely restricted, when the fish are so abundant. I would like you to consider a few suggestions to alleviate this problem in the next addendum or amendment.

Specifically, I would like to see further studies done to determine exactly how much the Hudson River stock is contributing to the overall coastal migratory stocks. I believe that as the Hudson River stock increases, it's range also increases. The stock is probably contributing to the overall coastal stocks, far more than most people think.

Therefore, New York and New Jersey should be given producer status, so that our fishermen may have a little more access to this abundant stock. From what

I understand years ago, and this is what Tom Fote just alluded to, only the Chesapeake region was given producer status, along with a larger quota than the northern states.

That was due to the fact that their area produced a much higher percentage of our migratory stocks. If this is still in place, it might be time to adjust the quota percentages and give some of it to the Hudson River area. I also suggest that you consider raising the minimum size limit on bass to protect the small ones. I'm almost done, one more minute.

At the very least we should be given addition quota to harvest one trophy fish over 48 inches or so. I also would like to include a closing that catch and release has been causing up to 50 percent or more of the overall removals from the biomass, and it often goes unchecked. I believe all fishermen, including those who practice C&R should be held accountable for helping restore our stocks. Thank you for listening.

CHAIR WARE: Thank you, Paul. Those are all the hands I see on the webinar; I'll do one more check of the room. I don't see any other hands.

REMINDER ON LOW RECRUITMENT ASSUMPTIONS AND THEIR PROJECTIONS

CHAIR WARE: So, we'll move on to our next agenda item. Just before we get into Draft Addendum II, everyone may have heard about the recent release of the 2023 JAI indices from the Hudson River and Delaware River; both which were low. I wanted to acknowledge that information and turn to New Jersey or New York, if you guys would like to make any comments on that. Then I'll also go to Katie for a reminder about low recruitment in the Draft Addendum II projections.

MR. MARTIN GARY: Thank you, Madam Chair. The Hudson Index was recently released. I think most of the folks here at the Board and listening in are aware of it, but it was one of the lowest indices in the history of the survey that goes back to 1985. Over the last 10 years, the survey has been about average for the time series four out of the last ten years.

Seven of the last ten years it's been above the 25 percent quartile. That's a quick snapshot of its performance this year, relative to the history of it. I talked to staff about why we had such a low index in the Hudson. There isn't an obvious explanation. Our temperature profile and flows temperature were all in the usual range.

But a couple of theories would be a zooplankton mismatch, which is not a new theory. That has also been discussed in the Chesapeake, and also, we have an invasive fish called the round goby, which is pushing further and further down the Hudson estuary. It's uncertain as to what impact that species may be having; but that is the Hudson update, thank you.

CHAIR WARE: Thank you, Marty. Joe, did you want to add anything?

MR. JOE CIMINIO: I guess just quickly. Not a lot to add. The Delaware River seine survey has always been pretty spikey, and it has been three years of well below average for the mean, so it is concerning. I would just assume that we're seeing the same things that they are seeing in a lot of other places, unfortunately.

CHAIR WARE: I'm going to turn to Katie now for a reminder on our low recruitment assumptions in the projections.

DR. KATIE DREW: We have a stock assessment through 2021, so we have an estimate of Age 1 recruitment through 2021. For 2022 and 2023, we were able to use or predict the recruitment level from the observed Maryland JAI, which is very strongly correlated with our estimates of Age 1 recruitment from the model.

We were able to capture some of that low recruitment that we are seeing in one of our most significant juvenile indices for 2022 and 2023, and then going forward for the rest of the years in the rebuilding an F target projection. We are pulling from the low recruitment regime, as opposed to the full time series, in order to project recruitment going forward. Some of the observed low recruitment is

already folded into these projections to a certain degree, and we're using that low recruitment regime, which makes it more conservative about what we expect recruitment to be over the next few years. But obviously, the most recent indices will be folded into the next stock assessment update, which will give us a little bit of a better handle on what recruitment has been like over the last few years, sort of that realized recruitment within the model. Then we'll be using the low recruitment regime going forward for our rebuilding projections coming out of that assessment as well.

CONSIDER DRAFT ADDENDUM II FOR FINAL APPROVAL

CHAIR WARE: We're now going to turn to our primary agenda item today, which is Draft Addendum II for Final Approval. Emilie is on the line and she's going to review the options in Draft Addendum II, provide a summary of the public comment, and then also the Advisory Panel report. Then Sergeant Jeff Mercer, who is our Law Enforcement Committee representative is going to provide the Enforcement Committee report. The plan is to roll through all of those presentations, and then we'll start with questions at the end of those. Emilie, feel free to take it away.

MS. EMILIE FRANKE: Thank you so much, Chair, and I'm sorry I can't be there in person today. But we will get into the presentation. On the next slide you will see the outline. I will go over briefly the statement of the problem and timeline for the Draft Addendum, and then I will get into the management options and the public comment summary.

Then the AP Chair asked that I also give the AP report today, so I will do that as well. Then I will pass it to Sargent Mercer, for the Law Enforcement Committee report after that. As the Chair mentioned, the Board action for consideration today is to select management options and consider final approval of Addendum II.

The next slide, the statement of the problem is that projections indicate that there is a low probability of the rebuilding the stock, if the high fishing mortality

rate we saw in 2022 were to continue. As a reminder, that increase in 2022 was driven largely by an increase in recreational harvest. There is concern that the Amendment 7 management measures combined with the availability of the strong 2015-year class will lead to high catch again in 2024, this year.

There is also concern that if the upcoming 2024 stock assessment indicates that additional management changes are needed in order to stay on track for rebuilding, then the typical addendum process would take too long to respond and too long to get new management measures in place. Draft Addendum II was initiated to address these concerns, and to support stock rebuilding.

On the next slide, Draft Addendum II considered options for recreational and commercial measures to reduce removals, to achieve the fishing morality target in 2024, and projections indicate that a 14.5 percent reduction from 2022 removals is needed to meet that target. Then the Addendum also considers an option to allow the Board to respond more quickly to stock assessments via Board action.

Then finally, in response to concerns about recreational fileting, and compliance with size limits, the Addendum also considers establishing minimum requirements regarding fileting of recreationally caught striped bass. On the next slide, just a note that Draft Addendum II is intended to build upon the 2023 Emergency Action, and that action implemented a 31-inch maximum size limit for recreational fisheries. Just by its nature, the Emergency Action is temporary. The Emergency Action is currently in place, and it is effective through October 28th of this year, or until Addendum II is implemented, whichever comes first.

That Emergency Action is temporary, while this Draft Addendum II considers options that would more formally change the measures of the fishery management plan. The timeline on the next slide, you know the Board initiated this Addendum back in May, 2023. The Addendum was developed and then the Board approved the Draft Addendum for public comment in October of 2023.

**REVIEW OPTIONS AND PUBLIC COMMENT
SUMMARY**

MS. FRANKE: Public comment was open through December 22nd, 2023, and we're here now at the January 2024 Board meeting for the Board to consider final approval of Addendum II. The Board will also determine the deadline for states to implement these addendum measures. On the next slide, during the public comment period we did receive a total of 2,832 written comments, 1,062 of those comments were individual written comments, 1,723 of those comments were through 13 different form letters, and then 47 organizations also submitted written comments.

On the next slide we held 15 public hearings across 13 jurisdictions throughout November and December, 2023. Nine of those hearings were conducted in person only, four of those hearings were conducted in a hybrid format, and two of those hearings were conducted via webinar only. Across all hearings, public attendance was 693 people.

Some people did attend multiple hearings, and then a poll or show of hands vote on the options was used at some hearings at the discretion of the hearing officer. Moving into the Draft Addendum Management Options themselves. As a reminder, there are three different sections of management options. There are the recreational options, within which there are four different sets of options.

Then we have the commercial fishery options, and then the stock assessment response options. I'll go through each option set individually, and I'll also, while I'm on each set, I'll go through the options themselves, the public comments, as well as the AP comments. Getting right into it, here are the options for the ocean recreational fishery.

The options themselves are in the red box, and then the other columns to the right show the percent reduction that each option is estimated to achieve. Option A is status quo for the ocean, which is one fish at 28 to less than 35 inches across all modes, with 2017 season dates. For the status quo, any

previously approved conservation equivalency programs could continue.

All of the other options, B through E, proposed changing the slot size. All of these alternatives would still have a 1-fish bag limit, and the seasons would be the same seasons as 2022. Option B is a 28-to-31-inch slot for all modes. Option C is a 28-to-31-inch slot for private vessels and shore angles, and then a wider slot of 28 inches to 33 inches for the for-hire modes.

Option B is a 30-to-33-inch slot for all modes, and Option E would be a 30-to-33-inch slot for private and shore modes, but would allow a wider slot of 28 to 33 inches for the for-hire modes. For some specific areas, the Draft Addendum does allow the states of New York, Pennsylvania and Delaware to submit area-specific management measures in their implementation plan, that would achieve the same percent reduction as the ocean option for that particular area. These area specific measures are allowed for these areas that historically have had smaller sizes limits. For example, if the Board selected an ocean option that was estimated to achieve a 14.1 percent reduction.

New York would then submit measures to the Hudson River that would be estimated to achieve a 14.1 percent reduction, relative to the Hudson River's current 18–28-inch slot, for example. All implementation plans, as a reminder are subject to review by the Board, the Technical Committee and the Plan Review Team.

For the public comments on the ocean recreational options, you can see that the vast majority of public comments did favor Option B for the ocean, that 28-31 for all modes. Then the second most supported option was Option C, that is the 28-31 inch for private inshore, and then 28-33 for the for-hire.

Those in support of that Option B, 20-31 all modes, noted that this is the most conservative option with the highest reduction to support rebuilding. Those comments noted that this option would protect the 2015 year, particularly considering recent low

recruitment and the lack of upcoming strong year classes.

Most of these comments did note specific opposition to any sort of mode split. The comments noted that the entire recreational sector should have the same regulations, and participate equally in rebuilding the stock. They noted that anglers should have the same fishing opportunity. Then some comments noted a concern that even the most conservative options would have less than 50 percent change of rebuilding this stock.

On the next slide you'll see those that were in support of Option C. The mode split noted that the for-hire sector is a very small portion of the ocean recreational fishery, and the for-hire sector did not see the same level of increase in 2022 as the private and shore modes. The comments also noted that a wider slot would have a very negligible impact on the estimated reduction.

Stakeholders also noted that the current narrow slot has had negative impacts on their for-hire businesses, and they've seen fewer bookings this year. Comments noted that a wider slot for for-hire would attract customers, and would support anglers who do value bringing a fish home. Comments also noted that a wider slot would decrease release mortality, and that they had seen many dead fish this year with the narrow slot. On the next slide, moving into the Advisory Panel comments on these ocean options.

Eight Advisory Panel members did support this mode split, Option C, noting that a wider slot would reduce discards for for-hire trips, and also noted that if reducing mortality is the primary goal, that Option B and C have about the same estimated reduction, so there would be no reason not to support for-hire businesses. On the next slide there were four advisory panel members who supported Option B, the 28-31 across all modes. Similar to the public comments noted, this is the most conservative option to support rebuilding. All anglers should have the same opportunity, that a mode split would create division between sectors, and that there is no data justification for a mode split. There was

concern that the mode split options were developed without considering the broader allocation, and if a mode split were implemented, it would be extremely difficult to revert back to one mode in any future action.

There was also a comment that a mode split should have a more comprehensive, data-driven discussion at the amendment level, and that Draft Addendum II had very little analysis for these types of options, and that all modes should work together to rebuild the stock. Then finally on the next slide, there was one AP member who did support status quo, Option A.

Noting that there were too many fish being released under the narrow slot that is in place now, so a wider slot would be necessary to reduce discard mortality, and noted that it's difficult to fish in such a small size range, and that you're sort of at the whim of whatever is biting on a particular day. That wraps up the ocean options.

On the next slide I'll move into the Chesapeake Bay recreational options. Again, the options themselves are in the red box. The other columns to the right show the overall reduction estimated for each option. Option A, for the Chesapeake Bay recreational fishery status quo, is 1-fish at an 18-inch minimum size, with 2017 season dates, and approved CE programs could continue.

All of the alternative options B and C propose implementing a Bay wide slot limit. As most folks are aware, the Chesapeake Bay jurisdictions, many of them are currently operating under conservation equivalency programs, so the size limit is not consistent across jurisdictions. These options would provide a consistent size limit across the Bay.

Option B1 would be a 19–23-inch slot with 1-fish for all modes, and the seasons would be the same as 2022, and that season would be the same for all the alternatives here. Option B2 would be a 19–24-inch slot, 1-fish all modes. Option B3 would be a 19–25-inch slot, 1-fish all modes, and Option B4 would be a 19–26-inch slot, 1-fish all modes.

Option C1 and C2 also propose a Bay wide slot limit, but there are proposed different bag limits, depending on the mode. Option C1 would be a 19–23-inch slot Bay wide, with 1-fish for private and shore and 2-fish for for-hire. C2 would be a 19–24-inch slot, 1-fish for private and shore, 2-fish for for-hire.

On the next slide you can see the public comments. The vast majority of public comments noted that they favored either Option B1 or B2, so either 19-23- or 19-24-inch slot, 1-fish all modes. Then most other comments supported Option B1, that narrowest slot specifically. There were some comments that favored other options.

Most notably Option B4, 19-26 inch, 1-fish all modes, or Option C2, which is a 19–24-inch slot, 1-fish for private shore, 2-fish for for-hire. On the next slide, those that supported Options B1 or B2 noted that either option is estimated to meet the 14.5 percent reduction. Those supporting B1 specifically noted it's the most conservative to support rebuilding, and there is also a need to protect the 2018-year class. Many of these comments, similar to the ocean comments, noted specific opposition to mode splits, so the entire recreational sector should have the same regulations, contribute to rebuilding, and have the same fishing opportunity. There was also specific concern about poor recruitment in the Bay. On the next slide, those in favor of the Chesapeake Bay Option B4, so that wider slot, 19-26 all modes, noted that a wider slot would have lowest release mortality.

Then those that were in favor of Option C2, that would be the 19–24-inch slot with the mode split bag limits, noted that the charter businesses in the Chesapeake Bay could not survive with a 1-fish bag limit, and that for-hire trips have already decreased. Comments also noted that Maryland for-hire operators do participate in the state's electronic reporting program, and through that program they provide detailed information on trips and catch.

On the next slide we get into the Advisory Panel comments on the Chesapeake Bay options. Six Advisory Panel members did support Option C2 for

the Bay, again, that 19–24-inch slot with the mode split bag limits. Similar comments to the public comments that for-hire businesses in the Bay need 2-fish to survive and attract customers, and that the Chesapeake Bay fish are much smaller and the season is short, so those 2-fish are necessary to sell trips. Noted that the for-hire sector relied on striped bass to make a living in the Bay, and that few other species are available.

Also noted that for-hire vessels, again, participate in electronic reporting. Another comment was that a 2-fish limit would help deter throwing back a smaller fish in the hopes of catching a larger one. On the next slide there were three Advisory Panel members who supported Option B1, that 19-23-inch slot, 1-fish all modes.

The AP noted that private and shore anglers in the Bay face similar challenges as the for-hire industry, as far as the short season and limited species, so all modes should have the same opportunity. There was one AP member who supported Option B4, that wider slot of 19-26, it would reduce discards. Then there was one AP member who supported any of the B options, so any slot, as long as all modes had the same exact limit

That wraps up the Chesapeake Bay recreational options. The next slide we will get into the for-hire clarification option. If the Board does select a mode-split option for either the ocean or the Bay, the Board would decide whether they want to clarify how the measures would apply on for-hire trips.

Option A, status quo is, there is no requirement in the Plan on how for-hire measures would apply. The alternative Option B would add a clarification to the Commission's FMP, and that clarification would read that for-hire management measures apply only to patrons during a for-hire trip, and that captain and crew during a for-hire trip would be subject to the private vessel and shore angler limits.

As far as public comments, fewer people commented on this topic overall. The majority of comments did support Option B, adding that clarification into the FMP. Most comments that did support Option B,

noted that they were opposed to mode splits overall, but they commented just in case a mode split is implemented. Then those that supported Option A, supporting no clarification, noted that that type of provision stating that for-hire measures applied to patrons only, would be unenforceable. Moving into the AP comments on the next slide. There were four AP members who supported that status quo, Option A, not adding the clarification. Again, noting that this would be unenforceable, and particularly enforcing different size limits on the same vessel would be problematic. They also noted that many vessels may operate both as for-hire and private vessels.

Again, it would be difficult for enforcement, and just overall not enforceable. There was one AP member who did support adding the clarification, acknowledging the difficulties with enforcement, but noted that it would be a good will gesture to support mode splits. That wraps up the for-hire clarification.

Moving into the recreational filleting options. The status quo Option A here is that there is no requirement in the Commission's fishery management plan regarding filleting striped bass. It's currently up to the states, whether or not they want to set any guardrails or requirements regarding filleting.

The alternative here, Option B would establish minimum requirements. For any state that does chose to allow at-sea or shoreside filleting, there would be some minimum requirements. Those requirements would be that racks would have to be retained, the skin would have to be left intact, and possession would be limited to no more than 2-fillets per legal fish.

Then states could consider adding any additional language relevant to their state regarding when and where racks can be disposed. Moving in to the public comments on recreational filleting. The majority of comments supported Option B, that would be adding in those requirements, noting that there is a need to support enforcement of the slot limit, and those requirements would help do that.

Those who did support Option A noted that filleting requirements could delay the turnaround time between charter trips, and that for-hire vessels need to transition as soon as possible between trips, and that there are questions and concerns about where racks would be disposed of, and that particular state or local rules could limit where racks could be disposed of.

The next slide, as far as the Advisory Panel comments on filleting. Nine Advisory Panel members noted support for the status quo, no filleting requirements. They noted that it would be really difficult to develop coastwide language to implement these types of requirements in each state, and that the complexities here are really a state and local issue, and therefore not appropriate to include in the coastwide fishery management plan.

Then zero AP members noted support for Option B adding those requirements. That wraps up the recreational options. We will move on now to the commercial options. These commercial options are regarding commercial quotas, and a potential reduction. Option A, the status quo, is commercial fisheries will continue to be managed by their Amendment 7 quotas and size limits.

Existing Addendum VI conservation equivalency programs could continue. The alternative here is Option B, and the ocean and/or Chesapeake Bay commercial quotas would be reduced by up to 14.5 percent from their 2022 quota levels, with their 2022 size limits. The Board would specify what the percent reduction is between 0 and 14.5. Five public comments, Option B, the up to 14.5 percent reduction was favored by the majority. Then there was some support for Option A, status quo, particularly from the commercial sector. On the next slide support from the public. Option B, the quota reduction, comments noted that all sectors should take an equal reduction to rebuild the stock.

There was noted support for the full 14.5 percent reduction, and some comments noted that the reductions should be landings not from the quota. On the next slide, those who supported Option A, the status quo, noted the commercial sector should not

be penalized for the increase in the recreational sector, noted that the commercial harvest is a small portion of the total fishery, with relatively stable landings.

Also, that the sector is heavily monitored with accountability through tagging and quota paybacks. Comments also noted there have been multiple reductions in the last several years, and any additional reductions would be detrimental to the industry and have negative economic impacts.

ADVISORY PANEL REPORT

MS. FRANKE: On the next slide we get into the Advisory Panel comments. There were seven AP members who supported the status quo quotas. Similar comments as the public comments that the commercial sector should not be penalized for the recreational increase. The reduction would be an economic loss for harvesters and for local markets. Again, noting the industry is highly regulated with hard quota caps.

The quotas are rarely exceeded, and there is an immediate payback if they are. The quota underages are a conservation buffer, and that the FMP originally intended for a 50/50 split between sectors, but the fishery has become the majority recreational. Finally, the commercial sector has adjusted gear to avoid spawning fish, and really that the excess mortality is from the recreational sector.

Then we have four AP members who did support a reduction for the commercial quotas, noting the reduction should be in both the ocean and the Bay, noting that the environment is not producing enough fish so both sectors need to take a reduction. Noting that there is concern that some commercial fisheries do allow harvest of large spawners, and also noted that public commenters largely favored a quota reduction. Finally, here, the last set of options is the response to the stock assessment.

If an upcoming stock assessment prior to the rebuilding deadline indicates the stock is not projected to rebuild, so if there is a less than 50 percent probability of meeting the target, there are

two ways the Board could respond. But before I get into that, we did have a Board member request to explain exactly what a less than 50 percent probability result from the projections means. I'm going to turn it over to Katie for a moment to explain that.

DR. DREW: Great, thanks Emilie. I think we have a couple of slides on this. When we're talking about the probability of rebuilding, kind of as a reminder. We are using projections to determine sort of what level of F, under a specific level of F where will we end up in 2029? Obviously, there is going to be in this process, uncertainty about both where we're starting from the end of the stock assessment there is uncertainty about the abundance in 2021, and then there is uncertainty about the recruitment that we're going to get into the system from 2021 to 2029. What you find out is that the same level of F could give you a different SSB in 2029, depending on where you're starting from and how much you're putting into the system. We don't do just one projection, we resample from sort of where you're starting out and how much you're putting into the system, to get basically a bunch of different runs of these projections under the same level of F, so that you can figure out what your SSB in 2029 is likely to look like.

We don't get a single value for your SSB in 2029, we get sort of this distribution. This distribution looks like, ideally it looks like a bell curve, in the sense that what you can see is that if you have a 50 percent chance of being at that SSB target, then that means your distribution is centered around that SSB target.

It's not like you have an unlimited range, it's not like you have an equal probability of being anywhere from 0 to 200,000 metric tons. Most of the SSB estimates will be close to that SSB target. Some of them will be below, some of them will be above. But most of them are going to be around that SSB target. That is kind of what that 50 percent is aiming for.

Even if you don't get exactly 50 percent, you're going to be pretty close to that SSB target. I've put on this graph the SSB threshold in that dotted red line, so that you can see, you know even if you're sort of

below that SSB target, you know if you are centered around that SSB target, then you have a very low probability of being the SSB threshold.

Even if we have a 50 percent chance of being around F at above that target, we'll still close to the target and we still have a high probability of being above the threshold. If the probability is less than 50 percent, you can see basically sort of that distribution shift a little. Your likelihood of being at or above the target is lower.

You are going to be centered around a smaller SSB, so you are not centered around that SSB target anymore, you're centered around a value that is a little less. But you're still close to the SSB target, so a lot of that you can see now you are not centered around the SSB threshold, but most of that density or most of those estimates of what SSB in 2029 will be are going to be below the target but still close to it.

That's kind of the explanation of like what are we talking about with a 50 percent chance. I know a lot of time it gets translated as, oh it's a coin flip. You're either thinking about this as like a yes or a no, when in reality it's more of a distribution, and kind of like where the center is and what you're most likely to be at.

Maybe you're a little above, maybe you're a little below, but you're still close to that target, as opposed to kind of thinking about this as like a black and white, yes or not, we've hit or we've missed. It's not a total coin flip, and that is kind of a little bit of a different sense of probabilities than you might think with a 50 percent chance. I hope that kind of clarifies what we're talking about or how we're thinking about this 50 percent, and where that is coming from. But if not, I can take questions at the end of the presentation.

MS. FRANKE: Thank you so much, Katie. Again, if we have an upcoming stock assessment prior to the rebuilding deadline, with a less than 50 percent chance of meeting that Spawning Stock Biomass target, the Board has two options in how they can respond. The first Option A is the status quo. The

Board could initiate the typical addendum or amendment process.

There would be a public comment period, with hearings and written comments. However, new measures would likely not be implemented until close to two years after the assessment. The alternative here is Option B. This would be to respond via Board action, where the Board could change measures by passing a motion at a Board meeting, instead of initiating an addendum.

In this case, public comment could be provided during the Board meeting or in writing prior to the Board meeting. This would allow, again, the Board to more quickly respond to assessments, and potentially implement measures sooner. On the next slide you'll see that the majority of public comments did support Option B, this Board action process, noting the need for quick decisive action to rebuild the stock and quickly implement new measures.

These comments also noted, however, that any opportunity for public involvement should be clearly communicated. Then there were some folks that supported the status quo, and those comments noted the need for a full public comment process to make informed management decisions.

On the next slide you'll see the Advisory Panel comments. Ten members did support the status quo Option A. There was concern about losing public comment opportunity. It was also noted that the existing emergency action provision allows the Board to take action in an emergency, so during a non-emergency the Board should use the typical addendum process.

There was some frustration with the emergency action experience from last year, and the lack of Advisory Panel or public comment. It was noted that faster is not always better, and that Addendum II was initiated using a streamlined process alongside the emergency action, but that it did violate public trust by going beyond the anticipated scope when the mode-split options were added with little debate or data.

Comments noted that the addendum process is designed to work through management issues, and the AP also noted that they would like to avoid any major management reactions. On the next slide there were two AP members who did support the Board action, that faster process. They noted the public comments have called for the Board to act more quickly, and criticized the Board for moving slowly in the past, and just noted a need for quick action to rebuild the stock.

Then there was a discussion, and several AP members noted that they would support some sort of hybrid option. You know they hoped that there was a way to speed up the addendum process, but still include a formal public comment period. The AP didn't come up with a specific hybrid option here, but there was just support for some sort of speeding up the addendum process and including the public comment period. On the next slide I'm going to turn it over to the Law Enforcement Committee representative, Sargent Mercer, to give the law enforcement report.

LAW ENFORCEMENT COMMITTEE REPORT

MR. JEFF MERCER: Thank you very much for the opportunity to present the Law Enforcement Committee report. We conducted a virtual meeting on January 3rd, to review all the proposals to Addendum II. The members met and came to a consensus on which options were deemed most enforceable.

The impact to the resource was not taken into consideration, only the enforceability of the options was considered. In this presentation I'll go through each of the options deemed most enforceable, and provide some of the discussion points that were made. Moving to the first slide, with the recreational fishery options together as the discussion points were mostly the same for both of them.

I won't rehash the options, as they were just presented, but in the ocean recreational fishery, Options A, B, and D were deemed most enforceable, and in the Chesapeake, Option B. Simply put, that option is that we not include a mode split. I guess I'll

start by saying the overarching message from the LEC is that the simpler the regulations the better, especially within the recreational sector.

Not every fisherman is a diehard angler with the regulations committed to memory, and there are plenty of casual first-time fishermen that would benefit greatly from simple, accessible regulations. With that being said, consistent regulations across all modes within a sector would lead to enhanced voluntary compliance and less confusion.

Compliance in enforcement is complicated when there are varied sizes, seasons, and possession limits for recreational fisheries within the mode. Enforcement is complicated, as possession does not end when a patron leaves the vessel. We often miss the docking of the vessel, and contact fishermen as they are in parking lots or other areas at boat ramps and docks, when they are moving fish to their vehicles, for instance.

A mode split would create a loophole for someone to claim a fish came from a for-hire vessels, when in fact it did not. In consideration of Options B1 through 4 in the Chesapeake, the Law Enforcement Committee noted that compliance with the slot limits is typically higher with larger slots. The for-hire clarification.

The Law Enforcement Committee supports status quo, with no requirements regarding for-hire measures that would apply to individuals during for-hire trips. The LEC finds Option B to be problematic, as it requires a standard approving who is a patron and who is a crew member. This may be doable for smaller six-pack charter boats with one captain, but on party boats with multiple crew, would be very difficult to enforce. Law Enforcement would be required to pursue evidence to prove the status of an individual on a specific for-hire trip.

It's not only unreasonable for an officer in the field, but may also lead to false assumption of facts, and accusations of paying patrons falsely being accused as crew members. It might be different in other parts of the east coast, but I don't believe I've ever seen a party boat crew wearing uniforms, but I have often seen paying customers wearing hats or shirts from

the boats that they had purchased on previous trips as souvenirs. This could obviously lead to confusion on who is crew and who is paying, especially when boarding at sea. If Option B were chosen, it could potentially lead to future deliberations where law enforcement action could be negated by the accused simply denying employment status, or on the opposite hand could lead to false accusations by officers and the degradation of trust between law enforcement and the fishing community. Regarding fillet allowance. I'm sure it comes at no surprise that the LEC supports Option B for minimum requirements to the states that allow filleting at sea.

Allowing onboard fileting of fish or other processing greatly hinders enforcement of possession limits and size limits. Requiring fish to remain intact is ideal, but for those states that do allow filleting, regulations requiring skin remain on the fillets and counting two whole fish as one fish, regardless of the size, and requiring the retention of racks would greatly aid in identification of species, and the enforceability of the regulations concerning possession and size limit.

Speaking from personal experience, coming from one of the few, possibly only state that has no fillet laws. The enforcement of size limits is particularly difficult, especially for the party/charter industry, where processing at sea is the norm. Where processing at sea is allowed, and this option would apply to, the LEC suggests that enforcement staff should be consulted in the formulation of the regulations.

The LEC had offered no preferred option for the commercial quota reduction option, and also had no preferred option for the response to the stock assessment update. However, we'd like that consideration be given to straightforward opening and closing of fishing times to meet port objectives, if quota reductions were made. Finally, I would like to again, thank you for the opportunity to provide these comments, and I'm more than happy to answer any questions.

CHAIR WARE: Thank you, Emilie and Jeff for those presentations. At this point is the opportunity for

questions from the Board on the presentations we just received, and just focus on questions at this point. Does anyone have any questions? Yes, Bill Hyatt.

MR. WILLIAM HYATT: I've got a question that builds upon the presentation that Dr. Drew made on the probability of rebuilding to target spawning stock biomass. My question has to do with 14.5 percent reduction. I understand that that 14.5 percent reduction in removals is needed to achieve a 50 percent likelihood of achieving F target in 2024.

If you look on Table 8 in the Addendum, it has all the various permutations that could be put together, based upon the options that are before us today. Looking at those, almost all of them, not all of them, but all of them range between a 12 percent and a 14.5 percent reduction in removals. My question has to do with looking at the range that's there.

How does that effect the likelihood of achieving that F target in '24? In other words, what is the real difference in the likelihood of achieving F target in '24 between a 14.5 percent reduction in removals and a 12 percent or a 13 percent reduction in removals? Is it big, small? How does it lay out?

DR. DREW: Great question. I think we ended up not putting that table in this document. But we did do, at least for part of the previous draft, we did put together a table where we translated that percent reduction from that combination of options into the probability of rebuilding. This came with the caveat that these are kind of to help you understand where things are relative to each other, and not so much this is the probability of rebuilding. We'll get that probability of rebuilding out of the stock assessment update, once we better understand what actual removals were in 2023, what recent recruitment has been, etcetera. But basically, I think the options range from about a 35 percent probability of rebuilding to maybe a little bit above 50 percent under some of these different combinations.

The small differences in kind of achieving that percent difference, that percent probability of achieving F target as they are propagated through to

the following subsequent years, will have a little bit more of an effect on your probability of rebuilding. But also keep in mind that the uncertainty around where we'll be in 2029 grows, the further out you get from some of these options. I don't know if that helps at all.

MR. HYATT: Yes, you answered it in terms of the probability of rebuilding. I was kind of looking for an answer in terms of the probability of achieving F target in '24.

DR. DREW: Sorry, so it was a similar probability of achieving, so going from what the difference between a 12 percent to a 14 percent, in terms of the probability of achieving F target. I think it had sort of a similar range of, we're looking at maybe like a 35 to a 55 percent probability, where the lower reductions are going to lead to a lower probability of achieving F target, and the higher reductions are going to lead to a higher probability of achieving F target.

Keep in mind, this also does not include any uncertainty about the reduction that we're getting out. We're assuming that this measure will lead to that percent reduction. Whereas, you know when we actually implement these, that does not always come out to be the case. None of that uncertainty is included. It really is more uncertainty about kind of our starting point in our recruitment and things like that.

CHAIR WARE: Next question was from Doug Grout.

MR. DOUGLAS E. GROUT: I have just a clarification and a question about the response to the stock assessment Section 3.3. I just want to be reassured that if we were to select Option B, this would just be another tool in the toolbox, it would not be a requirement that we take Board action at that meeting where we get the assessment. That is what I've understood, but I just want to make sure that it isn't a requirement that we have to use the Board action first as an addendum.

CHAIR WARE: Emilie, just because you're on webinar, feel free to jump into some of these

questions if you want. You don't have to listen for my name to call on you. But, Emilie, I'll just confirm that with you.

MS. FRANKE: Yes, that is correct. The Board does not need to use the Board Action Provision. The Board could also decide to use it, but use it at the next meeting. The Board could, for example, receive the stock assessment, and then decide to use the Board Action Provision, but use it at the next meeting, in order to have a little bit of time to consider the options. It is a tool in the toolbox, and the Board can decide how and when they want to use it.

MR. GROUT: That may answer my question, because one of the concerns I had was, you know we say here that we could have an opportunity for written comment, but the way I saw it, there is a possibility we could take action at that meeting and say, okay, we're going to reduce the slot limit to a 2-inch slot limit at that meeting.

But we wouldn't have, if we were to take action at the meeting we get the assessment, you really wouldn't have an opportunity to take written public comment, because you wouldn't even have a proposal, you know to go by for the public to comment on. I would almost hope if we do go down this road, that if we feel a need to use this tool, that we would at least wait one meeting.

MS. FRANKE: Thanks, Doug. Just to quickly respond to that. You know I can only speak hypothetically, because we haven't used this type of provision before. But I think the goal would be for the Technical Committee to not only provide the results of the assessment, but if they could in a memo before the meeting, you know provide some indication of what potential actions could achieve whatever the reduction is in the assessment.

There is the hope that in supplemental meeting materials, the Technical Committee could provide some sort of memo outlining what types of actions the Board could consider. But as you stated, it's not guaranteed. You know there would be a whole lot of lead time before the meeting.

MR. GROUT: Thank you, that answers my question.

CHAIR WARE: Next, I have Chris Batsavage.

MR. CHRIS BATSAVAGE: I just want to make sure I understand Option B for the recreational filleting allowance requirements clearly. For this case, if a state requires anglers to retain the carcass, would the skin also need to be included on the fillet, or is the retained carcass enough for Law Enforcement to determine what species of fish it is? I'm just trying to understand if this was adopted, how our state would need to change our regulations to make sure we're in compliance.

MS. FRANKE: I'm going to defer to Toni, because I know there was some more in-depth discussion on that while I was gone. That also might be something the Board would need to specify later on.

MS. TONI KERNS: Chris, I think what the PDT was going for here is to make sure that the states that allow filleting, that your regulations encompass enough measures that we would be able to identify what that species is. The Option B is trying to provide some general guidance that it doesn't give an exact requirement, that we know that there are some issues out there in this subject matter, and so we're trying to get some better regulations without being too specific. The differences in the filleting allowances across the board are quite variable.

CHAIR WARE: Next, I have Max, and I'll just note, there are some Commissioners online, I see your hands up, so you are on the list if you are online. Max.

MR. MAX APPELMAN: Yes, I had a similar question about Section 3.3, response to the stock assessment update. Emilie's presentation sort of, something caught my eye. Status quo says that the Board would initiate and develop an addendum, based on the probability coming out of the assessment. Maybe I missed it in Amendment 7. Is that the case, or would it be more accurate to say that the Board could initiate an addendum?

MS. FRANKE: Thanks, Max, it should have said could. You are right. Unless a management trigger is tripped, the Board is not required to take action. The Board could initiate an addendum or an amendment, they don't have to.

CHAIR WARE: Next, I have Loren Lustig.

MR. LOREN W. LUSTIG: My question is for Sargent Mercer, with the Law Enforcement. I believe, Sir, that you said sometimes, and it would be certainly understandable, that the officers do not have an opportunity to meet the vessel, that it's actually docking. Perhaps the anglers are actually not even on the pier, but in the parking lot or getting into their vehicle. Would that indeed eliminate the benefit of probable cause to actually talk to them, or examine fish that they might have in their possession in a cooler, or a similar circumstance?

MR. MERCER: I think that would vary from state to state, in terms of what's in their regulations and state laws. Certainly, in practice, officers often ask to see what's in the cooler, and if they consent then they look in the cooler. Very often that is how we interact with anglers, and check them as they are walking off the dock, or back to their vehicles, and we ask to look in the cooler. I guess that that opens up a loophole to claim the origins of the fish to be from a for-hire, when in fact they were not.

CHAIR WARE: Loren, did that answer your question? I know it was a little garbled there.

MR. LUSTIG: Yes, it was garbled, but I got a sense of what the answer was, and I think the key word was voluntary. If the anglers were willing to speak to the officer, or open coolers or the like, then that is a big benefit. But if they were not, and refused, it would seem to me there would be no probable cause to take any further action that related to that case.

CHAIR WARE: Jeff, if you want to respond to that, you can, or we'll just go on to the next person.

MR. MERCER: Yes, that would be the case if they refused to be inspected, based upon state law.

CHAIR WARE: Next is Kris Kuhn.

MR. KRISTOPHER M. KUHN: I just had a quick clarification question for Emilie. In the ocean recreational fishery options, in the general provisions, it talks about for all ocean options, and then lists New York, the Hudson Bay management area, Pennsylvania, all state waters, Delaware. In the context of the conservation equivalency provision for those states as well, I believe, that it defines it differently for Pennsylvania in there as the Delaware River and estuary. In this section it talks about all state waters. Can I get some clarification on what all state waters means? I'm assuming that to be the Delaware River and estuary.

MS. FRANKE: Thanks, Kris, yes, that is correct. The wording there was not as clear as it should have been. What it really was intending to communicate is that the alternative size limits that you have. In the spring the FMP would allow you to submit alternative measures to your current smaller slot to achieve that reduction.

CHAIR WARE: Next, I have Emerson Hasbrouck.

MR. EMERSON C. HASBROUCK: Thank you, Emilie, for your presentation. Also, thank you Emilie for the way that you conducted the New York Public Hearing, by trying to keep people on track, not always an easy thing to do. My first question, I guess, is kind of a two-part question. For most of the written comments and comments received at the public hearing. The majority of those commenters, again written and again at the public meetings, were recreational fishermen, primarily? Is that correct? That is the first part of my first question.

MS. FRANKE: Yes, I would say overall, you know most comments we received are from recreational anglers. I think just because there are far more recreational anglers out there, as compared to the number of for-hire businesses, commercial fishermen, et cetera.

MR. HASBROUCK: However, on our own AP we have a more balanced representation between recreational anglers, the for-hire industry and

commercial fishermen, so that provides us with a more balanced representation. As I recall from your presentation, the AP and the majority, actually twice as many, I think, members of the AP supported Option C for the ocean fishery. There was also overwhelming support for Option, I think it was Option A, status quo for the commercial reduction. Do I have that right? Then I've got another question.

MS. FRANKE: Yes, that is correct.

MR. HASBROUCK: All right, okay, so from the AP, which is more balanced representation. They are favoring Option C for the ocean and status quo on commercial reduction. Then my final question. For the options that we have, for the ocean recreational fishery, none of them achieves a 14.5 percent reduction.

The Board decided to remove seasonal closures several Board meetings ago, so because of that we don't have any ocean options that achieve that 14.5 percent reduction. Similar I guess to what Bill asked a few minutes ago, how does the fact that no matter what we choose for the ocean recreational fishery.

No matter what we choose we're not going to get the 14.5 percent for that sector. What are the implications for us achieving, you know the 50 percent probability of attaining the F that we need to going forward? I guess that question is for Emilie or Katie or whoever might be able to answer it.

MS. FRANKE: Yes, and I'll just note before I get into that question, just for the Advisory Panel report. You know it wasn't a consensus, there were some folks who had the sort of minority options recommendation, so I just wanted to point that out. Yes, as far as the ocean option it is correct. None of the ocean options have a projected estimated reduction of that 14.5 percent. The implication there is that does lower the probability of, you know depending on what ocean option, what options are combined with all of the other options.

If you pick an ocean recreational option that is going to be combined with the Chesapeake Bay recreational option. That is going to be combined

with a commercial option. It's really the combination of all three options, and what that estimated reduction is, is really what will dictate, you know what our probability is of meeting the fishing mortality target in 2024 is, and further on what that means for the rebuilding probability.

One, it kind of depends with what other options the ocean option is combined with. But two, as Katie mentioned, if you look, the PDT did put together some estimated probabilities of achieving F target, based on the combination of options. If you look at the combination of options that gets you the lowest estimated reduction, which I believe was around 11 percent.

The chance of achieving the fishing mortality target in 2024 is around 33 percent. Then if you look at the combination of options that gets you the highest estimated reduction, which I think was somewhere around 15 percent, you have like a 53 percent chance of achieving F target in 2024. Really, the combination of options will dictate what the ultimate probability is of achieving F target in 2024.

MR. HASBROUCK: Follow up, Madam Chair.

CHAIR WARE: Emerson, I'm going to ask you to keep it pretty brief here, because this is your fourth question.

MR. HASBROUCK: Okay, I'll go quick. Based on that response, we're going to be dependent on other sectors, meaning the Chesapeake Bay sector and the commercial sector to make up for the fact that we're not going to achieve the reduction we need in the ocean recreational fishery. Thank you.

CHAIR WARE: I'm not sure there was a question there, so I'm going to go on to John Clark.

MR. JOHN CLARK: I had a question for Sargent Mercer also, Law Enforcement, and just curious about what actually counts as for-hire, because I know you said Law Enforcement has problems with the split mode anyhow. But I know we have a lot more anglers that have the uninspected vessel or the six-pack license.

In states like ours, it would be pretty easy to buy a charter license also, it's not that much more expensive than a boat license. Would you have any way to determine whether a boat is actually a for-hire? You know, since both its charging passengers or if the boat is just somebody who has the right licenses, and is therefore be considered for-hire?

MR. MERCER: Yes, that's always a challenge. In the state of Rhode Island, we license charter boats, but whether or not the paying customers are paying customers or just friends, and the recreational trip, that can certainly be difficult to prove at times. That would be a challenge if there was a mode split. I know other states don't even license or give a permit for charter boats.

This may fall back on to whether or not the person has a captain's license at that point. Yes, that would be an additional challenge in proving whether or not it was actually a for-hire trip or not. It could just be someone who has a junior license with friends or nonpaying customers onboard, and then it would be challenging to prove one way or the other.

CONSIDER FINAL APPROVAL OF ADDENDUM II

CHAIR WARE: Okay, that is the list of questions I had, so we are going to move on to the fun part here, which his motions. I am expecting a lot of motions, so I'm going to take the options for the issues in the order that they are presented in the document. I'm planning to use the kind of screen saver three opposed approach, so when we get a motion, I'll see up for hands in favor, opposed, and we'll go through that.

I think this was already said, but since Draft Addendum II was already taken out for full public comment, I'm not anticipating going to the public during the motion making period. I think those are all the announcements. I saw a hand, Mike Armstrong, would you like to make a motion, and this would be on the ocean recreational options.

DR. ARMSTRONG: Thank you, Madam Chair. I guess we'll get right into it. I have a motion and it is **Move to approve under Section 3.1.1. Ocean Recreational**

Fishery Option B: 1-fish at 28"-31" with 2022 seasons applying to all modes.

CHAIR WARE: Dennis is seconding that; we're just going to give staff a moment to get that on the screen. Armstrong was the maker of the motion and Dennis Abbott seconded. All right, while staff are getting that on the board, are there people, Mike I'll go to you first for rationale, others who would like to speak in favor of the motion? Anyone who would like to speak against the motion. Okay, go for it, Mike.

DR. ARMSTRONG: I think there are a whole ton of reasons why this is the right way to go. The first being right on the first page of the document, these are interim measures. This is really what this addendum is about, and I have a little remorse that other things got put into it, because this is the crux of the problem.

If this continues, a very successful 35 percent reduction in harvest coming from 2023, will continue through 2024 for enforcement and compliance. The rules stay the same. It does not support sector modes. Now is not the time, with a looming disaster that we see in the five failed year classes to start carving out exemptions and special fisheries. More so, this is for interim measures in an addendum.

If we went to mode splits, that's a paradigm shift for the most important recreational species on the east coast, at least in the northeast. It needs far more vetting, far more discussion than addendum that moved pretty quickly. I won't say if I'm for or against mode splits, but it certainly probably is not the time to do it. We need to get through this year and get through the assessment. I think yes, and also it achieves the highest reduction of all the options, so I'll stop there.

CHAIR WARE: Dennis, I'm just going to check in with you as seconder.

MR. DENNIS ABBOTT: Yes, thank you, Madam Chair. Difficult to follow Mike Armstrong when he gives the reasons for supporting this motion. But the thing that strikes me is that any broadening of the size limit

kind of makes a setback from what we were trying to do, as we were trying to protect various years or various sizes. If we jump around with the size limit, we defeat the original purpose of what we did with the 28-31.

CHAIR WARE: Justin, you were the next hand I had.

DR. JUSTIN DAVIS: I would like to make a motion to amend at this time, if you are willing to entertain that. I would **move to amend to replace Option B with Option C; which is 1-fish at 28-31-inches, with 2022 seasons for private and shore, I believe, and 28-33-inches for the for-hire sector.** Give it a moment, I'm sure staff can wordsmith that.

MR. HASBROUCK: Emerson will second that motion.

CHAIR WARE: Thank you, Emerson. I think we know what we're talking about, so Justin, I'm going to go to you for rationale while staff are typing.

DR. DAVIS: I can understand the arguments against Option C and in favor of Option B. You know this does represent a major change to the management program for striped bass. We're in a rebuilding plan, I can see the argument that it's a time for maximum conservation, you know Law Enforcement doesn't prefer this option.

It's also not the option that was preferred by the majority of public comments. I want to acknowledge that I think there are good arguments on both sides of this, and I can totally understand anyone who would not support Option C. I've been swayed by the outpouring of comment that I've gotten from the for-hire sector in Connecticut about what they perceive as a real threat to the viability of their businesses, if we continue the 28-31-inch slot into this year.

I've probably heard from more people about this than I've heard about anything since I've been in my job. I'm also swayed by the fact that when you look at Table 8 in Addendum II, voting up Option C will make no material difference to the reduction or removals that we're going to achieve with Addendum II.

Therefore, I would think it is going to make no difference to our probability of rebuilding. Also, the decisions we make here about striped bass, we're not making them in a vacuum. For the six species that our for-hire sector relies on, which would be summer flounder, scup, black sea bass, striped bass, bluefish, tautaug.

Since 2018 we've seen more restrictive regulations for all those species, in some cases in successive years. I think we're doing our third year in a row of scup reductions, this year on a stock that is at 150 percent of target. I won't go into that, that is for another meeting. We've also lost access to the fishery for mako shark, which was important to our for-hire sector for the component of it that sold trips to anglers to fish offshore. For those reasons, I'm willing to entertain Option C at this point, and providing a little bit more opportunity for the for-hire sector. But I'll just say again, I can fully understand the arguments on both sides of this.

CHAIR WARE: Emerson, I'm going to go to you as the seconder of the motion.

MR. HASBROUCK: I agree with everything that Justin just mentioned. You know we're only looking at a 0.1 percent difference in the reduction in the ocean recreational fishery. This will provide some relief to the for-hire industry, and it doesn't result in material difference compared to Option B, and there really is no impact on our rebuilding. Again, I agree with everything that Justin just mentioned.

CHAIR WARE: We're going to look for three in favor of the motion to amend, if you would like to speak in favor, and three who would like to speak against the motion. Okay, Jay, we'll start with you.

DR. JASON McNAMEE: I'll try not to restate everything that Justin and Emerson said, but I'll offer that. You know I feel the same as Justin, with respect to what Dr. Armstrong offered, agree with the need for conservation. But I think in this case, we can still achieve our conservation goals while allowing a little flexibility to the party and charter industry that I feel warrants some attention. I'm

worried about them, to put it that way, in my state in particular.

The opportunities for them to maintain their businesses are diminishing, and so this gives a little flexibility to them, and we still meet our conservation goals. I favor it for that reason. I also wanted to comment. Dr. Armstrong talked about, you know this being the venue for what is a really important change, and I totally agree with that.

I wish we had done this concept of a mode split in a more comprehensive way. We have in fact attempted that over a number of years, and we've not gotten any traction, you know to move forward. A little bit has been done here and there. I lament the fact that that hasn't happened in a more comprehensive way, but the way things stand now for this important fishery, I'm comfortable with Option C. I think we still can achieve our conservation goals with it.

CHAIR WARE: I'm going to alternate between the in-favor and against, so next I have David Sikorski.

MR. DAVID SIKORSKI: I think there have been some great points on both sides, and I just wanted to highlight that the whole purpose of the emergency action, and a large part of what we're doing here today is to make sure we don't overexploit the fish that are out there. As you all know, coming from this neck of the woods, there aren't a lot more to replace them.

I recognize the impact that it has on all of us coastwide, no matter how we participate in this fishery. But this motion is chasing the 2015-year class as they grow. That's not a good idea, because there is not a lot behind them to replace it. I think it flies in the face of what this Board has already decided in the recent past. I think it flies in the face of the purpose of this document, so I oppose this motion. Thank you.

CHAIR WARE: Next, I have Mike Luisi.

MR. LUISI: I'm going to speak in support of the motion to amend for two reasons. One, which was

already brought up, this addendum is an interim measure that we're putting in place until the next action. I feel strongly that that next action will probably be a year from now, when we're discussing the assessment, and the results of that assessment.

What troubles me, and I'm speaking for the charter sector in general, rather than in my own state. We walked into the Board meeting in May, having received preliminary estimates from MRIP, which we all realize and understand the uncertainties around that. We decided to initiate emergency action, and follow that up with an addendum, in order to stop the bleeding, and we did, and we moved forward.

In my opinion there was no consideration for the businesses, the industry that relies so heavily upon this fishery to maintain that business structure in moving forward. As this addendum carried itself on throughout 2023, this option developed and became something that was out for public comment, and it offered an opportunity not only for the public to speak to us, personally, but to provide comments regarding the need for some flexibility in the charterboat business operation to be successful.

With the understanding that this is interim, I feel that this is the opportunity to provide that bit of flexibility, knowing that I'm fully certain that a year from now we'll be working on another document, which will take into the bigger picture much more than just what it is we're talking about today. My second reason for supporting this is, and depending on how many people want to comment, in about a half an hour I'll probably be asking for a similar response for the Chesapeake Bay.

Now that is not a change, it is just a continuation, but the state of Maryland, our Agency believes that continuation for the for-hire, the mode split in Chesapeake Bay, is something that we would like to continue, and therefore I'm going to support the states, in this case that would support this amended motion, and that is my position.

CHAIR WARE: Next, I have Max Appelman.

MR. APPELMAN: I'm having a hard time supporting this motion to amend, not because of mode splits,

that is not what my comments are about, it's about the risk and uncertainty of such a change in policy, given the situation that we're in. Overfished stock, we're nearing the last few opportunities in our rebuilding program to achieve our targets. We know that bag and size limit analyses for the recreational fishery are very uncertain.

We've seen it with striped bass time and again. The probabilities are based on maintaining fishing mortality at the target, which we have not done for more than one or two years in a row. There is just not enough information to say with any confidence that a change in policy like this at this time won't undermine our core objective, which is rebuilding the stock. I'm having a hard time supporting this motion to amend for those reasons, not because of the policy in and of itself, for mode splits, but for the risk and uncertainty that this would introduce in our rebuilding program.

CHAIR WARE: I didn't have another hand to speak in favor, so Dennis, you'll be able to speak against, last chance for that.

MR. ABBOTT: Thank you, Madam Speaker. I might be quite lengthy in my words today. I'm opposed to this motion. I'm opposed to it for a number of reasons, and one of them is I see a basic unfairness. There are millions of people who fish for striped bass, and there is a small minority that are in the for-hire sector.

I don't see how we should advantage one group over another group, especially regarding the numbers. Let me give you an example that this was to be the direction we go. Every summer I fish with Ritchie White, former Commissioner here. His boat is docked nose-to-nose with a gentleman named Peter Whelan, who is on the Advisory Panel.

I don't think it's fair for me to walk down to Ritchie's boat and go fishing, and have to fish under a 28-31 where some fellow that is shelling out a few dollars is going to be able to go out and fish, and catch fish from 28-33. It's very unfair, very unfair. That's why I'm opposed to it. But let me back up a little bit, let's go back in time.

I'm going to pull a John Clark here, who pulled a Tom Fote yesterday, and took us back in history. You folks know that I'm not a pastor, but I'm about to give you a sermon. I know that I'm probably preaching to the choir, because some of you won't probably listen to what I have to say. I would like to say that I've been sitting on the Striped Bass Board for 28 years. The only person in this room that was sitting there when I arrived was David Borden. Everybody else came, but David Borden left, and he's now returned.

MR. BORDEN: Oh, I am blessed, Dennis.

MR. ABBOTT: You know, back in those days there were what we called the silverback, people like Phil Coates and Gordon Colden, Lou Flag, John Nelson, and who else did I write down, Ernie Beckwith, Bruce Freeman, Pete Jensen, my goodness. In 28 years, I've attended probably 70 to 80 Striped Bass meetings.

Backing up a little more, when I began on this Striped Bass Board, this Striped Bass Board didn't exist as it does now. I was the token representative in 1998 to the Striped Bass Board, and Tom Fote, I think at the time was the Governor's appointee, prior to us having each state have three members be fully recognized Commissioners here.

Let me remind you that 15 years ago, I said and you can look online, that we're not paying attention to the canary in the mine. You know the canary is ready to drop off, because the air in the mine is very poor, and striped bass are in a very bad condition. Another point, probably in the same timeframe, I stated at a meeting that we continue to do the things which I consider death by a thousand cuts, and already we haven't passed this addendum and we're all so ready to start applying cuts. Maryland has a proposal, they told us, New Jersey has a proposal, Connecticut just offered something that is more liberal. A long time ago Yogi Berra said, "When you come to the fork in the road, take it." We always tend to take the easy path, and the easy path has taken us to where we are today. We're in a precarious position, I believe, with all these years of poor recruitment and reading about the Hudson River having poor recruitment.

We're in trouble with striped bass, and we should be conservation minded as much as we can. It's as plain as the nose on our face that we have to be as conservative as we can, if we intend to reach rebuilding by 2029. I think it's Pat Willey unfair to continually advantage some while we disadvantage others.

It is not clear to some states to have to fish under different size limits, because of what we've done, when other states are paying the price. I think really, again this is part of the sermon. I think it's time for us to stand together and do the right thing. The right thing is to do the right thing for the resource, and not always to look for what's best for some segment of our community and our state.

I do understand that a lot of you folks work under a number of pressures, political pressures in your states. You know there are things that you have to deal with. But most of you are state directors or biologists, and I think as biologists you should see what the right thing to do is, and not continually do what I consider not the thing to do.

Let's not kill the goose that lays the golden eggs. Let's not make this like the American buffalo, until we, you know, kill every creature in the sea, which I don't think we would ever do. Again, I understand that there are many factors. You know the environmental factors that we deal with and what not.

My urging to you is to do what is best for the resource. What is best for the resource? The public keeps telling us. You saw the public comments by the thousands telling us what we should be doing, and we're sitting here, and we've done it meeting after meeting, whenever we've had addendums to deal with. We tend not to do what, in my opinion, what we should be doing.

I'm getting near sunset as being a member of this Commission. I'm on my last year for sure, maybe it's my last meeting. I haven't decided. But it makes no difference personally what you do, because to me, you know I don't have much of a hand in fisheries, never have. But I always wanted to do the right

thing, and I urge you all to do the right thing. Thank you.

CHAIR WARE: Adam, I saw your hand go up, were you looking to be the third spot in favor? Okay, we're going to go to Adam and then we have Eric Reid online, and then we're going to caucus.

MR. ADAM S. NOWALSKY: Thank you very much, Madam Chairman, for allowing equal number of comments to speak both for and against on this issue. I want to thank Mr. Abbot for his comments beforehand, because while we're on different sides of the issue, I think he brought forward three very good points that I agree with 100 percent. However, they lead me to a different outcome. The easy path is to simply take cuts, we know that. We know how to do that. The much more difficult path is to find a way to achieve conservation, while maximizing the societal and impacts, the economic benefits that the resource also provides.

This option that Dr. Davis has put forward, in my opinion is actually not taking the easy path, it's a more challenging one. I think that with regards to the comment of looking across the dock and saying, I want the person to be equal to me. I also agree with that statement that there should be a level of equality shared.

But the reality is that the actions by this Board and the Commission over the last two years, have actually created significant inequality, specifically the recreational sector on this fishery in particular, is very diverse, with regards to an element of fishermen that are interested in harvest, and those that are interested in only the sport aspect in releasing.

Every action that this Board has taken for the last two years, has impacted negatively only the harvesting sector, with no impact on that sector that only wants to release. Now we have a document in front of us that in black and white says, the recreational release mortality is going to increase. That element of the fishery, while the harvesters are asked to help benefit the resource, the release portion of the

fishery is going to have a negative impact on the resource.

For me, to look at this and truly talk about equality of the angler, the boat across from me, it's incumbent upon all of us to share that, when the overall reduction is so close that we're talking about tenths of percentage points, while we're going ahead and essentially giving a free pass. I would encourage this Board here on this action to do exactly as Mr. Abbott said, go ahead and not take the easy path. Challenge ourselves to do something that is not going to result in a more negative conservation impact on the resource. Therefore, I support the motion.

CHAIR WARE: Last hand was Eric Reid online.

MR. ERIC REID: Thank you, Ms. Ware, I don't want to upset your three-to-three count, so I'm just going to ask a general question, even though I support Option C for all the previous speaker's reasons. Would that be, okay?

CHAIR WARE: Sure.

MR. REID: In the discussion 15 minutes ago and not 15 years ago, or however long back in time we've gone in the last 15 minutes. The ability to actually reach the required reduction with some certainty is, in my mind going to require that we adopt every one of the most strict options in all the different categories. You know I've heard 35 to 50 something percent, depending on what options are selected.

It would seem to me to get to 50 percent or above 50 percent, every one of the most strict options has to be adopted by this Board in the next few, whatever, minutes, hours, days, whatever it's going to take. My question is, if Option B, which is 1/10 of a percent more than Option C would prevail. But any other option in this document that does not meet the highest reduction in that category should, something less than max passes it. What is the mechanism to revisit this motion C, if it should fail? If I vote on the prevailing side, can I revisit the motion before this meeting ends, and address the hypocrisy

that may or not happen in the next hour or so? Is that possible? I think it is.

CHAIR WARE: My understanding is someone on the prevailing side of the motion would have to make a motion to reconsider.

MR. REID: That would be the prevailing side of the motion that passes. If C should fail and B should pass, then I can make a motion to revisit C as well, because it is the underlying motion, the main motion that passes. If I support that then I can revisit anything in this topic, is that right?

MS. KERNS: Correct, but if you're wanting to potentially make a change, you want to see if this motion passes. This motion would become the main motion. You do have the ability to amend that new main motion if you want, or you want to carry on with business, and then you decide, mmm, I would like to revisit this. If you were on the prevailing side of whatever the main motion is that passes, then you can ask to do that.

MR. REID: Okay. I would make a motion to table, but that would be a waste of time. I'm going to keep that in mind and preserve my ability to revisit, should hypocrisy prevail in the next little bit of time, so thank you.

CHAIR WARE: Dennis, you have a parliamentary inquiry. Okay. Go ahead.

MR. ABBOTT: Eric was talking about; you know motion to reconsider. He's from Rhode Island. If the state of Rhode Island votes in favor of the motion, but Eric as an individual is on the opposite side. I actually said that backwards. If Rhode Island voted against it, we'll say, a motion, can Eric as an individual make a motion to reconsider?

CHAIR WARE: I'm going to go to Bob Beal.

MR. ABBOTT: Look to Bob for clarification.

EXECUTIVE DIRECTOR ROBERT E. BEAL: Obviously, we don't record out individuals vote within a caucus, so how the state votes collectively are what is on the

record, and that is what determines if they can or cannot revisit that motion, or initiate a revisiting of a motion. If it's 2 to 1 within a caucus, and that state votes in favor of something.

It doesn't matter which one of those three individuals wants to revisit in that state, and that motion prevailed and was passed. Any one of those three individuals could ask to revisit that motion, because their state voted in favor of a motion that passed. Does that make sense?

CHAIR WARE: I'm going to refocus us on the motions that are on the table. We're going to do a one-minute caucus. Based on the discussion we just had we will be doing roll call votes. One minute caucus. That was one minute, do states need more time? Okay, I'm not seeing anyone raise their hand for more time. Connecticut needs more time, 30 more seconds. Okay, everyone is good to go. **We are voting on the motion to amend. All those in favor of the motion to amend, please raise your hand.**

MS. KERNS: Rhode Island, Connecticut, New York, New Jersey, Potomac River Fisheries Commission, Maryland, Delaware.

CHAIR WARE: All those against the motion to amend, please raise your hand.

MS. KERNS: New Hampshire, Maine, Virginia, District of Columbia, North Carolina, Pennsylvania, NOAA Fisheries, Fish and Wildlife Service, Massachusetts.

MS. FRANKE: This is Emilie, I counted 7 in favor, 9 opposed.

CHAIR WARE: We did as well, thank you, Emilie. The **motion to amend fails, 7 to 9.** We'll get the main motion back on the board. Are there any other motions to amend the main motion? Okay, once staff have the main motion on the board, we will vote. Does anyone need time to caucus? Okay. **The main motion is on the board. All those in favor of the main motion, please raise your hand.**

MS. KERNS: New Hampshire, Maine, Delaware, Maryland, Potomac River Fisheries Commission, Virginia, District of Columbia, North Carolina, NOAA Fisheries, Fish and Wildlife Service, Connecticut, Pennsylvania. Massachusetts, Rhode Island, Virginia, you're trying to trick me by voting twice, I see that, you're testing me.

CHAIR WARE: Is there anyone opposed to the motion?

MS. KERNS: New York, New Jersey.

CHAIR WARE: The main motion passes, I have 14 to 2.

MS. FRANKE: I have that as well.

CHAIR WARE: Now we're going to do the same thing for the Chesapeake Bay. When staff are ready, we will get a blank screen up there, and I'll look for a motion on the recreational measures for the Chesapeake Bay. Not all at once. Mike Luisi.

MR. LUISI: I sent motions to Emilie and you. I'll just wait until it gets on the screen, so I don't butcher it. Hopefully I'll get a second, and then I can provide some rationale.

CHAIR WARE: Mike, is this the motion you are looking to make?

MR. LUISI: Okay, thank you. I would like to **move in Section 3.1.2 Chesapeake Bay Recreational Fishery Option C2: 19" to 24" slot, 1-fish for private vessels/shore anglers, 2-fish for-hire in the 2022 seasons.**

CHAIR WARE: Do we have a second on the motion? Yes, Ingrid. Mike, would you like to provide some rationale?

MR. LUISI: Of course. I'm not going to go back to the same discussion that we just had, and I'm hopeful that the outcome will be different here. I realize, and I agree with a lot of what the commenters said. I think Adam Nowalsky really struck a chord with me in his comments. He said a lot of the same things

that I wanted to discuss here today, regarding my rationale for this option.

While I mentioned it earlier, I'll restate for the record that the split mode option that we have currently in Maryland is in place. It's not a new option, it's not something that we're adding as a result of this Addendum. We have had split modes through conservation equivalency in Maryland since 2020.

One of the points that I want to reference here that I don't think everyone is fully aware of, at least in the discussions that I've had with folks this week is that, when we implemented those measures we added a provision for the charter fleet to be able to exercise that flexibility in having 2-fish for their clients, by voluntarily signing up for and agreeing to do electronic reporting through a state of the art electronic reporting system that we have in place for our commercial fleet.

Since we've done that, we have acquired from the charter fleet an enormous amount of information that would not readily be available to all of us through the paper reporting or the regular reporting that was the standard for many years. We have over 35,000 angler reports, as well as over 50,000 trips, where we have been able to acquire information on discards, the types of hooks, the hook location, the amount of effort that is being applied, as far as time.

All of these pieces of information I think are going to be incredibly valuable, as we move forward in our discussions about the recreational fishery. There is a lot of interest out there, about understanding more thoroughly how the recreational fishery participates with striped bass. I think that this information is going to be critical as we move forward in understanding, not only the recreational fishery in the Bay, but taking into some consideration the charter fleet, and the ability that they have to provide this information is invaluable.

What I fear is that if we don't have a 2-fish limit for this upcoming year through our next management option or our next change, which is a possibility in the future years, as a result of the assessment, that we're going to lose all of that information. The

reason why we're getting it is because we've offered it as an incentive to that program. I'll stop there with the information. I just wanted to make sure everyone was on the same page regarding what we acquire, the type of information that we're getting from the charterboat fleet.

The second point that I would like to make has to do with fairness. Fairness has been brought up, it has been discussed, and in my opinion it's very difficult for me to have two different sectors of the same group. You have your, as Adam mentioned it, your sport angler, your catch and release angler and your for-hire captain, who is taking trips for parties for the purpose of business. It's very difficult for me to look at those two individuals and believe that they are one and the same. There is a gentleman in the audience here today who represents the state of Maryland as the Vice Chairman of their charterboat association. I'll be honest, his heart is probably beating out of his chest right now, wondering what is going to happen as a result of this action that we're about to take.

You know there is such a desperate need for that business to be able to continue operating as it is in the near term, that anything less than C2, the option under C2 is going to be a devastating blow to that community and that charterboat operation in the state of Maryland. Now, I speak for Maryland, and I'm not speaking for the entirety of the Chesapeake Bay.

The way that I perceive this to happen is, if this were to be supported by the members states around this table. Each state within the jurisdiction of the Bay could or could not implement those measures. If the state of Virginia chooses not to implement that measure, that is the decision of the state of Virginia.

We would go forward and implement that. I think we've accomplished something in that we would now all have the same minimum size limit, the same maximum size limit, and that is a success. We haven't had that in years in the Chesapeake Bay. We're starting to move in that direction. I just feel very strongly that the effects that will come down

from this Board if this is not supported, we're going to be devastated.

I don't say that lightly. I hear it all the time, but I truly believe in this case that those affects will put people out of business. That is not what I've planned to do, to sit here today and allow that to happen. Madam Chair, I'll stop there. I know I'm sorry, thank you for being patient with me to get all those points across. I appreciate it, thank you.

CHAIR WARE: Ingrid, as seconder, would you like to provide some rationale?

MS. INGRID BRAUN: Sure, thank you, Madam Chair. I don't want to repeat too much, and I think Mike did a really great job at summarizing the data that is coming out of their split sector. I think there is a lot of opportunity, we just really haven't had time to use it in any manner, so I think there is opportunity.

It would be a shame to lose it before we get to see where that goes, as well as just note that with Potomac Rivers conservation equivalency we had a 2-fish bag limit in our jurisdiction, and so the split sector would support our for-hire, and we have stakeholder support for that.

CHAIR WARE: We're going to do the same approach. I'm going to look for hands who are looking to speak in favor of the motion, and then looking for hands looking to speak against the motion. Pat, we haven't heard from you yet, so I'm going to go to you first.

MR. PAT GEER: Thank you, Madam Chair. First, we are all very pleased that we are going to have some more consistency in the Bay, the slot limit is going to be the same. That is a huge accomplishment, because our regulations have just been so varying between the three jurisdictions over time.

We've met with our Advisory Committee, Finfish Management Advisory Committee, and they didn't agree on everything on these options, but they were near unanimous on not allowing mode splits. They did not want it. When we went through Addendum VI, we approved our Addendum VI options in 2019.

We had them in place before we actually approved it. It went into effect for our fall fishing season. We presented this to our Board, and they absolutely said no, they didn't want mode split. As Mike said, even if this gets passed, I don't have any guarantee that our Board will approve this. With that, and the fact that we've had a 1-fish limit with a recreational for-hire since 2019. Not hearing many comments wanting to have something more, I'm sympathetic to them, but we're going to have to vote against this.

CHAIR WARE: Next was Mike Armstrong. Mike Armstrong, it's your turn.

DR. ARMSTRONG: Sorry, I was caucusing. I'll be brief. For all the reasons I stated for the ocean not going to split mode, keep those. But there are a couple of things. The 2-fish, I believe has gone away, because it was a CE and we're in an overfished condition now. Pat talked about having uniform rules throughout the Bay. I think that will be really good for assessment purposes.

But one of the things I think about from a whole different point of view is the technical aspects that need to be also vetted, not just the fact that everyone opposes it. It's a bunch of policy things to think about more than 30 minutes of the debate right here. We're going to have to analyze, you know the effect of these things on the modes.

When we start looking at separate modes at that level and state by state, we're slicing the MRIP bologna awful thin, to the point that the data become very troublesome with huge error bars. That is just something that has to be talked about. It might be something we want to do, but we need to be aware of all the pitfalls when we start slicing the bologna like this. For those reasons I oppose this motion, same reason I opposed it for the ocean.

CHAIR WARE: The third hand I have was Dennis. Is there anyone looking to speak in favor, just doublechecking? Okay.

MR. ROBERT T. BROWN, SR.: I'm in favor of this motion, because the charter boats that are doing this electronic reporting, they have a hail-in and hail-out

system. They have to hail out in the morning before they leave, say what time they are going to be at the fishing ground, and where they are going to be fishing at.

On the hail-in, when they are coming back in, they have to report what time they will be back at the pier, so if a server wants to, he can show up and check with this guy. Then they've got to report the number of striped bass they've got, the weight, how many undersized they released, and the other fish that they caught, as well as the location where they were fishing. You know the recreational fishery uses the MRIP, which is a poll of fishermen on their catch and release, and it's far from being perfect. It needs to be improved. It's a part of our industry that we have in the Chesapeake Bay, and hopefully it will pass, because it is needed to get it, and we also, we get better information from the charterboat captains than any other part.

CHAIR WARE: Thank you, Robert. I have Dennis and then David Sikorski, were you looking to speak? Okay, after that we're going to caucus.

MR. ABBOTT: I think enough points have been made for and against. But a question I would have for Mike Luisi is, in lieu of five consecutive years of terrible recruitment in the Chesapeake Bay, number one, would you consider that angler success this year is going to be poorer than it has been in previous years, and would you not agree that as we're trying to rebuild the stock that in the nursery area of the Chesapeake Bay, that we should be offering more protection there, well not more, but equal protection there as in other areas?

CHAIR WARE: Mike, it's up to you if you want to respond to that. If you don't want to, we'll go on to David Sikorski.

MR. LUISI: I'll respond, or at least I'll make another point, or make another comment to the question. This slot limit reduction is where we're going to get the biggest bang for the buck here. The few hundred charterboat captains that operate annually are not, in my opinion, going to make the difference here.

The slot limit is going to cut back on the number of harvested fish dramatically. We're talking about a slot limit that is not much longer than a soda can. There are going to be fish that will be harvested, but the amount that won't be, I think will be tremendous. That is where I believe the action that we're taking strikes both the private angler and the charterboat captains, in this case.

We implemented the emergency regulation last year when that was done in the Bay, but a 31-inch maximum size limit in the Bay isn't much of a reduction. You know, in consideration of that slot limit, I think that is where we're going to achieve that conservation level. I know that we've talked a lot about math today.

I think trying to do hardcore math around estimates of probability. I think taking action, reducing harvest, trying to reduce the amount of discards that are occurring, is always going to be a challenge. But it's baked in to what we have. But I do believe, Dennis, pointed to your question, that just by the slot limit alone we will be taking necessary action for conservation efforts in the Bay.

CHAIR WARE: Dave Sikorski.

MR. SIKORSKI: I'm speaking in opposition to this motion. I would actually like to **move to substitute this**. I've prepared a motion for staff. I'll read it when it's on the board, it is **for Option B2**, which is the same slot.

CHAIR WARE: **This is a substitute for B2 in the Chesapeake Bay**, is there a second? I saw Pat Geer first. David Sikorski, would you like to provide rationale while the staff are typing this up?

MR. SIKORSKI: Yes, Ma'am, thank you. We've obviously had a lot of discussion on where we sit. The reason that I selected this motion, or selected this option, is partly because of what the slot allows us to pursue. The 2018-year class is now a little bit bigger than 24 inches, so I think we'll be protecting them.

Even though there is a lot of different tradeoffs with these various slots, I think this one makes a lot of sense for the fishery in the Chesapeake. One-fish for all coastwide and consistent regulations coastwide, is something we've been hearing from portions of the recreational fishery for a very long time.

Consistency is something we've talked about for a very long time here. Since Addendum VI was enacted, I have felt that Maryland and the Chesapeake Bay jurisdictions did a disservice to this resource, and that was irresponsible, given our role in producing, nurturing and sending off to recruit the striped bass, which fuel this fishery up and down the Atlantic coast.

If we didn't have five years of poor recruitment, if we didn't have ubiquitous abundance of blue catfish, and apex predator, if we didn't have water quality and habitat concerns, and if we had a little bit of a bright spot on the horizon with recruitment coastwide, I would feel differently about the number of fish people get to take.

But one fish for all should have been how we've prosecuted our fishery in Maryland for the last four years. While I'm in deep support of improved data and dialogue on this very same issue, for the reasons we've already heard today. Now is not the time. We are chasing a snowball down the hill, and two fish versus one just means a higher fishing mortality for some people.

We also have this problem in our commercial fishery, and for the last many years we've failed across the Chesapeake Bay to meet the 18 percent reduction, in once a very effective fishery, catching 80 percent of the numbers of fish coastwide in commercial fisheries. While we're not talking about commercial fisheries here, it is important that we build this consistency and move forward with a strong focus on hoping that we can conserve what is in the water now, and still provide as much benefit as possible.

My last point is that it absolutely weighs heavily on my mind the impact that this has on businesses in Maryland. But we've already seen the complete closure of April, which was necessary to keep two

fish in place for certain participants, have an impact on one tackle shop in Annapolis called All Tackle, and reported that that closure of April was received in a CE Plan 0.76 percent reduction, affected his business by 25 percent over the last three years.

We really have to consider that there are broad businesses across the recreational fishing community. There is broad participation, and there are so many ways to define each other. But I prefer to define us as the general public, because each and every one of the general public owns this resource.

Until the sun shines a little bit brighter on striped bass, I would urge folks to stop dividing and applying relative morality so much across who gets what, because guess what? The dark days are coming and it's time to buck up, reduce fishing mortality. I think this option does that effectively in the Chesapeake Bay, for now, and I hope we can all be having more positive conversations around this table in the near future, but fear we won't.

CHAIR WARE: Can I just get you to read this into the record while you have the microphone?

MR. SIKORSKI: Yes, Ma'am, thank you, sorry about that. **I move to substitute to approve Section 3.1.2, Chesapeake Bay Recreational Fishery Option B2, which is 19 to 24-inch slot, 1-fish for all modes, 2022 seasons.**

CHAIR WARE: Pat, as the seconder would you like to provide any rationale?

MR. GEER: Just I want to add a few things again. This gives full consistency on our slot limit. The recreational modes are the same. Importantly to note is that it keeps the 2022 seasons the same. It still provides that opportunity for people to go fishing. We're not taking that away, Virginia only has about 120-day season.

Thirty days in the spring and the rest starting October through December. Potomac River Fisheries Commission and Maryland have slightly over 200 days of open season, so they are still going to have that. They will still have that opportunity to go

fishing. That is not being affected at all. I think this is as fair as we're going to get at this point.

CHAIR WARE: We're going to do the same thing; I'm going to look for those looking to speak in favor of the motion to amend. We've had a lot of comments already, so I would be looking for new hands at this point who haven't spoken on Chesapeake Bay recreational measures in favor. Then those hoping to speak against, who have not spoken yet. Okay, Chris Batsavage.

MR. BATSAVAGE: I can support this motion. I think Option B1 would provide a better chance at getting to Target F and meeting the rebuilding by 2029. I would like that, especially since we don't know what we're going to be doing when it comes to voting on commercial reductions yet. But I can support B2 for the many reasons already given, and the overall reduction is where we need to be, and very close to what we just did for the ocean.

CHAIR WARE: That was the only new hand I had, any other new hands? Okay, we're going to go to a one-minute caucus. Does anyone need more time to caucus on this, 30 more seconds for Connecticut. **We are voting on the motion to substitute. All those in favor of the motion to substitute, please raise your hand.**

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

CHAIR WARE: All those opposed.

MS. KERNS: New Jersey, Potomac River Fisheries Commission, and Maryland.

CHAIR WARE: I have the motion to substitute passing 13 to 3.

MS. FRANKE: I have that as well.

CHAIR WARE: The motion to substitute is now our main motion. Mike Luisi.

MR. LUISI: I warned you this morning, I've got a few tricks left here, as Dennis would say. I have something for the Board to consider. I've had discussions with our stakeholders and our charterboat fleet. I think, as Emilie is pulling this up. Emilie, would you mind putting up the last motion. Okay, putting up the last motion. I'll wait for it to come on the screen.

MS. KERNS: Are you going to fill in the values as you speak, because right now it has exes?

MR. LUISI: I can do the values.

MS. KERNS: Okay, thanks, we're just checking.

MR. LUISI: I would like to **move to approve in Section 3.1.2 Chesapeake Recreational Fishery Option C2, which is a 19 to 24-inch slot, 1-fish for private vessels and shore anglers, 2-fish for-hire for the 2022 seasons for 2024, and Option B2, which is a 19 to 24-inch slot, 1-fish for all modes with a 2022 season for 2025.** If I get a second, I can offer some additional rationale to my previous comments.

CHAIR WARE: I think this will be a motion to substitute, Mike, is that correct?

MR. LUISI: That is correct, sorry.

CHAIR WARE: No worries. Is there a second to this motion? All right, Ingrid is seconding the motion.

MR. LUISI: Okay so, Madam Chair and members of the Board. I appreciate the comments and thoughts that were put into the rationale behind the motion that was passed regarding the B2 option. What this motion does for the state of Maryland, which it allows for some planning and timing that would account for the 2024 season, allowing the charterboat fleet to start working towards a business plan, a business model that would account for changes coming in 2025.

I realize that there are a lot of concerns about having different rules for the different sectors. I thought I heard somebody mention that this we are starting new here, and that we need to analyze this. This has

been analyzed, the sector split, the mode splits in Maryland and Chesapeake Bay have been in place for a number of years. All that we're asking for in this case is the continuance of that provision for one more year, so that our businesses can plan for the change that will be coming in 2025.

In addition to that, it will give us some time to work with our stakeholders and the industry, to ensure that we continue to receive similar types of information that we're getting from the electronic reporting system, that I fear as a retaliation against having a 1-fish slot limit for all modes, would bring us back in position again not to have the information I think that is going to be very important for the future.

CHAIR WARE: Ingrid, as the seconder, would you like to provide any rationale? You're all set, okay. This is a motion to substitute in process. We're looking for anyone looking to speak in favor of the motion to substitute. Dennis, you have a parliamentary inquiry, go for it.

MR. ABBOTT: I'll look for some help from my representative from Massachusetts, maybe on this, but we just defeated a motion to have a 19 to 24-inch slot, 1-fish for private vessels, 2 for for-hire. That was included in the previous motion. To me, we've already defeated that, and that doesn't belong, this motion in my mind is not proper.

CHAIR WARE: I see the hands. What I'm hearing is that this is a gray area. As Chair, I'm going to rule that this is a different concept, so I'm going to allow the motion to stand. We're looking for hands looking to speak in favor of the motion to substitute, and those looking to speak against the motion to substitute. Adam Nowalsky, we'll start with you.

MR. NOWALSKY: Just trying to stick to points that haven't been discussed. I think that one of the benefits of this motion, if there is anyone who was looking at the overall reduction with C2 and saying, well it is not quite where I want it to be. Looking at the time series this would be in place, this would significantly bring that number up, so that loses any angst, particularly in my mind, that the reduction

was too low, because we're going with the higher reduction in the second year.

Another point I'll touch on is just the operations of the for-hire sector. As someone who has operated a for-hire vessel for a long time, not as much in recent years as in past. But the business model a lot of times, you get a passenger walks off a boat, they will book a trip when they leave, or they will call you up around the first of the year, booking trips for that next year, with an expectation that regulations are going to be X.

You take deposits for that money, you do things investing it in the vessel, things you need to do to be operational. I am 100 percent confident that there are many operators within the Chesapeake Bay who have operated on this model, have commitments to customers for the coming year, with an expectation of what regulations are going to be.

Losing that second fish is going to result in those customers calling those operators up and saying, not going to do it. I want my money back. We've seen the loss of trips, speaking for myself and knowledge with New Jersey fishermen, and the change in regulations that resulted in the emergency measures. I have no doubt that this is what the immediate impact will be on these vessels in 2024.

I applaud the state of Maryland for bringing something forward that achieves a lot of the conservation goals that we all share around the table. I would encourage my counterparts around the table to not take the easy path here, and again to look at this for what it is, as a creative way forward to keep those businesses going, while meeting the conservation goals that we need to collectively.

CHAIR WARE: Next, I have Doug Grout.

MR. GROUT: I am opposed to this, because what we're trying to do here is to reduce the removals in 2024 by 14.5 percent. The measure that would go in under C2 would have an 11 percent reduction, and so it doesn't get us to where we need to be in 2024, which is what the main driving factor behind this Addendum is.

CHAIR WARE: Next, Emerson, I see your hand raised.

MR. HASBROUCK: I initially opposed this motion, but my hand was up really to ask a process question. If this should pass, and then we get our next stock assessment for striped bass, and we have to take additional reductions, possibly in 2025. What happens with the second part of this motion?

Are we stuck with Option B2, in the Chesapeake for 2025, regardless of what happens with the resource and what the Board decides going forward here, or is this really just to give the Chesapeake fishery a by in Year 1, and we'll see what happens in Year 2, because we may not be able to enforce what is going on in the second part of this motion. I don't know if there is anybody who can answer that.

CHAIR WARE: Emerson, I think what would happen is, if the Board was interested in an action following let's say the 2024 assessment. Depending on future motions here, if there is an option for Board action and the Board chooses that action, then through a simple majority the Board could vote to change the options for 2025. If there is not a Board action option or the Board chooses to go through an addendum, then we would go through the addendum process and there would be changing measures for 2026. Next, I have Mike Armstrong.

DR. ARMSTRONG: I applaud the second part of sunseting the mode split, in fact I had two motions to sunset any mode split that happened in the past. But the first part, we're looking at an 11 percent reduction. This fishery fishes on the exact five-year classes that our recovery depends on, and we're going with just about the lowest cut we could possibly find in this document. I'm sorry, that just doesn't work. We need to be more conservative, so I vote against that.

CHAIR WARE: I had two hands that I don't think were either for or against. Max Appelman.

MR. APPELMAN: Just point of clarification, I guess. Is the intent here that the second part of this motion to substitute would be for 2025 and beyond, or is that also just for 2025 and then revert back to

current measures? The way it is written I just want to make sure I understand what the intent is.

MR. LUISI: The intent would be to implement as of January 1, the 2025, the limits under B2, and then we would have no intention to change in 2026, unless the Board directed that action. That would stay in place until the next time the Board takes action on recreational management.

CHAIR WARE: Mike, to better capture I think what you just said, could I make a suggestion, and that would be right before 2025. It would say, beginning January 1, 2025.

MR. LUISI: We don't have a recreational season that starts until May/June, but sure.

CHAIR WARE: I think this gets to Max's question about what happens potentially in 2026. I think that better clarifies the intent of your motion.

MR. LUISI: Sure, I'm comfortable with that.

CHAIR WARE: Ingrid, as the seconder, are you okay with that? Thank you. Justin Davis. Mike Luisi, do you have a comment?

MR. LUISI: Yes, I'm sorry to take up so much time, but I do want to clarify something that I heard. Emerson made a point that if this motion were to pass, that for 2024 Maryland would get a pass. That is the furthest thing from the truth. We're talking about coming down from the no maximum size limit, essentially, to a 24-inch maximum size limit in the Chesapeake Bay. There is no pass there. What I would argue is that those individuals that are getting the pass are the ones causing a large majority of the fishing mortality along this entire Atlantic coast.

Those are the sport anglers who are the loudest, the most vocal, and they want all the conservation in the world, without any care or consideration for the individuals that are suffering as the result of the actions that we take. There is no pass here. I am not asking for a pass. I'm asking for some allowance for planning purposes for a stakeholder group that needs time to get their act together, and start

figuring out how they are going to sell trips to continue their livelihoods in 2025.

CHAIR WARE: The last hand I have is David Sikorski, and then we're going to caucus.

MR. SIKORSKI: I'll pass. We can go ahead and caucus.

CHAIR WARE: Okay, does anyone need to caucus on this? Yes, one-minute caucus, Connecticut.

DR. DAVIS: Could we preemptively ask for a 90 second caucus, to allow for an extension.

CHAIR WARE: Let's make it two minutes, just in case. All right, that was two minutes, so we are going to go ahead and vote. **This is voting on the motion to substitute. All those in favor of the motion to substitute, please raise your hand.**

MS. KERNS: Maryland, Potomac River Fisheries Commission, Virginia, New Jersey.

CHAIR WARE: All those opposed to the motion to substitute, please raise your hand.

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

CHAIR WARE: I have the motion to substitute failing 4 to 12.

MS. FRANKE: Confirmed.

CHAIR WARE: Thanks, Emilie. We are back on the main motion, which is Option B2 for the Chesapeake Bay. Are there any other motions for Chesapeake Bay recreational measures? Mike Luisi.

MR. LUISI: Okay, I'm going to do this quickly, based on the comments. All I would like to change, if you can just put that entire motion back up.

CHAIR WARE: The one we just took off?

MR. LUISI: The one we just took off, and just change the C2 to C1, which is a smaller size limit of 23-inch maximum for 2024. That addresses the concern regarding the 11 percent projected reduction, and gets us to something closer to 14 percent. I believe it achieves the 14.5 percent reduction.

I promise, Madam Chair, this is my last attempt to try to salvage something still, for this upcoming season. I'm going to leave it there. You've heard everything I need to say. I don't expect to spend a lot of time here, but I know that was one matter that wasn't addressed in the previous motion.

CHAIR WARE: Can I get you to read it into the record though?

MR. LUISI: **Move to substitute in Section 3.1.2, Chesapeake Bay Recreational Fishery Option C1, 19-23-inch slot, 1-fish for private vessel shore anglers, 2-fish for for-hire, 2022 seasons for 2024, and Option B2, 19-24-inch slot, 1-fish for all modes, 2022 seasons beginning January 1, 2025.**

CHAIR WARE: Is there a second to the motion? Justin Davis. Mike, I think you said you're all set. Justin, would you like to speak to the motion?

DR. DAVIS: I think this is a reasonable compromise. Option C1 is more conservative than Option C2, which was the motion previously. This will provide the split mode for one season this year, and then reverting to no split modes, so it's a half away from the mode split in Chesapeake Bay. I think this is a reasonable compromise.

CHAIR WARE: I'm looking once again for those looking to speak in favor of the motion to substitute, and those looking to speak opposed. Okay, I only saw two hands raised, those are the only two comments I am going to take on this, so Adam, you are up first.

MR. NOWALSKY: I think I'm going to put a challenge out to everyone here today who has said that we need the most conservative way forward possible. The reality is, is that C1 is more conservative than B2.

By voting for C1 for Year 1, plus B2 moving forward. That is a more conservative approach.

Saving more fish, with a narrower slot limit, protecting the 2015-year class, all the things everybody has brought forward as the important points here. This does it. This is a more conservative option than B2. I understand that there are a lot of people here today that want to speak about concerns about mode split, but right now you have to make a decision. What is more important to you, not allowing the mode split, or choosing the more conservative option? If the answer is the more conservative option, then I would encourage you to vote for this motion.

CHAIR WARE: David Sikorski.

MR. SIKORSKI: I've made plenty of comments about my concerns about the way that we're impacting these poor year classes in the Bay. I also didn't say earlier that if I had my way, I would actually prefer a much broader slot in the Chesapeake, and largely to avoid discards. We all know we have warming waters.

We have an impaired Bay. We've heard from my seat mates and the Department for ages about efforts to decrease discard mortality. This one will increase discard mortality. There are a lot of 23 to 28-inch fish in the Chesapeake Bay, relatively. They are going to be caught. They are going to be mixed in, and those are wasted fish.

I think that while we are attempting to try and find some sort of solution, there are privileges being given coastwide. It's being asked for, for a small group, and if we really care about data, we care about conservation. We're not letting some people get two fish, because that's twice as many as one.

Given MRIP, given FES concerns, given everything else going on, I have repeatedly stated that I have major concerns that the private anglers are not being counted accurately, and maybe overcounted. Therefore, fish we're trying to save on that side of the coin are not being saved. Again, the comment I didn't make earlier I'll make now.

Let's stop trying to define people by the way they choose to participate in the fishery, or what their opinion might be the time you talk to them. Stop this –sportsmen versus clients versus these people or those people. It is the general public, and I cannot support giving some people in the general public two fish, when other people get one, up and down our entire coast. I will vote against this.

CHAIR WARE: We're going to do a two-minute caucus on this, and then we're going to vote. Does anyone need more time? I realize there is still time on the clock, but people look good. Okay, we are **voting on the motion to substitute. All those in favor of the motion to substitute, please raise your hand.**

MS. KERNS: Rhode Island, Connecticut, New York, New Jersey, Maryland, Delaware.

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

MS. KERNS: New Hampshire, Maine, Potomac River Fisheries, Virginia, District of Columbia, North Carolina, Pennsylvania, NOAA Fisheries, Massachusetts.

CHAIR WARE: Any null votes, any abstentions?

MS. KERNS: Fish and Wildlife Service.

CHAIR WARE: I have the motion to substitute failing 6 to 9 with 1 abstention.

MS. FRANKE: Confirmed.

CHAIR WARE: Okay, we are now **back on the main motion, which is Option B2 in the Chesapeake Bay.** Last call for any other motions on this. Does anyone need to caucus? We're going to vote. **All those in favor of the main motion, please raise your hand.**

MS. KERNS: New Hampshire, Maine, Delaware, Potomac River Fisheries Commission, Virginia, District of Columbia, New Hampshire, Pennsylvania, I'm sorry, North Carolina. Too many motions, NOAA Fisheries, Fish and Wildlife Service,

New York, Connecticut, Massachusetts, Rhode Island.

CHAIR WARE: All those opposed.

MS. KERNS: Emphatic Maryland, New Jersey.

CHAIR WARE: I have the main motion passing 14 to 2.

MS. FRANKE: Confirmed.

CHAIR WARE: That brings us through the Chesapeake Bay Recreational Measure Option. Emilie, I just want to confirm with you. I don't believe now we need to vote on Section 3.1.3. Is that correct?

MS. FRANKE: Correct, the Board did not select any mode split options, so we do not need to vote on that section.

CHAIR WARE: Okay, we've been going for almost three hours, if you can imagine, so we're going to do a ten-minute break, and ask folks to come back at 4:21, and we will start with Section 3.1.4.

(Whereupon a recess was taken.)

CHAIR WARE: We are now on Section 3.1.4, recreational filleting. I am just actually going to go to Emilie. We had some questions in the break about Option B. Emilie, if you could just clarify Option B, and I think the specific question, which might have been asked in a variety before, was if all the elements of Option B are required, and how Option B is currently written.

MS. FRANKE: Sure. For Option B that would establish minimum requirements and there are three minimum requirements listed in that option. The racks have to be retained, the skin has to be left intact, and possession limited to no more than two fillets per fish. As that option is written, all three of those required elements would be included, so all three of those elements would be required to be implemented.

CHAIR WARE: Thank you. Adam, do you have a question on that specific alternative?

MR. NOWALSKY: Yes, who is going to be the arbiter of determining to what extent specifically the first two of those, racks to be retained. For how long? Where? Do I have to keep them on my boat? Do I have to keep them on my boat until the next day? Can I put them in a burlap bag and take them home with me, and have them in a cooler? Can I let the raccoons rape my garage?

Skin intact, skin intact in various places means different things from the entirety of the fillet to a small tad. Some states actually have very specific size, a 1 by 1 area, or something in place. Who is determining to what extent those first two elements are, to actually be enforced?

MS. FRANKE: I think it would be up to the state's enforcement bodies to help consult on that regulatory language, and sort of to what extent those first two elements would need to be explained in the regulations.

CHAIR WARE: I would just add, we also will state in the implementation plans for this addendum, so those will be submitted to the Board, the Board will be reviewing those. Go ahead, Adam.

MR. NOWALSKY: What I'm hearing is that if Option B would be selected, states would be required to enact something about rack retention, something about skin being left intact, but those regulations may vary up and down the coast. Is that what I'm hearing?

MS. FRANKE: Yes, I think the regulatory language may vary, depending on the state and what that state's enforcement, or how that state deems the level of regulatory language that is needed to support enforcement.

CHAIR WARE: I think that was some important clarification on these options, before we go ahead. I'll ask, are there any motions on Section 3.1.4, recreational filleting? Mike Armstrong.

DR. ARMSTRONG: Move to approve under Section 3.1.4 Recreational Filleting Allowance Requirements Option B, to establish minimum requirements for states that authorize filleting.

CHAIR WARE: Is there a second, Cheri Patterson. Mike, could I just get you to read the motion that is on the screen into it? I think it was slightly different than yours.

DR. ARMSTRONG: Yes. **Move to approve in Section 3.1.4 Recreational Filleting Allowance Requirements Option B: For states that authorize at-sea/shore-side filleting of striped bass, establish minimum requirements, including requirements for racks to be retained; skin to be intact; and possession to be limited to no more than two fillets per legal fish.**

CHAIR WARE: Would you like to provide some rationale?

DR. ARMSTRONG: Rationale, it makes complete sense. Most states have this. We are one of the few that don't require racks to be brought to shore by just our charter fleet, and we believe Law Enforcement would like to see those racks coming to shore. It's common sense, it tightens up enforcement, and I'll leave it at that.

CHAIR WARE: Cheri, as seconder, would you like to provide anything?

MS. CHERI PATTERSON: New Hampshire is one of the states that does have these sorts of regulations set up. It works for Law Enforcement. It is tidy, and when we're just dealing with, essentially one fish coming in, it should be pretty easy for the number of racks that need to be dealt with later.

CHAIR WARE: Mike Armstrong, you have a hot mic, your microphone is on. We have a motion on the board for Option B. I think we'll start with Marty. I suspect there are some clarifications that are coming on this.

MR. MARTIN GARY: If process permits, I would like to ask if the maker of the motion would accept a

friendly to remove the skin on provision. In New York, our for-hire sector expressed to us that they like to fillet the fish. The racks and other provisions of the motion would be maintained, but the skin would come off. That would be a help to them. I would ask the maker of the motion if process would allow us to do a friendly there.

CHAIR WARE: All right, the advice I'm getting, Marty, which is I admit contrary to what I just told you, is that this would be a motion to amend. I apologize. Would you feel comfortable making a motion to amend for that?

MR. GARY: Yes, you are going to have to help me out with this. We'll make a motion to amend, and help me out. I think everything would stay intact except for the skin to be left intact.

CHAIR WARE: Yes, so if you can just read what staff has written on the screen.

MR. GARY: Well, that's easy. **Move to amend to remove "skin to be left intact."**

CHAIR WARE: Is there a second? Joe Cimino. Marty, would you like to provide some rationale on the motion to amend?

MR. GARY: Sure, in our public hearings and other interactions with our for-hire sector, they expressed to us that they like to have their customers fillet the fish with the skin off. We would again maintain the racks. It's just another step they would have to complete upon arrival at the dock, so this is something they would like to just take care of at sea, be done with it, and that's one less step for them, you know in the process of bringing their crew back, and let their patrons get on the road when they get home.

CHAIR WARE: Joe Cimino, as the seconder, would you like to provide rationale?

MR. CIMINO: I think this is something that is a little different than some of the other species where we have been dealing with this. New Jersey has very restrictive measures for a special fillet permit. I don't

know that we would particularly get into this, but I just wanted to provide some support for Marty in this motion.

CHAIR WARE: We have a motion to amend on the board. As always, I'm going to look for hands that are looking to speak in support of the motion to amend. Okay, question from John Clark.

MR. JOHN CLARK: I'm sorry if I missed that. I'm just a little confused. If this passes, would a regulation that I think right now, like that we have, that I think does all this, but it's not worded that way. Will we have to change it to explicitly state that you have to retain the rack, and you are limited to no more than two fillets per legal fish, or can the regulation just be left alone on the assumption that it does the same thing?

MS. KERNS: John, in order to answer that I would need a look at your regulation, which I think is in the back of the document, so give me a minute.

CHAIR WARE: John, while Toni looks that up, I'm going to just start asking for comments on the motion, and we'll get back to you. Anyone looking to speak in favor of the motion to amend. Okay, anyone looking to speak against the motion to amend, please raise your hand. Okay, the only hand I see is Doug, so go ahead, Doug.

MR. GROUT: It's sort of a partial position against it. I just wanted to provide our experience with that, because we had the same issue when we were putting in this regulation in the state. There are a couple ways we have chosen to address it, with this and actually with other species is, we allowed them to skin it and still have it just partially attached, with maybe an inch, so that the customer who is coming off of a charterboat, or coming to shore with this as a private angler, could have that skin intact so it could be used for identification.

That is a very important aspect of it, and the other way it was addressed at the New England Fisheries Management Council is we had like, I think it was a four-inch square patch would have to be left on for

identification. That way people could skin it primarily, you know either fully, or a portion of it.

But you would still have something for identification, and that is just to make sure that those fillets are actually striped bass fillets that came off of that rack, as opposed to some other species. There might be a way within your rules to come up with something that would meet this condition, while still allowing them to provide, at least some partial skinning options.

CHAIR WARE: Yes, Marty.

MR. GARY: Doug, I appreciate those comments. Based on the discussions our staff has been engaged upon, and we talked to law enforcement and our stakeholders. With the retention of a rack, all things considered, other potential species they may become confused with, they don't think it is a problem in our area.

But I would defer maybe another species caught, or something else up in your area might be a problem. I don't know. I'm speaking from Long Island, New York. I can't speak for others, but we didn't think it was going to be a problem differentiating them, based on the retention of the rack alone. I do see what you're saying about the skin, we're just trying to keep this as simple as possible.

CHAIR WARE: All right, John, we have a response to your question from earlier.

MS. KERNS: In reading your regulations, Delaware does not allow filleting, and these recommendations are only for states that allow filleting, so it would not apply.

CHAIR WARE: This is going to be our last call for hands on the motion to amend. I see Adam Nowalsky.

MR. NOWALSKY: One other clarification with this that I would want on the record here today. New Jersey has a program for certain inspected vessels to apply for a fillet permit. New Jersey authorizes at-sea filleting, but only for a small portion of vessels. I just

want clear on the record that this particular stipulation would continue only to apply to that subset of vessels.

That this isn't going to suddenly then require everybody else as well to adhere to these regulations, only to those vessels that would be subject to the regulations, not just become some, because a state had some small portion of them. That is all I want to make sure is clear on the record.

CHAIR WARE: I think your interpretation is correct, Adam, based on what I'm hearing. I'm going to allow just 60 seconds for a caucus on this. That was 60 seconds, we are going to call the question. **All those in favor of the motion to amend, please raise your hand.**

MS. KERNS: Delaware, Maryland, Potomac River Fisheries Commission, Virginia, District of Columbia, North Carolina, Pennsylvania, New Jersey, New York, Connecticut, Massachusetts, and Rhode Island.

CHAIR WARE: All those opposed.

MS. KERNS: Maine and New Hampshire.

CHAIR WARE: Any null votes, any abstentions?

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

CHAIR WARE: All right, I have the motion to amend passing 12 to 2 with 2 abstentions.

MS. FRANKE: Confirmed.

CHAIR WARE: We now have an amended main motion. Is there any need for discussion on the amended main motion? David Borden.

MR. BORDEN: I've got actually two questions, and they should be short. I can't recall what the recommendation was from the Enforcement Committee on this. Did they review this and give us comments, Toni? Could you just quickly summarize?

Are we including all of their recommendations with this?

MS. KERNS: Yes, the Law Enforcement Committee did speak to this, Jeff provided it in his report, and the enforcement group was in favor of any regulations that clarified and made it easier for them to enforce such rules. Taking away the skin intact, I can't remember exactly what they said on that issue, but the majority of them, yes.

MR. BORDEN: That's fine, thank you very much for summarizing that. The only thing that makes me a little bit nervous with that is, it's not the underlying motion, it's the fact that states may have different provisions. I'm not being critical, I'm just saying this is a perfect type issue that those states that want to use this provision, I think there should be some effort to try to coordinate and come up with uniform provisions. I don't think we need to include this or require this as part of it. I'm just making that as a suggestion.

CHAIR WARE: Thank you, David, we'll note that suggestion. I don't see any other hands; I'm assuming there is no need to caucus. **All of those in favor of the main motion, please raise your hand.**

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

CHAIR WARE: Anyone opposed? Any abstentions?

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

CHAIR WARE: The motion I have passing 14 to 0 with 2 abstentions.

MS. FRANKE: Yes.

CHAIR WARE: That now brings us to, I believe the commercial fishery section of the document. Is there anyone who would like to make a motion for Section

3.2 Commercial Fishery Management Measures. Mike Armstrong.

DR. ARMSTRONG: Yes, I would like to move to approve under Section 3.2.1 Commercial Quota Reduction, Option B, with a 14 percent reduction to be applied to the ocean and Chesapeake Bay commercial fisheries.

CHAIR WARE: We have a motion from Mike Armstrong for a 14 percent reduction. Mike is just confirming that is the percent reduction you are looking for? Do we have a second on the motion for a 14 percent commercial reduction? Cheri Patterson. Mike, can I get you to read what is on the screen in, because I think it is slightly different, and then provide the rationale.

DR. ARMSTRONG: Okay, **move to approve in Section 3.2.1 Commercial Quota Reduction Option B, 14 percent reduction from ocean and Chesapeake Bay, 2022 quotas with 2022 size limits.** The rationale, I mean we've talked a lot about, at least I have. You know last year was about recreational, we're moving on, we have interim measures, which should include cuts to commercial, because we need to be moving in that direction.

We can debate that. I picked 14, because I think I went with the lowest of cuts from the recreational. I don't think the commercial fishery should be cut any more than the lowest amount that the recreational is being cut, which is 14.1. If we want to add in the 1, we could, but I don't think it is necessary to go into decimal points on a commercial quota. That's it.

CHAIR WARE: Cheri, as the seconder, do you have any rationale?

MS. PATTERSON: I seconded for the sake of conversation or discussion. But as Mike knows, I have all along been in favor of, Mike, you're hot again. Your microphone is hot. There you go. I do understand that it is a minor reduction from the recreational, but I have always indicated that I think the commercial should be taking reductions, as well as the recreational, regardless of who might be, I

don't want to say at fault, but who might have created the majority of the current situation.

CHAIR WARE: We have a motion on the board for a 14 percent reduction. Is there anyone who would like to speak in favor of the motion, please raise your hand. A question, sure.

MR. ROY W. MILLER: The document says 14.5 percent, Mike. Did you purposely round down with your 14?

DR. ARMSTRONG: No, the document is 14.5, because that was the target, and we didn't achieve that exactly with the recreational, just because of the way you have to do the math. The lowest amount that was cut at the coast, 14.1. I don't think we should be cutting the commercial more than what we're cutting the recreational. I just got rid of the decimal point and called it 14.

MS. KERNS: Just to clarify, the document says up to 14.5, so the Board has the ability to go anywhere between 0 and 14.5.

CHAIR WARE: Looking now for those who would like to speak in favor of the motion. Anyone looking to speak against the motion? Okay, John Clark.

MR. CLARK: There is a whole ping pong. I would like to move to amend, I believe it would be "amend" right, because I just want to change it to Option A, status quo, and if I can get a second, I will speak to that.

MR. HASBROUCK: Emerson seconds that.

CHAIR WARE: I think that would be a substitute, John.

MR. CLARK: Substitute, well that is fine.

MR. HASBROUCK: I'll still second it, whichever it is.

CHAIR WARE: Thanks, Emerson, let us get that on the board, and then John, I'll have you read it into the record and provide the rationale when it is up on the screen.

MR. CLARK: Okay, **move to substitute Option A, status quo**. Should I go ahead and start?

CHAIR WARE: Yes, please.

MR. CLARK: As we've seen, looking over the course of the past year, the big problem here was a huge increase in recreational harvest. We know that recreational removals are more than 90 percent of the striped bass removals. This seems at this point that not only will you not get much out of cutting this 10 percent, that the commercial side is taking, but you are going to make life very difficult for them.

Just looking at what this would do since, I believe it was Addendum IV in 2015. This will bring us up to about a 40 percent cut in Delaware, and I know we've actually gone easier, because we reduced the amount of reduction we took under Addendum VI. We're looking at the point where you are starting to squeeze this fishery to the point where they are not going to be able to make a living at this.

It was interesting this morning during the Executive Committee we were talking about working water fronts. This is yet another attack. We have a very small-scale fishery. They've gone from individual quotas that were up around 1,700 pounds. If this goes through, they would be around 1,000 pounds per person. That's a huge cut over a course of not even ten years that they've taken.

We've got very good, you know I'm not going to claim it's perfect, but we have a system where the netters have to tag their fish. They have to take it to a weigh station for a second tag. We get daily reporting of everything. This is a very well documented fishery, and I'm not going to say, you know obviously nothing is perfect.

Once again, you're getting to a situation where, as we discuss with like spiny dogfish yesterday, we're going to start seeing a situation where these fisheries just won't continue. I mean if there are situations now while the fishery is open and I can go to seafood restaurants in the Mid-Atlantic, and there won't even be striped bass on the menu, because we have been cutting these quotas back so far.

To me that is a real disservice to the people that, you know why should you have to go out there any actually fish to be able to enjoy a striped bass? I think people, you know the little old lady in Wilmington that wants to have striped bass once in a while. Make it available. We've got a very well managed fishery there.

In addition, we've to the situation where we've got a logistical snafu here, in that we've already got certain states in the ocean fishery that are open now. We open very shortly now. This would be a real problem, just for us to control this at this point. Again, I understand how there is a concern that if the recreational side has to do something, then the commercial side has to do it. But once again, I said when we first started this addendum process, we weren't even talking about taking anything away from the commercial, because we recognized what a small part of the reduction in the striped bass numbers were out there.

I'll just leave it at that for now, but I really don't think this is the time. One last thing, I'm sorry. But I would like to see, as we go to a new addendum process, which we will probably be doing after the next assessment, that we look more thoroughly at commercial, rather than just taking yet another quota reduction.

Let's look at making sure that all states have to tag striped bass when the fishermen catch them, commercially that is, and report them daily, so we know there is good reporting across the way. We've talked about it for years, the allocation obviously. You've heard Delaware complaining, you might even call it whining over the years, about the size of our quota. I mean there are lots of problems with the commercial side that we can fix, but I think the thing to do is to go to a new addendum process, just to look at the commercial side of things. I'll leave it at that.

CHAIR WARE: Emerson, as the seconder would you like to provide rationale?

MR. HASBROUCK: Yes, I echo everything that John just said. The problem we're currently dealing with

is the large increase in recreational removals. This addendum is a reaction to that large increase in recreational removals. The commercial fishery has been constrained by its quota. I think it's somewhat disingenuous for us to impose a significant reduction on the commercial fishery, when they aren't part of this problem that we're trying to deal with here.

Yes, everyone will benefit from an increase in the population of striped bass. But we're trying to deal right now with this large increase in recreational removals. Again, I think it's disingenuous for us to put a lot of that onus on the commercial fishery, when they haven't been part of this problem that we're looking to address.

CHAIR WARE: We have a motion to substitute. Can you raise your hand if you would like to speak in favor of the motion to substitute. Can you raise your hand if you would like to speak against the motion to substitute. All right, Pat Geer, I saw your hand from before, so we'll start with you.

MR. GEER: As Mr. Clark said, Addendum IV reduced the coastwide quota by 25 percent, and the Bay was 20.5. Then with Addendum VI, we had to take an additional 18 percent across the board, where some states took 1.8. We used conservation equivalency and we came up with 9.37 percent for our commercial cut. All total, since 2015, if this goes through Virginia will have a 49.31 percent cut in their coastal quota, and a 42.66 percent in their Bay quota in a ten-year period.

As somebody already said, this Addenda was not initially designed to deal with commercial quotas, it was initially designed in a quote that's from a memo of May of 2023, to address increased recreational removals in 2022, which are driving increased F rates and lowering rebuilding probabilities. We had one item in there that dealt with maximum sizes, which was great, it was taken out, and nothing else was considered. You know one thing I thought, and what we did in our state in 2019, when we put our [Addendum VI] regulations in place, we put maximum mesh sizes, which has protected spawning stock, and has actually lowered our commercial

harvest by about 15 to 20 percent, but it is protecting a lot of the spawning stock as well.

To make it equitable, putting it on the same level it's a small portion of the fishery. They are not the problem. This addendum was addressing recreational issues. I cannot support a 14.5, if it's one or the other I'm supporting status quo. But we're probably going to have a discussion on this about should it be somewhere in between.

CHAIR WARE: I've got Justin Davis.

DR. DAVIS: I can't support the substitute motion, and for me it comes down to two issues. One is, you know trying to achieve the overall objective of this document, which is to achieve a 14.5 percent reduction in overall removals according to the information in Table 8. The difference between these two motions is a 14.4 percent reduction overall versus a 13 percent, based on the options we voted up on the recreational side. It's not an insignificant difference.

Although it's worth noting that Table 8 assumes a full 14.5 percent reduction in commercial quota, between the two sort of roe sets in the table, so 14.4 versus 13 its likely something slightly different, if we're talking about a 14 percent reduction in commercial quota. Also, just the issue of equity between sectors, you know the commercial sector did not take a cut during the emergency action this last year in 2023.

When we started this document, I hoped we could achieve some equity between the commercial and recreational sectors with the maximum size limit for the commercial fishery. Unfortunately, that didn't work out, so I do think this is the next best option for achieving some equity between the sectors.

CHAIR WARE: Next, I have Robert Brown.

MR. BROWN: I'm in favor of this option. We have a hard quota, and it's a direct quota when it comes to us. We are also food producers, and a lot of people wouldn't never even know what a rockfish tastes like,

because a lot of people don't have boats or have the ability to go out and charter a boat.

What we have with this hard quota, and we have not been catching our quota in Maryland but maybe once or twice. It's because, number one, the way our quota is set up with our poundage that we're allowed to get, some people don't fish at all. They say they want to save the fish. Well, that is great.

But we can't catch our quota when you only give us enough tags where if we all caught our quota, we wouldn't quite make ends meet. I think last year, I don't know exactly, it was something like 70 some thousand pounds we didn't catch. There has been a number of years that we haven't caught our quota, because the ones who are actually fishing aren't given enough. The quota that the recreational have, they have no quota. They have no allocation. They've got one fish per day, and that is for the entire season, except for when it's closed during the spawning season in a lot of places. One fish per day and the amount of sports fishermen that is involved into this whole coast, is astronomical. I have no idea how many it is, and there is no limit to it. It's not like if you have, for example, a goose season. Yes, you are allowed two geese now in Maryland along this coast today, but you're only allowed to hunt like 45 days is all you're allowed, if I believe I'm correct on that.

But if you are going to reduce fishing effort, you would have to have a cut. Changing this size limit that you've changed is going to cause more dead discards, because you are going to have to handle more to get down to that 18 to 24-inch slot that you've got, it's so small, and it's going to cause more dead discards. You say you're saving a few big ones throwing them back, well it depends on how you catch them.

If it swallowed a hook they are going to die. Smaller ones that you're catching, you've got to throw them back, so with that 5-inch slot limit, I don't see the advantage that we're really getting out of this. The problem is not with the commercial fishery, we're only 10 percent. I'm in favor of this motion.

CHAIR WARE: Next, I have Dennis Abbott.

MR. ABBOTT: I really have a question for John Clark. In my readings, I can't find it now, but am I wrong in assuming that all the states are not achieving 100 percent of the quota at this point in time? Maybe Delaware is, but the other Bay areas. Could you comment on that?

MR. CLARK: Sure, Dennis. I mean there are some states, I think the biggest example would be North Carolina, since the striped bass don't make it down that far any more. They are not catching any of their commercial quota, they haven't in a good number of years. Yes, just looking at the table.

There are states that don't meet their quota. We come in pretty much right on it just about every year. We always try to, obviously, have a little bit of buffer there, where we have rarely exceeded the quota. But we come up close to it and we monitor it. Like I said, we monitor it very closely.

MR. ABBOTT: Follow up.

CHAIR WARE: Yes.

MR. ABBOTT: I've surely listened to Craig Pugh in previous years, and listened to his desire to have an increase in the quota. But for the other states, would they really be making a reduction if we reduced the quota, but you have try catching up to the reduction that we would be offering?

CHAIR WARE: I'm going to go to the webinar, I have Craig Pugh first.

MR. CRAIG PUGH: I want to address Dennis's opinion about my opinion. We're not really asking for more quota, we're asking for a balanced allocation, especially because we are so deprived in our region. But that's another argument for another day, I just want to set the record straight there. We're not necessarily asking for more, we're just asking for a little bit of fairness, which seems to be very difficult to get through this process. At any rate, I am going to speak to the substitute motion at hand.

I would start out by saying that the previous cuts in the years past leave me with no confidence with this action that it will do its intended purpose. I'm pretty positive we'll be back here again, just like we have been in the last three or four cuts that we've taken, until eventually, like John said, you destroy our fishery completely.

But that is where we're at, having such an unbalanced allocation. It is a huge concern, it affects us greatly, and we are on the cusp, or the edge, of falling off and not returning to this fishery. Maybe that is the intention. Maybe that truly is the intention. It does seem to feel that way. Many, many different uses of rhetoric here, we call this a dark time, we call it a dire situation.

We call it an emergency. I know a little bit about emergencies. I've been a volunteer responder for as long as what Dennis Abbott would describe his sunset years. Through that time, I've seen a lot of emergencies, and generally when there is a true emergency we triage that person, and look for perhaps facial wounds, and we stop the bleeding. Where that facial wound is at, we stop the bleeding in that spot. We don't grab a butcher's cleaver and chop his leg off when it is intact working fine.

You don't do that, and that's what it seems like what we're trying to do here is, we're going to hack this part off, because we can, and we're certainly, even though it's only 10 percent of it, and we'll only have less than 4 percent effect on the overall outcome. We're actually hacking something off that is working, and it's working fine. I'm kind of sorry for that, especially I guess in the allocation dire situation our state is in. For those reasons I agree with the substitute.

CHAIR WARE: Next, I have Max Appelman.

MR. APPELMAN: I'm going to speak in opposition of the motion to substitute, but I want to make clear that this does not mean I'm speaking in support for the main motion for a 14 percent reduction. What we do support is some reductions to the commercial sector at this time. Again, big picture that within the document that we have before us, to address as

much of the sources of mortality that we can to achieve our rebuilding target. I just want to put that comment on the record.

CHAIR WARE: At this point we've had three in favor and three opposed. I've seen four more hands go up. I'm going to ask if you would like to speak on these motions that it be something new that hasn't been said, so I'll check in with those four names. Eric Reid, is this something new that hasn't been said?

MR. REID: Yes.

CHAIR WARE: All right, go for it.

MR. REID: Other than I agree with everything that has been said in support of this motion. You know we seem to have no problem making a path and setting recreational measures in other fisheries, knowing full well that they are going to exceed the RHL. We just did that in the last round with the Mid-Atlantic.

But my real concern is the market for striped bass, wild caught striped bass by American boats, American fishermen. When you start getting to the fishery where it is no longer viable to the commercial sector, which we're going to push up against that right now. What is going to happen is you're going to lose what is a seasonal specialty up and down the coast. You know it's a boutique fishery, it's a boutique market. I can guarantee you that once that is gone it is never coming back, never coming back.

People want to go to a restaurant in Delaware or Rhode Island or wherever, and they want to see local striped bass on the menu. The restaurants if they can't get a steady supply of it, they are going to pass on it. They are going to do something else. Any reduction at this point in the commercial fishery, which we haven't addressed the discards in the recreational fishery, we addressed the take.

The recreational discards far exceed the commercial fishery in its entirety. But if we start cutting back to the point where it is not economically viable for commercial fishermen to do it, the notion that when the fishery comes back the market will still be there,

that is totally untrue, and I can give you about a dozen fisheries that that has already happened in. That is the consideration and that is my fear. I would prefer it to leave it the way it is, and put the blame, put the onus, put the accountability where it belongs, and not on the commercial sector.

CHAIR WARE: Next up, Dave Sikorski, something new to add to the conversation.

MR. SIKORSKI: I hope so. I'll try not to repeat things I said earlier, but I am concerned that in the Chesapeake Bay where 80 percent in numbers of fish of coastwide commercial fisheries exist, that we're cranking up the F a bit too much for the prevailing year classes which exist. I don't know what the right number is.

I am concerned about what Mr. Reid and many others that are supportive of this motion. I'm concerned about what they are concerned about as well, and I think this is the wrong way to go about trying to figure out what is the sweet spot. I felt that way for a very long time. Ultimately, it is not lost on me that Maryland commercial fishermen, if the 14 percent reduction is placed upon the fishery, that there are absolutely ITQ holders which will feel the full brunt of that 14 percent.

I hope that whatever the percent reduction is, the professional, the full-time watermen that truly rely on providing these fish to the public, can transfer quota from elsewhere within the fishery. But I think this is just the beginning of, where are we headed next if we don't start to see some recruitment. I think that is where my mind continues to land.

My last point, I know we start these addendums and we all have these different plans and what it's for, where we're trying to go and why. But this one has been wholeheartedly about reducing removals by 14.5 percent to remain on target, our promise we've made to the public. I disagree, Mr. Geer, that this started as a recreational fishery. But even if it did, we sent it out to the public with a clear statement of the problem. There is concern that the recreational and commercial management measures in Amendment VII, in combination with the availability of its strong

2015-year class to the fisheries will lead to similarly high levels of catch in 2024.

We're not even at the point of this conversation where we talk about implementation. I know that my state doesn't want to implement any cuts in commercial fisheries in 2024, and that is further concerning. Ultimately, I don't have the answer. I have an overabundance of concern. If I were in coastal states, I would also be extremely concerned about what is happening in the Chesapeake, and when we will have fish. But again, I don't have a solution and I apologize for that.

CHAIR WARE: Next on the list is Mike Luisi, something new to add to the conversation, Mike.

MR. LUISI: I'm hoping, Madam Chair. At this point I think I'll just state for the record that I don't intend to support the current substitute motion. However, and I have reasons which I can explain if you ask for a comment later. But I also can't support the 14 percent. I think I'm falling somewhere in that middle ground, which if provided the opportunity, depending on how this motion goes, I may offer some thought on that. Just wanted to put it on the record.

CHAIR WARE: The last one was Joe Cimino, something new to add to the conversation, Joe.

MR. CIMINO: Yes, it goes back to something Dr. Drew talked about, and it's something that I worry about as we vote on recreational measures. We're making huge assumptions on the measures, right. We're making assumptions that things will be exactly like they were in the past, with different regulations, and we know that is not the case.

This vote for a 14 percent reduction could be a 20 percent increase, and we see those spikes in the recreational harvest and discards that don't exist in the commercial fishery. You have those charts and graphs in this document. I have concern for this stock. I can't support the substitute motion. But there is that inequality, and it's not an accountability.

It's not the recreational community's fault that that is the way this works. But that is the way this works. A commercial quota cut is a commercial quota cut, and it's a roll of the dice on what happens in the recreational fishery when we set those measures. I do hope that there is some sympathy for what Mike Luisi was just saying, and finding another path, perhaps.

CHAIR WARE: I think we are ready to call the question. Does anyone need to caucus on this? Seeing no need for a caucus, we'll go ahead and call the question. **This is on the motion to substitute for status quo. All those in favor of the motion to substitute, please raise your hand. This is for in favor of the motion to substitute.**

MS. KERNS: Delaware, Virginia, New York.

CHAIR WARE: All those opposed to the motion to substitute.

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

CHAIR WARE: I have the motion to substitute failing 3 to 13. We are back to the underlying motion, which is Option B, a 14 percent reduction. I heard some comments about other numbers, so at this point I'm going to see if anyone is interested in making their motion to amend or substitute on the main motion. To be clear, I am not seeing anyone interested in making a motion to amend on this. Mike Luisi, you're interested in a motion?

MR. LUISI: Yes, but this is one I haven't prepared already. In light of the discussion and looking at the option before us at 14 percent, I would **move to substitute in Section 3.2.1 commercial quota reduction Option B, 7 percent reduction from ocean and the Chesapeake Bay 2022 quotas.**

MS. KERNS: Mike, I think **you're just amending to replace 14 percent with 7 percent.**

MR. LUISI: I was going on what John had done earlier.

MS. KERNS: I know, his was a whole different motion, because it was status quo.

MR. LUISI: That's fine, whatever works, so a **motion to amend to replace 14 with 7**, and if I get a second, I'll offer a few thoughts.

CHAIR WARE: Is there a second? Jeff Kaelin. Mike Luisi, why don't you provide your rationale.

MR. LUISI: I just made the point and I voted against a no reduction option for the commercial fishery. I did so, because as I sit here and I look at who is taking fish from the water, who is responsible for the mortality of striped bass. The commercial fishery is responsible for some mortality of striped bass, and I believe that they should pay into the conservation effort that this Board makes, in trying to rebuild this stock.

However, given what Mr. Cimino stated, and the uncertainty around the recreational fishery in general, and given that when we started this addendum there was no intent, and it's clear on the record that there was no intent that this addendum was going to reduce commercial quotas in any way.

It was part of what happened as a result of debate over time, when the snowball as it's rolling down the hill just catches a branch or it grabs on to something else, and it just becomes part of that bigger snowball. The commercial quotas were never intended to be addressed, because this was a recreational problem that we were going to work to solve.

That recreational problem, part of the solutions was completely removed from the Addendum, because it didn't quite work for everybody. That is okay, I get it. Maybe someday we'll end up having that discussion again. But a 14 percent cut to the commercial quota, as small as that fishery is in comparison to the overall recreational fishery, you're just not getting that much from it, as far as savings. While I will obviously support cutting the 14, and thanks, Mike for making a 14, rather than a 14.5, because I thought we would

have to worry about the 0.25, and okay so it's a simple split down the middle.

Fifty percent of what is available to be reduced could be reduced by going with a 7 percent reduction. I feel that that is a fair allocation of the burden of conservation on a community that makes up such a small portion of the overall mortality along the Atlantic coast.

CHAIR WARE: Jeff Kaelin, as seconder, do you have rationale?

MR. JEFF KAELIN: Yes, beyond what Mike is saying, I mean we don't have a dog in this fight in New Jersey, obviously we don't have a commercial fishery. But I'm looking at Figure 5, commercial harvest in discards, a million fish, recreational harvest in discards 7 million fish. Mr. Brown talked about the 10 percent effect of the commercial side. I don't buy the logic that just because the recreational side has to take a 14.1 percent cut the commercial side should also, for many of the reasons were already spoken.

I think the right motion would be 1.4 percent, frankly in my mind, 10 percent of what the recreational guys are going to have to take. I'm supporting the motion for that reason. There is no benefit to us in New Jersey, other than saving a little bit of our bonus program if that survives the next part of the meeting. But I am happy to speak in support of Mike's motion. I think it is fairer than the underlying motion.

CHAIR WARE: We've had a lot of comments on the commercial quotas. I'm going to look for new voices that haven't had an opportunity to speak on the commercial quota options. Adam Nowalsky, go ahead.

MR. NOWALSKY: Just a question with regards to the implementation of everything here. When we get done with this, assuming the Addendum goes forward, which I can't imagine it not at this point. We're going to put implementation dates in place. My expectation is the desire is going to be for the recreational to be implemented for this upcoming fishing season. Are there any states that are going to raise a concern about these reductions for their 2024

year, because of programs they already have in place?

The reason I'm asking that relative to how I may vote on this is because if there is some delay that takes place, with regards to the implementation, such as we say we're going to put off any commercial reduction until 2025, or whatever the timeframe is, because programs are already in place for 2024. That may impact where I go with this. Are there states that are going to put forward a plan for implementation of any commercial quota reduction at a future date in time that wouldn't impact 2024 harvest?

CHAIR WARE: Adam, you're correct that at the end of this we will need motions for implementation dates. Based on previous Board meetings, I have heard at least one state express, I'll say concern in ability to implement the quota reduction in 2024. But I don't know what the motions will be on the implementation date when we get there.

MS. KERNS: Obviously the Board chooses those dates. If the Board does choose, agrees with 2024 for these reductions, and a state doesn't implement and goes over their given quota, then the Plan does say that those quotas have to be paid back in the next year, I believe.

CHAIR WARE: Follow up, Adam?

MR. NOWALSKY: Is it within the realm of possibility that the end of this meeting we will have an implementation date for everything in the Addendum, with a different implementation date for the commercial quota reduction? Is that a possibility today?

CHAIR WARE: That is in the realm of possibility, Adam, yes. Chris Batsavage.

MR. BATSAVAGE: I cannot support the amended motion; I support the underlying motion. I think Table 8 has already been referenced earlier, and it shows that what we've already decided. If we had a 14.5 percent quota reduction, which is not a landings reduction, we're looking at about a 14.4 percent overall reduction, when to get to the Target F we're

looking at 14.5 percent. I mean I understand the concerns of the commercial fishery, they are not removing as many fish as the recreational fishery. But anything less than 14 percent is missing the mark overall.

The other concern I have, just in terms of different reductions for commercial and recreational fisheries, where a fishery has both is, we've seen it before where if one group takes a higher reduction than the other, the other group can potentially recoup those fish that the other group didn't catch. I don't know if that is going to be the case with striped bass, but we've definitely seen it with other species before. This adds to my concern with going with anything less than 14 percent for the commercial quota reduction.

CHAIR WARE: Those were the only two new names I had for folks who had not had an opportunity to speak on the commercial quotas. At this point I'm going to call the question. Does anyone need a caucus? All right, we have a one-minute caucus. Is everyone ready? **This is on a motion to amend. All those in favor of a motion to amend, please raise your hand.**

MS. KERNS: Rhode Island, Massachusetts, New York, New Jersey, Virginia, Potomac River Fisheries Commission, Maryland, Delaware.

CHAIR WARE: **Those against the motion to amend, please raise your hand. Those who are opposed to the motion to amend, please raise your hand.**

MS. KERNS: New Hampshire, Maine, District of Columbia, North Carolina, Pennsylvania, Connecticut.

CHAIR WARE: **Are there any null votes, any abstentions?**

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

CHAIR WARE: **I have the motion to amend passing 8 to 6 with 2 abstentions.**

MS. FRANKE: Confirmed.

CHAIR WARE: We now have an amended motion for a 7 percent reduction in the ocean and Chesapeake Bay commercial quotas. Are there any other motions on commercial quotas? Seeing none; does anyone need to caucus on the main motion? You need a caucus, 30 second caucus. All right, I'm assuming everyone has had an opportunity to caucus. **We have an amended motion, which is now our main motion for a 7 percent reduction. All those in favor.**

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

CHAIR WARE: Is there anyone opposed to the motion?

MS. KERNS: North Carolina.

CHAIR WARE: Any null votes, any abstentions?

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

CHAIR WARE: I have the motion passing 13 to 1 with 2 abstentions.

MS. FRANKE: Yes.

CHAIR WARE: We are now on to Section 3.3, Response to Stock Assessment Updates. Would anyone like to make a motion under Section 3.3? Yes, Justin Davis.

DR. DAVIS: I'll vote to implement Option B under Section 3.3.

CHAIR WARE: Justin, could you read what is on the screen into the record, please?

DR. DAVIS: Sure. Move to approve in Section 3.3 Response to Stock Assessment Option B: Board could respond via Board action to change

management measures by voting to pass a motion at a Board meeting.

CHAIR WARE: Is there a second? David Borden. Justin, would you like to provide some rationale?

DR. DAVIS: I think it's really important to give the Board this in the tool box. If we get a negative result from the stock assessment, we're going to see later this year, to make sure we can make the course correction and not have to wait to change measures until 2026. I think really that's just it. It is important for us to have this flexibility.

I will say on the record that I think it's important that between when we see the stock assessment and when we decide to take action, that there is some opportunity for states to do sort of their own state specific outreach to talk to the public. What I don't want is a repeat of the emergency action from 2023, where we came to a meeting, took a vote and changed measures, and there was really no opportunity for public input. I would just hope that we can accommodate that, even if it takes a special Board meeting, a virtual meeting.

CHAIR WARE: David, would you like to provide rationale?

MR. BORDEN: I'll be really brief and just say I totally agree with the points made by Dr. Davis. This to me comes down to a need for agility. We can't go through a year, a year and a half of FMP development or amendment process.

CHAIR WARE: Would anyone like to speak in favor of the motion? Would anyone like to speak in opposition to the motion? Okay, Mike Armstrong, go for it.

DR. ARMSTRONG: Yes, I support it. We've done it before, it's a great thing to have in our back pocket. I worried a little bit about the motion as constructed, because with targeting 50 percent probability it came in at 46.9. I wouldn't want to have to react to that. It puts the judgment into the Board's hands. If we come in at 25 percent probability we probably want

to move quickly. It gives us wiggle room, but gives us the power to move if it comes in looking bad.

CHAIR WARE: I did not see any other hands to provide a comment on this. You have a question, John Clark?

MR. CLARK: Yes, just a clarification. I think you said it already, but I just wanted to reiterate. This does not mean that the Board would have to take action without going through the Addendum process, just that they can. Just want to be clear.

CHAIR WARE: That is correct, thank you. Mike Luisi, you have a comment or a question? Comment, yes, go for it.

MR. LUISI: I just want to say that John's question helped me understand a little bit more in depth. I had to step out of the room for a second, but I understand the Board isn't forced to take quick action. This Board shouldn't be acting fast, in my opinion. I think this Board needs to be inclusive of all the information that is available, including the public.

We make mistakes when we act too quickly. I prefer rather to have a more deliberative process that we have in place through the addendum process. I may or may not support this, depending on my colleagues to my left and right. I just wanted to put that out there on the record.

CHAIR WARE: The last hand I see is Adam Nowalsky's, so we'll take Adam's comment and then we're going to caucus.

MR. NOWALSKY: I can't support the motion. Knowing what I know I think I'm just wasting all of our time with a motion to substitute or amend at this point. But I will say that I'm going to put a tremendous amount of trust in this Board and the Commission that any action that gets taken through Board action, something will precipitate that action that will provide notice to the public in advance. Something at a subsequent Board meeting will signal a response to assessment update to recreational catch data, whatever it is. Not something that we're going to walk in here at 1:15 on a Wednesday, and at

1:30 we're going to have a motion up on the board to change something. I think I'll leave it at that.

I would have loved to have seen something in here that specifies that. I spent a lot of time thinking about how something like that could be worded. I've been unable to come up with something, so I'll just leave it with, I hope the public gets at least one meeting cycle notice that we may be contemplating something moving forward.

CHAIR WARE: Justin, I see you hand. You've already had an opportunity to comment. Is this critical? It's a question, yes than it is critical, go for it.

DR. DAVIS: I appreciate a second bite at the apple. I might be misinterpreting what Dr. Armstrong said, but I do believe Section 3.3, the way it's worded, conditions the ability for the Board to take Board action on the stock assessment, coming back saying that we're at a probability less than 50 percent for rebuilding, correct? It's not the Board could respond via Board action no matter what the assessment says, it's a condition on that.

CHAIR WARE: That is correct, and Emilie, I'm just looking to you to confirm that.

MS. FRANKE: Yes, that is correct. It has to be less than 50 percent chance of rebuilding for the Board to use this tool.

CHAIR WARE: Dennis, I see your hand up, is it a question? Okay, we're done with comments on this, because I asked for that, so we're going to go to caucus. I heard at least one state needs a caucus, 30 second caucus. **We are going to vote on this motion for the stock assessment response, Option B. All those in favor of the motion, please raise your hand.**

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

CHAIR WARE: All those opposed.

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

CHAIR WARE: I have the motion passing 11 to 5.

MS. FRANKE: Yes.

CHAIR WARE: All right, so we've gone through all of the options in the document. We are now looking for a motion on specifying the date or the deadline for states to submit in the implementation plans, and then also the implementation date for the new measures. Mike Armstrong, do you have a motion?

DR. ARMSTRONG: I do.

CHAIR WARE: All right, we will have staff put that up. Mike, is this the motion you would like to make?

DR. ARMSTRONG: Yes.

CHAIR WARE: Can you please read it into the record?

DR. ARMSTRONG: Yes, move to approve the following compliance schedule: States must submit implementation plans by March 1, 2024. The Board will review and consider approving implementation plans in March 2024. States must implement regulations by May, 2024.

CHAIR WARE: Is there a second to the motion? David Borden. Mike Armstrong, do you have rationale?

DR. ARMSTRONG: Yes, you guys have got to throw me a bone. We just cut the commercial quota. The big bum idea is some of the states with ITQs and things have already moved along, and can't implement this. I think there is a possibility you could have maybe held some back, you knew this was coming.

But whatever the problem is, I can agree with not taking a 14 percent cut so we're 7. Are we going to compound the problem by delaying the implementation? I know I'm a broken record, five failed year classes. We need to get busy, and start

reducing F on this stock. I would like to see it move ahead this.

The only ramification for states if you can't accommodate it, is next year you will have to pay back any overage. We do it all the time when we run over, and it's not that painful, and I think all the states can do it. The big accomplishment is we get that 7 percent cut. This year or at least get additional cuts next year. That's my rationale.

CHAIR WARE: David Borden, do you have rationale?

MR. BORDEN: Yes, I agree with all of that logic and won't restate it, but I have a question, Mike. When you stated the motion you said, March 1, is that what the intent is? Do you want a date in there? If you do, please put the date in there and we'll perfect it. In other words, consider approving the implementation.

DR. ARMSTRONG: I'm sorry, I'm missing what you're saying.

MR. BORDEN: In 2024, March, do you want it by a specific date? I think we already did a date in there.

DR. ARMSTRONG: I defer to ASMFC staff.

CHAIR WARE: Can you repeat the question, David?

MR. BORDEN: The first, or any date.

DR. ARMSTRONG: I think any date in March is fine, we need flexibility to schedule something, however we're going about either by poll or at some meeting.

MR. BORDEN: My only point is it should be a date in March that is consistent for all the states

MS. KERNS: Well, the Board has to review those implementation plans, so I can't say what date the Board will be meeting. But I can tell you we will make it happen in the month of March.

CHAIR WARE: All right, so we're looking for a show of hands of folks who would like to speak on the motion in favor of the motion. Those in favor of the

motion, those opposed to the motion. We're going to go to John Clark for a question, and then Dave Sikorski for a comment.

MR. CLARK: Just to be clear, because the motion doesn't really spell it out. Some of the words, like in our state typically, our fishery being done by May 1st, which is when we would have to have the regulations put in place. Now, because we'll have to by March 1st have a 7 percent reduction in the commercial quota, this implies that if we don't change our quota right now, and reduce by 7 percent, then next year we will be dinged 14 percent essentially.

We'll have to take off the 7 percent we go to this year plus another 7 percent. Fisheries that are already underway, such as in the Maryland and Virginia, if they go over right now, they would still have to pay back next year, if they don't change their quotas at this point, just to be clear.

MS. KERNS: That is correct, John. I would say that I think this Board had stated in the past, not specific to the commercial measures, but just generally speaking, that we would want to get the measures that were put in place through the Addendum implemented as soon as possible. We're putting May 1 on here to give everybody time to get them in their books, but obviously if states can get them done sooner than that, then that would work out well.

CHAIR WARE: Going to comments, Dave Sikorski.

MR. SIKORSKI: I'm supportive of this and for Dr. Armstrong's same reasoning. I think it's, well I hate to use the term fair, but I think it makes sense that we cut the potential cut now, and ultimately that may mean that if states can't implement this year, then the 14 percent at least comes about.

We all know we have looming management action, at least at the end of this year into next year. Ultimately, if I look at the table in the document, I see in our jurisdiction, Maryland, we have a gap in our commercial fishery, so at the end of February the season will end. June 1st the season starts. Potomac River Fisheries Commission, there is a closure at the end of March and then an opening June 1st.

I actually would like to ask my colleagues to my right to provide some clarity on the implementation, because I recognize that there are people out there that feel like they have a certain ITQ. I realize there are physical tags out in space. But I also believe that the Agencies frequently take back extra tags. If we are not able to manage in-season for striped bass, I think that should be a priority for the next meeting to discuss, how we can do that more effectively, given the prevailing situation we are in. I think it is a bad look for the public to wait until next year to make meaningful reductions in F, especially when we're leaving this meeting without enacting options which do that, which was the stated goal of the document.

CHAIR WARE: Mike Luisi, you are next on the list, so go for it.

MR. LUISI: As the administrator of our state's commercial fishery program and direct oversight over how that operation works in our state, I can help answer Mr. Sikorski's questions about the ability to take back quota that has already been handed out. It would be like giving somebody a thousand dollars and saying, give me \$70.00 back because I made a mistake.

A 7 percent cut, the quota for 2024 has been distributed to over 800 people, and each one of those individuals has a poundage which is a percentage of the total that they are allowed to catch. We have no ability, even though we have March, April and May closed to commercial fishing. We have no ability to recalculate and figure out what a person would have in the event that we modify our quota for 2024.

In addition to that, some people may have already caught the entirety of their quota, because it's happening as we speak. The people who go out now and catch their quota will also have had the opportunity to catch everything we've given them, but those that start in June and fish in the fall and then through the winter, would have to give us back 7 percent of that quota.

I'm just going to be clear for the record, it can't and will not happen. We're not able to do that

administratively. I have been very clear since May, as these options have developed through time, that any delay in the process will put us in the position where we will not be able to implement new commercial measures until the 2025 season.

That delay came as a result of the Board not being able to vote on final action in October, and delayed it until the winter meeting. Those few months there was the critical period for which we needed to be able to account for what those changes were going to be. I appreciate, we can certainly put a package together for March.

We can implement all the recreational measures by May 1st, that is a simple fix, a simple regulatory process that we can go through. It's impossible for us to account for any quota that we've already delivered to our fishermen, our permit holders, for 2024. Now, will they ultimately go over?

They pretty much catch their quota every year, so if we don't pull the quota back, they are going to exceed that. Then they're going to have to pay a penalty on something that we told them they could do. We told them you can catch 800 pounds of fish, but if they catch 800 pounds of fish their quotas next year will be much lower, because they've exceeded the overall target.

They are following the rules and then having to pay the consequences, and I don't think that that is fair. I don't know what other options we have other than to modify the language of this motion to state that states must implement regulations for the recreational fishery by May 1, 2024, and the commercial fishery by some date in time, maybe January 1, 2025. That would be an alternative way of solving this problem, but it's not like I'm springing this on you guys now. I've mentioned this, three or four times over the past few meetings that this is the case, and now we're getting put in a really tight spot and an awkward position.

For those of you who want a bone thrown if you're on your way, I'm going to be nothing but bones when I leave this meeting, if I don't have something that I can go back to our industry and say that you can

catch what you have this year. I know it's not a favorable position for a lot of you, but that is the position that the state of Maryland is in.

CHAIR WARE: I did not see any other hands raised on this. I see a few more, Robert Brown, then Pat Geer, and then we're going to call this.

MR. BROWN: Yes, if my memory serves me right, back in October when we had our last meeting, that this was brought up by Maryland about we would have trouble getting the permit cause and everything out. At that time, we were all under the assumption that we wouldn't go back if there were any changes, until 2025, because there wasn't time for us to do it.

Now we've got commercial men, some are fishing now, and some won't start until June, because their season doesn't start. It depends on what type of fishery that they're in. You know you don't tell somebody, October you can do it, and then say oops, change in plans, we've got to stop right now. It's just not there.

CHAIR WARE: Pat Geer.

MR. GEER: Exactly what Mike and Robert were saying. We're in the same situation. Our season started on the 16th; our tags have been distributed. They are out on the streets. We're not going to get them back. We have said time and time again at every one of these meetings that the Bay states and Delaware would have a hard time, if not an impossible time, implementing commercial measures in 2024. We have said that again and again. For that reason, I am opposed to this motion.

CHAIR WARE: I was remiss in not looking at the webinar list, so I see Craig Pugh. I'm going to offer him an opportunity to speak, and then we'll caucus.

MR. PUGH: I happen to be looking at a paper from my Natural Resources right now, says if all gillnet permit holders register for a fishery for 2024, individual quota will be 1,219 pounds, which is what it has been for several years last cut. I'm going to take that back. It's not that much to begin with, but your intention, or this Board's intention is to take 7

percent of that back after it's already been stated and issued by our state. It sounds a little radical, a little over the top. There we go. I guess we're going to cut another leg off.

CHAIR WARE: Sixty second caucus on this? Yes, I'm seeing a request for caucus, 60 seconds. Pat, I see your hand up, give me an idea why your hand is up.

MR. GEER: Substitute motion.

CHAIR WARE: Okay, I will allow a motion to substitute.

MR. GEER: Basically, the last line, states must implement recreational regulations by May 1, 2024, and all commercial measures in Section 3.2.1, effective January 1, 2025.

MS. KERNS: Pat, I think we want you to do a motion to amend to replace. We'll get the words up for you and then let you know.

MR. GEER: Okay, it's January 1.

CHAIR WARE: I think we at least have a sense, Pat, of what you're going for. I heard a second from John Clark. Pat, would you like to give some rationale while it's getting up there?

MR. GEER: We've already stated our case. We simply cannot get this done by May 1st. Our season is opened already. People are fishing. It is not practical; we just can't get it done. We talked about this before in previous meetings saying, we can implement this easily by January 1 of 2025.

CHAIR WARE: John, I'll check in with you. Anything new here?

MR. CLARK: Nothing really new. I mean we're not open the way Pat and Maryland are, Virginia and Maryland are, but we're very close to it, and it just will be a hardship to put this into place for this season.

CHAIR WARE: I'm just waiting for the motion to get on the board, and then Pat, I will likely need you to read this into the record.

MR. GEER: **Motion to amend to replace "implement regulations by May 1, 2024" with "implement recreational regulations by May 1, 2024, and all commercial measures in 3.2.1 effective January 1, 2025."**

CHAIR WARE: All right, we have a motion to amend. Anybody who hasn't commented, I would say kind of on this implementation plan timeline. Yes, Adam Nowalsky.

MR. NOWALSKY: I am 100 percent sympathetic with the administrative concerns, and I raise the fact that I suspected this would happen a few minutes ago, and Pat, turn your microphone off. Where this leaves me though is that what seems like a really long time ago, but it was probably just a short time ago, we cut the commercial reduction in half.

We're talking about likely taking action on an assessment that we're going to get in the not too distant future. We keep talking about this addendum as an interim addendum. There is a good chance we're going to be back at the table discussing more changes to the fishery, probably for the 2026 fishing year. If we're essentially going to give the commercial sector a pass in 2024 for one of the two years that this is likely to be in place, we're essentially halving the commercial reduction again. Now I know that there are people around the table that are going to say, well it should be 0, so it's still 3.5 percent more than it should have been. But yet that's where I'm left with facing having to have to go home and tell my constituents. I'll just put it out there that if we go forward with this motion before I can support the Addendum.

As a member of the prevailing side on the vote for the commercial reduction, I would consider going back and making a motion to reconsider that motion. I don't want that to come across as a threat at this hour, you know I'm not trying to keep people here longer. I'm just trying to express the challenge that I

have, in terms of how we move forward. I am left then with making a choice.

Okay, if this is such an administrative burden and it can't be done, I still need to see the 7 percent reduction done, and the only way I then see it happening, is by going back, reconsidering the previous motion, putting a 14 percent reduction in place, because I know we're only doing it for one of the likely two years, we're addressing this. I oppose the motion to amend, if you didn't get that out of that.

CHAIR WARE: Ingrid, I have your hand up.

MS. BRAUN: Thank you, Madam Chair, and also thank you, Adam, for your candid input. I just wanted to put on the record that PRFC is in a very similar position to both the Delaware, Maryland and Virginia. The gear that makes up the majority of our quota season will be ending March 25th, so it's hard to work with that. In addition, that over like 80 percent of our tags have been distributed, so we will experience the same administrative difficulties in retrieving those tags, and potentially facing issues with overages in the future.

CHAIR WARE: Those were all the hand I had; does anyone need to caucus? Seeing none; we're going to call the question. This is on a motion to amend. **All those in favor of the motion to amend, please raise your hand.**

MS. KERNS: New Hampshire, Maine, Delaware, Maryland, Potomac River Fisheries Commission, Virginia, North Carolina.

CHAIR WARE: All those opposed to the motion to amend.

MS. KERNS: District of Columbia, Pennsylvania, New Jersey, New York, Connecticut, Massachusetts, Rhode Island.

CHAIR WARE: Any null votes, any abstentions?

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

CHAIR WARE: The vote is 7 to 7 with 2 abstentions, so the motion to amend fails for lack of majority. We are now back on the underlying motion. Is there any need to caucus before a vote on the underlying motion? Okay, we're going to call the question. **All those in favor of the motion on the board, please raise your hand.**

MS. KERNS: New Hampshire, Maine, District of Columbia, North Carolina, Pennsylvania, New Jersey, New York, Connecticut, Massachusetts, Rhode Island.

CHAIR WARE: All those opposed.

MS. KERNS: Delaware, Maryland, Virginia, Potomac River Fisheries Commission.

CHAIR WARE: Any null votes, any abstentions?

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

CHAIR WARE: The motion passes, 10 to 4 with 2 abstentions. We are now looking for a motion to approve the addendum as modified today. Before I seek that, Emilie, let me just check in with you and make sure I have not forgotten anything.

MS. FRANKE: No, I believe we have covered everything.

CHAIR WARE: I am looking for a motion to approve Addendum II as modified today. Justin Davis.

DR. DAVIS: I move to approve Addendum II as modified today. Want me to read the exact wording there?

CHAIR WARE: Sure.

DR. DAVIS: Move to approve Addendum II to Amendment 7 to the Atlantic Striped Bass FMP, as amended today.

CHAIR WARE: Thank you very much. Second by Ray Kane. Is there any need for discussion on this? Is there any need to caucus? Okay, one minute caucus.

This is a motion to approve the Addendum as modified today. All those in favor, please raise your hand.

MS. KERNS: Rhode Island, Massachusetts, Connecticut, New York, New Jersey, U.S. Fish and Wildlife Service, National Marine Fisheries Service, Pennsylvania, North Carolina, District of Columbia, Maine, New Hampshire.

CHAIR WARE: All those opposed.

MS. KERNS: Delaware, Maryland, Potomac River Fisheries Commission, Virginia.

CHAIR WARE: I have the motion passing 12 to 4. That concludes our business on Addendum II. I would just like to give a big shout out to Emilie and Toni and the Plan Development Team. This is a ton of work. I know Emilie wanted to be here today. It's always a moment of pride as a staff member when you get a document across the finish line. I want to thank Emilie for all of her work. I'm sorry you can't be here today, Emilie, but we are sending you good vibes and many thanks. I'm going to have us do a five-minute break. I'm going to encourage everyone to stand up and get out of their seat for five minutes. We still have New Jersey's CE proposal left.

MS. KERNS: Please, make sure you come back in five minutes on the dot.

CHAIR WARE: We are coming back to the table. Everyone stood up. It is now time to sit back down.

MS. KERNS: Joe, we're ready for you. You start talking, people will sit down. You command a presence.

NEW JERSEY ALTERNATIVE MANAGEMENT PROPOSAL

CHAIR WARE: We are now moving on to the New Jersey CE proposal. Joe Cimino from New Jersey is going to provide a brief overview of New Jersey's proposal, then we have Emilie, who is going to provide the Plan Review Team Report, and then we

will consider this for Board discussion, and likely see a motion. Joe, take it away.

MR. CIMINO: I should easily be able to do this in 40 minutes or so. There is an extra zero on that, I meant 4. I think there are some slides on this.

CHAIR WARE: Yes, I believe there are. You just want to say next slide.

REVIEW OF NEW JERSEY PROPOSAL

MR. CIMINO: I want to be clear. You know New Jersey's striped bass bonus program has been around here since 1990, actually predating the idea of conservation equivalency within the FMP. There was a lot swirling around what may happen in this Addendum. New Jersey's main motivation to get in options was to be able to have the Technical Committee or the Plan Review Team to review any options on what we might put in place.

Spoiler alert, we're really just asking for status quo measures at this point in time. Currently our bonus program has measures at 24 to less than 28-inches. There is a poundage quota, since this starts off as a commercial quota that we then convert. We use an average weight. We go at the high end of that average weight, so there is a little bit of a buffer.

We're actually issuing less tags. In general, New Jersey has been using less than 20 percent of that quota. There has been a reduction in the commercial quota that was just voted on, so our motion will be including that. We just voted on a timeline that we can implement prior to the start of our bonus program.

Next slide is going to just explain that you may, if you are really good at what you're do and you read all those materials, you saw a very complicated CE proposal. But what we are doing is actually just staying at status quo measures, and making that adjustment to our commercial quota, which will then translate to the number of tags that we will issue in our striped bass bonus program. That is all I have, if we can go to the motion.

CHAIR WARE: Emilie is going to do the PRT Report.

MS. FRANKE: Thanks, Joe, this is Emilie, I'll be brief.

PLAN REVIEW TEAM REPORT

MS. FRANKE: I have a Plan Review Team Report. The Plan Review Team reviewed the proposal as specified in the Commission's CE Guidance Document. As a reminder, as Joe mentioned, the Bonus Program is based on existing quota, so CE is permitted per Amendment 7.

The Plan Review Team found that the New Jersey proposal does demonstrate equivalency to the FMP standards, by using the spawning potential ratio analysis that has been outlined by the Technical Committee. The PRT noted that TC review was not needed for this proposal, because the TC has just recently discussed the SPR methods a couple months ago.

The PRT found that the proposal included all the required information. Just a note, New Jersey does report their bonus program information in their annual compliance report, and per the CE Guidance Document, this information will be included in the FMP Review each year. The PRT did have a concern about one of the proposed size limits. However, that size limit often is no longer valid, because the Board selected the 28-31-inch ocean option, which as Joe mentioned, that means New Jersey would like to keep their status quo, 24 to less than 28-inch option.

The PRT concern is no longer necessary. The Law Enforcement Committee agreed with New Jersey. There was some concern about having a gap between the ocean slot limit and the Bonus Program size limit, but that again is no longer an issue, because New Jersey would like to keep the 24 to less than 28, and the Board selected a 28 to 31 for the ocean.

Then finally, one Advisory Panel member noted the importance of supporting the New Jersey Bonus Program, noting that New Jersey has made a decision on how to best use their quota, and that the Bonus Program has never exceeded its quota and provides

the necessary data to support the proposal. That's all I have, I'm happy to take any questions.

CHAIR WARE: Thank you, Emilie, so we'll do a quick check on questions. Any questions? Seeing none.

CONSIDER APPROVAL OF NEW JERSEY'S CONSERVATION EQUIVALENCY PROPOSAL

CHAIR WARE: Joe, I believe you had indicated you had a motion ready to go, so we'll go for that.

MR. CIMINO: Thank you, Madam Chair, and thanks, Emilie. I just wanted to say, Megan, I agree with all the thank you to staff, but I want to thank you for getting us through this. It's been quite a journey and I appreciate all your work on guiding us through this. The motion here is, move to approve New Jersey's CE Proposal to allow the commercial quota to be shifted to the bonus tag program.

We feel, as does ASMFC staff that this is kind of a requirement, since we are making a change in the FMP to the commercial quota. The program will continue with its status quo administration of the tags and the size limit to the 24 to less than 28-inches. The starting commercial quota will be 200,798 pounds. I do just want to add that we will be able to make that implementation date that was voted on.

CHAIR WARE: Is there a second? Doug Grout. Joe, do you have any additional rationale? I feel like we've maybe covered it. I'll give you an opportunity if you want to add anything.

MR. CIMINO: No, I don't think so. I do think that as was mentioned, we haven't in the past used more than 20 percent of this quota. In the future, one of the things that was a concern was would that amount increase, and yes maybe to some extent. In 2023 we were looking at maybe a 30 percent utilization. I think that's what we're looking at.

CHAIR WARE: Doug, do you have any comments to add? All set. Would anyone like to comment on this motion? Seeing none; does anyone need to caucus

on this motion? Joe, do you mind rereading the motion into the record?

MR. CIMINO: Move to approve New Jersey's CE Proposal to allow the commercial quota to be shifted to the bonus tag program. The program will continue with its status quo administration and size limit of 24 to less than 28-inches. The starting commercial quota will be 200,798 pounds.

CHAIR WARE: Thanks, Joe. I did not see any need for caucus. **We're going to go ahead and call, oh yes, any objections? Seeing none; the motion passes by unanimous consent.** Next, we have Review and Populate the AP Membership. Tina Berger.

REVIEW AND POPULATE ADVISORY PANEL MEMBERSHIP

MS. TINA L. BERGER: I offer for your consideration and approval two new members to the Striped Bass AP. The first is Captain Julie Evans, a commercial representative with a history in the fishery, and current activities with East Hampton Town Fisheries Advisory Committee, as well as Toby Lapinski, a recreational angler, freelance writer, and editor in chief, a fishing and tackle retailer from Connecticut. Captain Evans is from New York.

CHAIR WARE: Thanks, Tina. Would anyone like to make a motion? Marty Gary, could you please read that into the record, Marty?

MR. GARY: Move to approve Toby Lapinski, representing Connecticut and Julie Evans representing New York to the Striped Bass Advisory Panel.

CHAIR WARE: I have a second from Dave Sikorski. **Is there any opposition to the motion? Seeing none; the motion passes by unanimous consent.**

OTHER BUSINESS

CHAIR WARE: We are now on to Other Business. We had two things there. I am going to suggest, Mike, if you want to reach out to states, either talk to them or e-mail them, and I think we had, David, one item under Other Business for discard mortality. We're

going to move that to Policy Board, let people have some fresher brain space for that. Marty, you have an Other Business item? Okay, go ahead.

MR. GARY: Just very quickly. I think folks that have been around the table for a long time know that I have strongly advocated, but so have a lot of other folks for continuity in the winter tagging program that has been going on since 1987. I just wanted to publicly thank Rick for his efforts to keep that going, at least hopefully another year for Jacobson and New York's Fish and Wildlife staff.

They've done a great job, and they are out tagging now, or at least trying to find the fish. It's been a program that gives us our only data from the wintering ground for striped bass, which have been shifting. We've heard Katie and others in staff say how important it is. This is my annual epiphany to try to get folks to be motivated, to see if we can somehow get some funding that is more stable, so Rick doesn't have to use patchwork to keep it going. Thank you, Rick for all your work and your staff's work, thank you.

ADJOURNMENT

CHAIR WARE: Thank you, Marty. Is there any other business to come before the Board today? Seeing none; is there a motion to adjourn? So, moved. Thank you.

(Whereupon the meeting adjourned at 5:38p.m. on Wednesday, January 24, 2024)