

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

**The Westin Crystal City
Arlington, Virginia
August 8, 2018**

Approved October 23, 2018

Proceedings of the Atlantic Striped Bass Management Board Meeting August 2018

TABLE OF CONTENTS

Call to Order, Chairman Michael Armstrong 1

Approval of Agenda 1

Approval of Proceedings, May 2018 1

Public Comment..... 1

Consider Approval of the 2018 Fishery Management Plan Review and State Compliance Reports..... 1

2018 Benchmark Stock Assessment Progress Update..... 8

Elect Vice-Chair 9

Other Business 9

 FY18 Omnibus Appropriations Bill for NOAA Fisheries 10

Adjournment..... 14

INDEX OF MOTIONS

1. **Approval of agenda** by consent (Page 1).
2. **Approval of proceedings of May 2018** by consent (Page 1).
3. **Move to approve the 2018 FMP Review and state compliance reports for Atlantic Striped Bass** (Page 9).
Motion by Tom Fote; second by Raymond Kane. Motion carried (Page 9).
4. **Move to elect David Borden as Vice-Chair of the Atlantic Striped Bass Management Board** (Page 10).
Motion by Doug Grout; second by Tom Fote. Motion carried (Page 11).
5. **Move to adjourn** by consent (Page 16).

Proceedings of the Atlantic Striped Bass Management Board Meeting August 2018

ATTENDANCE

Board Members

Patrick Keliher, ME (AA)	Loren Lustig, PA (GA)
G. Ritchie White, NH (GA)	Andy Shiels, PA, proxy for J. Arway (AA)
Doug Grout, NH (AA)	John Clark, DE, proxy for D. Saveikis (AA)
Dennis Abbott, NH, proxy for Sen. Watters (LA)	Roy Miller, DE (GA)
Raymond Kane, MA (GA)	Craig Pugh, DE, proxy for Rep. Carson (LA)
Mike Armstrong, MA, Chair	Ed O'Brien, MD, proxy for Del. Stein (LA)
Sara Ferrara, MA, proxy for Rep. Peake (LA)	Russell Dize, MD (GA)
David Borden, RI (GA)	Mike Luisi, MD, proxy for D. Blazer (AA)
Bob Ballou, RI, proxy for J. McNamee (AA)	Bryan Plumlee, VA (GA)
Eric Reid, RI, proxy for Sen. Sosnowski (LA)	Sen. Monty Mason, VA (LA)
Matt Gates, CT, proxy for P. Aarrestad (AA)	Rob O'Reilly, VA, proxy for S. Bowman (AA)
Sen. Craig Miner, CT (LA)	Steve Murphey, NC (AA)
Maureen Davidson, NY, proxy for J. Gilmore (AA)	Chris Batsavage, NC, Administrative proxy
Emerson Hasbrouck, NY (GA)	Doug Brady, NC (GA)
John McMurray, NY, proxy for Sen. Boyle (LA)	Michael Blanton, NC, proxy for Rep. Steinburg (LA)
Tom Fote, NJ (GA)	Dan Ryan, DC, proxy for B. King
Heather Corbett, NJ, proxy for L. Herrighty (AA)	Martin Gary, PRFC
Adam Nowalsky, NJ, proxy for Asm. Andrzejczak (LA)	Derek Orner, NMFS
	Mike Millard, USFWS

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

Ex-Officio Members

Staff

Robert Beal
Toni Kerns
Katie Drew

Max Appelman
Jessica Kuesel

Guests

Rachel Baker, NOAA
Joe Cimino, NJ DEP
Desmond Kahn, Newark, DE
Arnold Leo, Town of E. Hampton, NY

Chip Lynch, NOAA
Nick Popoff, ME DMR
Jack Travelstead, CCA
Sherry White, USFWS

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; Wednesday, August 8, 2018, and was called to order at 4:45 o'clock p.m. by Chairman Michael Armstrong.

CALL TO ORDER

CHAIRMAN MICHAEL ARMSTRONG: Welcome everyone. I'm Mike Armstrong; Chairman of the Striped Bass Board. I would like to call this meeting to order.

APPROVAL OF AGENDA

CHAIRMAN ARMSTRONG: First order of business is we have the agenda. Does anyone have changes to the agenda?

MR. DEREK ORNER: Just wondering if I can add an item under Other Business?

CHAIRMAN ARMSTRONG: Please do.

MR. ORNER: It's just to talk about some actions in the EEZ again; with regard to the Block Island Transit Zone.

APPROVAL OF PROCEEDINGS

CHAIRMAN ARMSTRONG: It shall be, thank you. Okay you've all seen the proceedings; any changes noted? Seeing none; proceedings from last meeting are approved.

PUBLIC COMMENT

CHAIRMAN ARMSTRONG: Do we have any public comment on issues not facing the Board today? Dr. Kahn.

DR. DESMOND KAHN: I just wanted to comment on an issue that has been outstanding for a while to this Board. That is the status of the Delaware River spawning stock of striped bass; and the status of whether the Delaware estuary is or is not a producer area.

Back in 1998, I'm not sure how many people are aware of this, the Commission officially declared that the Delaware River spawning stock of striped bass had been restored. That was based on a technical report that myself, Roy Miller, and another person wrote. Now, it's also worth noting that the current commercial landing scheme for the states in the Commission was based originally on the landings in the 1970s.

In the 1970s the Delaware River stock was just barely a remnant. A recent paper written mainly by members of the Massachusetts DMF, estimated that the Delaware River spawning component of the aggregation of striped bass off the Massachusetts coast in the summer, was comprised between 15 and 20 percent of the total of that aggregation.

A very significant contribution to the total coastal assemblage comes from the Delaware River. But in the 1970s that really didn't exist; until the Federal Clean Water Act came into play, and anoxia in the Delaware River spawning grounds was cleaned up. What this means is that since the 1970s there is an additional maybe 15 to 20 percent of the total stock has been added to it by the restoration of the Delaware River spawning stock. Yet the Commission at this point, the Striped Bass Management Board, is not allocating that portion of the stock as a producer area.

Now, this is a science-based organization; and I would like to suggest that it's overdo for the Management Board to give that due to the states in the Delaware River Watershed; Pennsylvania, Delaware and New Jersey, as a producer area. I would like to encourage the Management Board to move in that direction.

CHAIRMAN ARMSTRONG: Thank you Des. I think my name is on that paper.

CONSIDER APPROVAL OF THE 2018 FISHERY MANAGEMENT PLAN REVIEW AND STATE COMPLIANCE REPORTS

CHAIRMAN ARMSTRONG: Next item is an action item to Consider Approval of the Plan Review and State Compliance Reports.

MR. MAX APPELMAN: I will be presenting the 2018 FMP Review covering the 2017 fishing year. This is an overview of my presentation. It is basically the various sections of the Review Report. I'll spend a couple minutes on each of these items, first with status of the stock. So our latest stock status information comes from the 2016 stock assessment update which found the coastwide stock to be not overfished, and overfishing not occurring.

We're all aware that the 2018 Benchmark is approaching completion. It is scheduled for peer review at SAW 66 at the end of November. That Benchmark will include data through 2017; as well as the new MRIP estimates. This table is showing you the terminal year estimates from the 2016 update; relative to the reference points.

We should be pretty familiar with this figure by now. This is showing SSB over time. The take home is that we've been on this declining trajectory since about 2003; and in 2015 SSB is estimated just above the threshold. Moving to fishing mortality, again this figure is showing that F rate over time. A little bit more variable in the later years, but in 2015 it was estimated below the threshold and below the target.

Status of the Management Plan; Amendment 6, and Addenda I through IV set the monitoring and regulatory programs for Atlantic Striped Bass. Addendum IV really sets the regulatory program; and 2017 was the third year under those regulations. We remember in early 2017 the Board initiated an addendum to consider relaxing those regulations; but then decided not to move forward with the addendum, and to wait until the new benchmark results came online before it considered changing any of those regulations.

Moving to status of the fishery, this is a look at total removals in 2017, and that change relative to 2016, to 2015, and to 2013; which has become sort of our proxy for the base period of Addendum IV. A couple of things to keep in mind here, so I am

talking about total removal, so that is both the commercial and recreational sector's harvests and discards. We're also using the pre-calibrated MRIP estimates in this exercise. Until the management program reflects the new numbers we'll continue to use those pre-calibrated MRIP estimates; the old estimates. Also the 2017 commercial discards estimate was not available at the time of this report due to ongoing assessment efforts. The Plan Review Team used the previous 10 year average for this exercise. In 2017 total removals, in terms of number of fish, was estimated at 3.33 million fish; which is lower than 2016, but higher than 2015, and roughly a 21 percent reduction from 2013 levels. The numbers that you see in Addendum IV are 20.5 percent for the Bay, 25 percent for the coast. We're on par with that. In terms of total harvest, 1.7 million fish and 2017 was the lowest annual estimate under Addendum IV.

Total discards a bit opposite, has actually continued to increase each year. Also, the recreational sector harvested 65 percent of total harvest by number of fish, 72 percent by weight. Focusing on the commercial sector, you can see that landings have been relatively constant under the Addendum IV quota system; right at 4.8 million pounds; I'm showing you with that red box at the end there.

In 2017, roughly 57 percent of commercial harvest came from within the Chesapeake Bay; an additional 31 percent came from Massachusetts and New York. Focusing on the recreational sector, this is a figure of total catch broken down into its components; so in the blue we have harvest, and then the red and the green make up your releases, where the red is the proportion of releases assumed to die.

The take home here is that total catch estimates have been increasing since 2012. I know the 2016 and 2017 bars look pretty similar; but 2017 is slightly higher than 2016. We've been continuing that upward trajectory. Zooming in, now just looking at harvest from the recreational sector; and we see a slightly different picture here. In general we've been declining since the peak around; I think it's 2006 from this figure. You can see some years

have been better than others. Keep in mind the 2015, 2016, and 2017 occurred under those harvest reductions through Addendum IV; so certainly playing a factor there. In 2017, roughly 50 percent of harvest came from Maryland. Massachusetts, New York, New Jersey and Virginia accounted for an additional 40 percent, and 56 percent of total recreational harvest came from within the Chesapeake Bay.

If total catch is going up and harvest is going down that must mean that the number of fish caught and released is going up; and that's what I'm showing you with this figure. Again, each column is our total releases; and then the red would be the proportion of those releases assumed to die, so dead discards, and then the line at the top of the figure that is the proportion of total catch that is released. Similar take home as the total catch estimate, increasing since 2012.

But what I wanted to point out is that the Chesapeake Bay has been experiencing something very different than that along the coast, regarding releases. From about 2012 to 2016, releases in the Bay have been on a steady increase; and along the coast it's been pretty constant. However, in 2017 we saw a shift; and in the Bay releases actually decreased by roughly 35 percent. Whereas, along the coast we saw an increase of 38 percent in releases; which is sort of in line with what we know about the 2011 year class moving its way out of its natal bays and estuaries, and becoming increasingly available to those coastal fisheries.

Moving to commercial quota monitoring, this is a table of the coastal commercial quota. In 2017 the coastal quota was not exceeded; but there was one state-specific overage, Massachusetts a little over 22,000 pounds, which is deducted from its 2018 quota. You can see those final 2018 quotas listed there on the right side of the table. For the Chesapeake Bay quota; similarly was not exceeded in 2017. Additionally, there were no jurisdiction-specific overages, and again you can see these tables in the report as well.

Regarding juvenile abundance indices, there is a management trigger in the plan tied to the juvenile abundance indices. Each year the Review Team reviews indices from six different surveys, and if any of those surveys indices fall below its respective Q1 threshold for three consecutive years, then appropriate action is recommended to the Board.

For the 2018 review the Review Team evaluated the 2015, 2016, and 2017 values; and no management action is triggered. This is a look at those six different time series; and this figure is a lot easier to see in the report. But I wanted to make note that the 2017 values in all series are above the Q1 threshold, its respective threshold. We're in the clear for the next two years at least. Furthermore, most of them are actually near the average for the respective time series; particularly the Maryland and Virginia Bay indices are around average in 2017, and it looks like New Jersey and New York.

Addendum III is in regards to the Commercial Harvest Tagging Program; where all states with commercial fisheries are required to implement such a program, and to submit an annual monitoring report no less than 60 days prior to the start of its commercial season. Following review, the PRT determined that all states had implemented a commercial tagging program consistent with those requirements. There is a table in the report summarizing each states tagging program; and you're encouraged to look at that for details on each program.

Regarding overall compliance in 2017, following review the Review Team determined that all states had implemented regulatory and monitoring programs consistent with the requirements of the FMP.

However, the PRT noted two inconsistencies with 2018 state measures. The first being Maine; current regulations under the Department of Inland Fisheries and Wildlife are inconsistent with the FMP. For completeness, Maine DMRs regulations are in line with the FMP. It is my understanding that Maine is in the process of fixing this

inconsistency. If there are any questions regarding that I would defer those to Maine.

The second issue is regarding the conservation equivalency measures that Maryland implemented for its 2018 summer/fall fishery in the Chesapeake Bay; essentially reducing the minimum size limit to 19 inches, and requiring the use of a circle hook while chumming or live lining. The inconsistency noted was in regards to the language implemented by Maryland being slightly different than the motion that was passed by the Board at its February meeting.

The regulations implemented by Maryland do allow the use of J hooks with processed bait; as long as you're not live lining or chumming. However, the Board motion reads; non-offset circle hooks required when fishing with bait, non-artificial lures. Just making note of those two inconsistencies.

That wraps up my presentation, I'll take any questions.

CHAIRMAN ARMSTRONG: Ritchie.

MR. G. RITCHIE WHITE: I would just be curious if Maryland, if there is a definition of processed bait.

MR. APPELMAN: I would defer that to Maryland.

CHAIRMAN ARMSTRONG: Let's hold on the specific state problems, and just ask questions about the remaining things. Then we'll ask each of the states to give a brief statement. To that point I have Rob O'Reilly then John.

MR. O'REILLY: I think this might be a state problem; but it's different. It's a question for Max; and my question is I understand the Bay Fleet, you know the three fleets that the recent assessment how they treated all the information. But I want to remind the Board that with the onset of Addendum IV, the Chesapeake Bay quota was eliminated.

This included recreational and commercial fisheries. Commercial fisheries go on just fine; they're at a lower level, and that is the 20.5 percent reduction

in the Bay. I contend there have been differential impacts resulting from Addendum IV; within the Bay that didn't exist before from 1997 until 2014, when the Chesapeake Bay quota was in process.

I would ask if it is possible at some later date to take a look at the recreational fishery in the Bay; by jurisdiction, and compare it to what has ensued under Addendum IV starting in 2015. I would be happy to do that work and in coordination with you, Max, or you may want to look at that I don't know. But I think it's important as we go forward through the next upcoming assessment; and as we go past Addendum IV, for the Board to really take a look at what has gone on in the Bay.

You know to just indicate the Bay in your summary is fine. But really there has been a pronounced effect from Addendum IV; and I would like to explore that a little bit. I'll talk to Max later on; but I did want the Board to hear my concerns, and they are the same concerns that I've had at several meetings about the disruption of the Bay quota.

CHAIRMAN ARMSTRONG: John McMurray.

MR. JOHN G. McMURRAY: I have questions for Pat and Mike; but I'll hold off on those at your request. But if I could, I would like to ask Max a couple of questions about his presentation; particularly about the 2016 and 2017 catch increase, but a harvest decrease. You mentioned that indicates an increase in releases. But I'm wondering what that's indicative of. Is that because of the constraining measures put in place with Addendum IV; or is it because there are smaller sublegal fish entering the fishery? Do you have any thoughts on that?

MR. APPELMAN: My immediate thought is it's a little bit of both. I would say harvest is probably directly related to your regulations; whereas total catch is probably related to abundance and things like that; number of fish out there. If you're throwing back fish it is undersized maybe; or you've already hit your limit, and there is a lot available to you so you continue to catch them. Whereas, your harvest is impacted by what your bag limits are and things like that.

MR. McMURRAY: Follow up. I'm thinking about it in the context of the anecdotal reports of a lot of smaller fish being around. They're not 2011s, 2011s are legal now if I am understanding correctly. I guess I would just like to know where those fish are coming from. It seems to be pretty consistent across the coast; this abundance of small fish. Anyway, I know you don't have the answer to that question. But I'm just putting it out there as something to consider and think about moving forward.

CHAIRMAN ARMSTRONG: Emerson, do you still have a question?

MR. EMERSON C. HASBROUCK: I'm going to hold my question until the next agenda item; when we have the update to the stock assessment.

CHAIRMAN ARMSTRONG: Okay. At this point I would like to give the two states with the inconsistencies a chance for a brief statement. Do you want to go first, John?

MR. JOHN CLARK: I just had a question that was actually going to be similar to what John asked. But just to follow up on what he was saying. As far as the recreational discards, I agree with John that they're not 2011 year class. We're seeing a lot of small striped bass.

MR. APPELMAN: I just want to make one additional comment that based on the stock assessment update, the 2014 year class actually showed to be about equal in size, as an output of the model, equal in size to the 2011 year class. Now maybe they are starting to show up in the catch data; but that could be a factor.

CHAIRMAN ARMSTRONG: Pat, do you want to talk briefly about what happened?

MR. PATRICK KELIHER: I would love to talk briefly about what happened, Mr. Chairman. My sister agency at the Cabinet Level, the Department of Inland Fisheries and Wildlife, in an attempt to streamline their fishing regulations and remove one

line that said striped bass, one fish at 28 inches, removed that and instead in their regulations put striped bass, see Maine Department of Marine Resources at www.state.maine.dmr and referenced our regulations.

Our regulations stop at the head of tide. There are roughly 30 river miles where striped bass can be targeted. Not a lot of fishing up in those areas right now; because the water is very warm, and the bass move back out of the systems. Those bass will move back up in there later in September and October.

The good news is, Mr. Chairman that they have decided to move at the speed of light; as we say of state government, and they will have new regulations in place sometime in September or early October. But again, we're talking about 30 river miles. Just in reference, the coast of Maine is almost 5,000 miles long when you stretch it out.

CHAIRMAN ALEXANDER: Does the Board have any questions, comments? It sounds like a problem that will resolve itself fairly quickly.

MR. KELIHER: Now that this has been on the record, everybody in the state of Maine now knows this is a problem, where they didn't know it before.

CHAIRMAN ARMSTRONG: That's the Saco River. Okay then I think we can move on; Mike could you give us a few words?

MR. MICHAEL LUISI: Absolutely, Mr. Chairman. I've been cold all day until about five minutes ago; the seats warming up a little bit.

With all seriousness, I think this Board as everyone knows here, approved a conservation equivalency program for the State of Maryland to go back for their 2018 summer/fall fishery; to implement a circle hook requirement.

That circle hook requirement, along with a drop in the minimum size by one inch, was an effort to reduce the amount of dead discards that we had in the Bay. The state of Maryland very much

appreciates this Board's support of that action. I'll tell you after we got home, after February, and after the ticker tape parade and all the other things that happened in the state.

The rubber hit the road, as far as us making and promulgating those regulations in time to have them effective before May 16, which was when the summer/fall fishery began. Throughout the course of the year prior to that presentation and that proposal, we had been working very diligently with recreational stakeholders throughout the state; both charterboat and private anglers, to come up with a plan to address the concern about dead discards that was being seen on the Bay.

It wasn't until we proposed those rules and reached out to the greater audience that we started to get concerns. You know this proposal started to get arms and legs to it. What we realized was that we were affecting through what we proposed, and I'll just be straight out with it. We proposed the use of circle hooks for all bait purposes; and a minimum J hook size of one-half inch between the shank and the point, if you're going to use bait.

I know that's what we discussed. It was part of our proposal. It was part of the discussion at the Board. But when we got home and proposed that to stakeholders and fishermen in Maryland, we got tremendous feedback regarding the affect that regulation was going to have on what we considered our fringe fisheries; things like cat fishing, things like fishing for cobia or black drum or other species that we were affecting fishermen that fished for other species, by implementing these regulations on the J hook requirement.

Tackle shops reached out in mass concern that they had enormous amounts of inventory on their shelves that they were no longer going to be able to get rid of; because a J hook greater than one-half inch was not going to be able to be sold in the state of Maryland, because people were going to need to use bait. It boiled into what we consider just unforeseen consequences to the actions that we wanted to take. Before long, our agency pulled that proposal. We decided to pull back on the proposal,

to reconsider how we could move forward; because we were fearful that the politics behind it were going to eliminate the idea of a circle hook altogether. When we weighed the action, between coming back to the table with a new proposal that just required circle hooks for chumming and live lining, versus having the J hook requirement, we felt that the conservation effort in implementing a circle hook requirement for what we considered to be the striped bass fleet.

We talked about it before. Anyone fishing for striped bass, or let's say 95 percent of the people fishing for striped bass during this time of the year; when you're chumming or live lining. That's what you're doing; you're chumming and live lining. You're not fishing with a solitary piece of bait for striped bass.

Now there may be a few; but the tradeoff was such that we ultimately decided in order to get this action through, and in order to get it through in time for the May 16 start date that we needed to pull back on that J hook requirement for this season. We were effective in that and the regulations were actually promulgated; and are now in effect.

They were moved forward through the committee that reviews our regulations in an emergency fashion; which was the first time since the Hogan Administration that a rule that did not have to deal with human health was moved forward in an emergency style, in order to have those rules in effect before the season. That's what happened.

I will say that we are working very diligently to prepare for this Board a report in February; highlighting the enforcement and the outreach in education work that we've been doing, to get a sense as to how successful the circle hook program has been. I can tell you that we believe that the program is very effective.

Even though we don't have the J hook requirement, we've had saturation patrols from our Natural Resources Police. A report recently indicated that over the course of two saturation patrols, there

were over 40 vessels that were boarded. The first 20 vessels there were 115 fishermen; I would assume probably very similar with the second 20 vessels, 115 fishermen, and there was between 95 and 100 percent compliance on the circle hook requirement in that chumming and live lining fleet.

We're happy with how the program has been going. We realize that we did deviate slightly from what we discussed at the Board. But the Agency felt that the tradeoff was too great to have that program eliminated; due to that small detail that we discussed at the Board. I'll leave it at that and I can answer any other questions, Mr. Chairman, if anyone has any.

CHAIRMAN ARMSTRONG: One quick question. You also eliminated treble hooks, is that correct?

MR. LUISI: That is absolutely correct. The regulation specifically eliminates the use of treble hooks with bait in Maryland.

CHAIRMAN ARMSTRONG: Any questions, comments from the Board? Pat.

MR. KELIHER: Thanks for deflecting the hot seat, Mike. Just from an enforcement standpoint, if circle hooks are going to be required for one fishery and not another, is there enough spatial separation between the fisheries so you can determine who's targeting striped bass and who's targeting the other species, so it's enforceable?

MR. LUISI: Yes. There is some slight overlap when you get to the most northern parts of the Bay; but for the most part those fisheries, they are occurring in different places. It's very obvious where the striped bass fleet is fishing; because you could walk from boat to boat on a given Saturday. The cat fishermen are a different beast.

CHAIRMAN ARMSTRONG: John.

MR. McMURRAY: Maybe this is a question for Ed, rather than you, Mike. But has there been any feedback from the charter/party fleet in particular on the effectiveness; and whether or not they're

working to reduce discards, and also whether or not they're at all problematic to the fleet, as far as anglers learning how to use them correctly?

MR. ED O'BRIEN: The charter fleet, the northern charter fleet that has been chumming constantly; this has been more of an adjustment for. But we have found that a lot of our captains have been using circle hooks anyway. When I say a lot, I mean more than I expected, probably 25 percent were using them anyway.

We identified these captains; and energized them to speak their piece relative to what they've experienced. Basically of course, they have had less discards. Now, we keep talking about circle hooks; and I think precedence is being set. I think that other states may dwell on the success we are seeing and may want to consider it too.

Now, what gets underestimated is the effect on conservation that this 19 inch fish has. For charterboats it means hey, you go home earlier; or if you don't you've got to go home, pick up another party, or the party wants to go home. At least you've got some fish. The 19 inch fish has been very successful; not that people get their limits in it, but something goes in the box.

Speaking from a charterboat standpoint; these are people that we have really tried to get back, who have endured this catch and release forever. Now catch and release is a situation unto itself. There is a lot of mortality to it; when people keep fishing, in order to catch that 20 inch fish. The 19 inch fish, when that first one goes in the box, when it does that is really a morale booster to everybody.

People don't need to catch their limit; they need to have something to take home. If you have six people and you just catch three fish, everybody's got a fillet. That 19 inch fish has been extremely successful from a mortality standpoint, from a conservation standpoint. Thank you for asking the question.

CHAIRMAN ARMSTRONG: Are there any other comments? Seeing none; **I think what I would like**

to do now is get a motion on the Board to approve the Plan Review, and then we can bring any other issues into that rather than just staying on the current issue. Would anyone like to make a motion? Yes.

MR. THOMAS P. FOTE: **So moved.**

CHAIRMAN ARMSTRONG: Move to approve the 2018 FMP Review for the Atlantic striped bass. Motion by Tom Fote, do we have a second, Ray Kane. Discussion, seeing none; are there any objections to us passing this? Seeing none; it passes unanimously. Item 5, Katie you're up; talking about the benchmark stock assessment that's coming up.

2018 BENCHMARK STOCK ASSESSMENT PROGRESS UPDATE

DR. KATIE DREW: Just to give you guys an update. We have received the calibrated MRIP data for the entire time series for striped bass; and that includes both the catch numbers, so total catch in terms of both harvest and release, which are available on the MRIP website now. But it also includes the new calibrated length frequencies; which are not available on the MRIP website, but have been provided to us through a custom data request. All of that information has been received.

We received it as soon as those numbers were available; and they've been processed into the catch-at-age. We're able to move from runs with simulated data to test the new model into runs with the actual completed new data; so that we can be prepared for our Assessment Workshop, which is going to be September 11 through the 14th, here in Arlington. We'll be able to review the model runs and make some final determinations on stock status and reference points at that workshop, in preparation to have the assessment report completed for our end of November peer review through the SARC process. I'll be happy to take any questions on that.

CHAIRMAN ARMSTRONG: John.

MR. CLARK: Just trying to remember from yesterday. What was the difference between the new one and the previous? I think it was pretty large, wasn't it for striped bass?

DR. DREW: It was. By the end of the time series for the coast, it was about three times larger than it had been in the past.

CHAIRMAN ARMSTRONG: Emerson.

MR. HASBROUCK: Using the calibrated data then, does that change the calculated spawning stock biomass? That is Part A of the question.

DR. DREW: Yes, so I don't have any numbers to tell you right now; but it absolutely will affect the estimates of abundance and spawning stock biomass that come out of the model, for both the time series and for the reference points.

MR. HASBROUCK: That's what I thought. My follow up question, you partially addressed it. How does that affect our targets? I mean the target and the threshold. If the spawning stock biomass has changed, are the threshold and the target changing along with it, or do we need to go through a process to change those?

DR. DREW: Excellent question. If you remember the Board provided us with some guidance last time; saying basically we're not satisfied with our current definitions of the reference point, and we would like to look at some other options. The stock assessment will be looking at some other options. Obviously the historical target and threshold, based on that 1995 level will change most likely with the new assessment; given the new numbers.

That kind of historical definition will change; and will need to be reevaluated. But we're also looking at some alternative definitions that will provide different numbers to the Board; and so when you receive the assessment in February, you will also be considering changes to those reference points, either based on the new numbers that come out and the same definition, or a completely new definition.

CHAIRMAN ARMSTRONG: Go ahead, Emerson.

MR. HASBROUCK: Yes, I'm sorry last question on that. With the calibrated numbers, the biomass scales up; and then the reference points scale along with that, because we're using the calibrated data, so that the whatever it was, 1995 number is the new calibrated number, so that goes up as well?

DR. DREW: Right. It's obviously they're not going to scale perfectly. Recreational catch increased by whatever it was in '95, it's not going to move that reference point up by the same amount. But it will change that reference point; in terms of the 1995 value will no longer be what it is on paper right now, it will be something different.

CHAIRMAN ARMSTRONG: Marty.

MR. MARTY GARY: Katie, I was wondering if I could bundle two questions. One is terminal year likely to be 2017, and also could you comment at all about the status of Chesapeake Bay specific reference points?

DR. DREW: Yes, the terminal year will be 2017. That is the amount of data that we have through then. It's complete and it's in our possession now. We're still considering the Chesapeake Bay reference points; and that's still something that we're working on with the rest of the assessment, so kind of how do we define the Chesapeake Bay reference points, and how do we define that in terms of the larger, overall reference points as well. It's still definitely on the table; and it's a work in progress.

CHAIRMAN ARMSTRONG: Steve.

MR. STEVE MURPHY: Yes, Katie, how does the assessment take into account the movement of the nearshore striped bass off North Carolina? I mean we really no longer have an ocean fishery for them. They're well offshore. But ostensibly they're moving into the population that's being managed here.

DR. DREW: We generally consider those fish that are available to North Carolina during the winter months, or that have been historically available to North Carolina during the winter months, as being part of the larger coastal population that is moving. I think the North Carolina catch on those has dropped off; and is potentially an indication of kind of either inappropriate or unavailable habitat, because of temperature, or a contraction in the stock size.

We're still looking to North Carolina for those coastal data, and that's folded in. But they are considered part of the larger system; and whatever is happening sort of in North Carolina's inland waters is completely separate from what our assessment is handling. They're not really considered North Carolina fish; but they're part of the assessment.

CHAIRMAN ARMSTRONG: Are there any more questions for Katie? Seeing none; I would urge you if you haven't looked at your new calibrated MRIP numbers for striped bass for your state, you should. It's pretty eye opening.

ELECT VICE-CHAIR

CHAIRMAN ARMSTRONG: Next item of business, ah elect a Vice-Chair. I would entertain a motion for a nomination. Doug.

MR. DOUGLAS E. GROUT: I would like to nominate David Borden to be Vice-Chair of the Striped Bass Board.

CHAIRMAN ARMSTRONG: Do we have a second? Tom Fote. Are there any objections to David Borden's nomination? I did see he wasn't here earlier; I was going to amend the motion that he took over after this meeting if he wasn't here. **Seeing no objections; congratulations, David, to the warm up circle.**

OTHER BUSINESS

CHAIRMAN ARMSTRONG: That brings us to other business. Derek.

**FY18 OMNIBUS APPROPRIATIONS BILL
FOR NOAA FISHERIES**

MR. DEREK ORNER: Always great going late in the afternoon on a long day. I just wanted to bring to the attention of the Board. We have a couple directives that came out of the FY 18 Omnibus Appropriations Bill for NOAA Fisheries. I brought them up at the last meeting in regards to aquaculture; and just wanted to bring it up again here and have kind of a short discussion.

Just to read them in, the first one was recognizing that the Commission is completing a new stock assessment for Atlantic striped bass. After this assessment is complete, the Secretary of Commerce is directed to use this assessment to review the federal moratorium on Atlantic striped bass. That was something like I said I brought up at the last meeting; in regards to aquaculture, and had some discussion.

The second provision is that NOAA, in consultation with the Commission, is directed to consider lifting the ban on striped bass fishing in the federal waters around the Block Island Transit Zone. I'm glad to hear that we've continued with some of the discussions on aquaculture, Monday and Tuesday of this week.

We just heard from Katie on the progress of the assessment; look forward with working with the Board as that comes to conclusion, and kind of reviewing the federal moratorium along the entire coast. In the meantime I'm interested in some initial feedback; and getting some feedback as well from the public on the second provision that was to lift the moratorium around Block Island's Transit Zone. It's the intent of NOAA Fishery now to issue an advanced notice of proposed rulemaking; to solicit public input on these changes, and maybe put something out in the coming months. That would be to remove the prohibition on striped bass fishing in the Block Island Transit Zone. This will provide a benefit to anglers in the fishing industry; by improving the coordination in that area.

I don't know if there is any input; feedback from the Board, kind of initial reactions. We'll be soliciting public input like you said; probably in the next maybe two to three months, and then look forward to working with the Commission in that process. Thank you.

CHAIRMAN ARMSTRONG: Any questions for Derek? Robert.

EXECUTIVE DIRECTOR ROBERT E. BEAL: A process question, Derek. The language from the Omnibus Budget for the second item, the Block Island Transit Zone said in consultation with ASMFC. I guess maybe I have two questions; one, how do you interpret that? The other is if there is an advanced notice of rule-making coming out; and there is a public comment period, do you think you would be able to have the public comment period span our annual meeting so that this Board can get back together at the annual meeting, and see what's in the advanced notice, and comment as a group at our annual meeting?

MR. ORNER: To quickly respond to kind of the coordination piece, is it is kind of starting now. You know bringing it up at the Board. We will be putting an ANPR out for public comment. I don't know the exact timing. But I believe the intent is to have that open during the process around the annual meeting.

CHAIRMAN ARMSTRONG: Okay, I think that would be a critical point; because we want to meet again on this. John.

MR. McMURRAY: Presumably there will be a public comment document, correct?

MR. ORNER: Correct.

MR. McMURRAY: If that's the case, would there be some analysis on what sort of impact this would have on SSB and F rates?

MR. ORNER: I don't have an exact answer for you; as this is going out for public input on the

announcement itself. I think the actual scope of the actual ANPR itself later on would get into that.

CHAIRMAN ARMSTRONG: Anymore questions for Derek?

MR. HASBROUCK: Thank you Derek, for the information. I'm wondering if you would be able to send out a notice to this Board when that information is posted; and where people can comment.

MR. ORNER: We'll definitely do that and make sure the Commission gets, and we can make sure the Board receives it as well.

CHAIRMAN ARMSTRONG: Andy.

MR. ANDREW SHIELS: Derek, just a question. If this would go through, or this information is gathered, who would be the decider as to whether or not this is enacted?

MR. ORNER: We would have, NOAA Fisheries would have the, I guess ultimate say for what regulations are in the EEZ; but doing it in consultation with the Commission, so we'll take whatever public comment come in, plus the conversations at the Board into consideration.

MR. SHIELS: Quick follow up. What is the last line of decision making? Who would it be in NOAA Fisheries or who would make the call on this one?

MR. ORNER: NOAA Fisheries.

MR. SHIELS: Is that a person? Who in NOAA Fisheries? Who are we talking about?

MR. ORNER: In NOAA Fisheries it would be Chris Oliver.

CHAIRMAN ARMSTRONG: Okay, Bob Ballou.

MR. ROBERT BALLOU: Derek, I think I heard you say you were looking for initial feedback. I'll provide that from a Rhode Island perspective; very controversial issue. Proceed with extreme caution.

How's that for feedback? It really is a hot button issue.

You're really stirring the hornets' nest. Not you. Congress stirred the hornets' nest by imposing this upon the Agency. I think you know that. But just be ready for considerable pushback on both sides of the issue. It's a very controversial issue; as I'm sure you're well aware. There's your feedback.

CHAIRMAN ARMSTRONG: Not to state the obvious. But just for the record, it really is critical that this Board is part of the discussion the whole way through. Anymore questions for Derek? All right, Roy; you had a comment?

MR. ROY W. MILLER: A quick comment. I would like to circle back for just a second for some clarification regarding Agenda Item 4; Approval of the Management Plan and State Compliance Reports. By accepting the Management Plan and State Compliance Reports, is it a safe assumption that Maryland's present circle hook requirement will continue on for the subsequent fishing years until changed? What I'm getting at is will that serve as a model for other states to emulate; or is Maryland going to readjust when they have additional opportunities to adopt the original language that they suggested a while ago?

CHAIRMAN ARMSTRONG: That's a good question; and Mike has his hand up, so I'll let him answer that.

MR. LUISI: The regulations that we've implemented, Roy, have a two-year sunset provision on them. Right now I think, and I'll speak for what I know now. The plan is to stay the course for two years. I would assume that there is going to be management action that is going to come from the result of the benchmark assessment.

I can only assume that it might change things for the future; but after two years it is going to be our obligation to review the program, and determine whether or not we're accomplishing what we set out to accomplish. If not, we may be more restrictive in that we would implement the J hook

requirement; or modify it in some other way. But for now I can't tell you anything more than what we would do after 2020.

CHAIRMAN ARMSTRONG: We will see a report in February about the result of this, correct?

MR. LUISI: Yes that was the commitment that we made; it's a report regarding enforcement, education and outreach et cetera. We are not doing any type of evaluation currently with the resources that we have to determine the effectiveness of a circle hook. We're basing the effectiveness of the circle hook on the previous work that's been done; to indicate that deep hooking mortality is reduced through the use of those hooks. But yes, a report will be coming forward to this Board in February.

CHAIRMAN ARMSTRONG: Dennis, oh Doug.

MR. GROUT: My recollection, and correct me if I'm wrong. I thought the motion the Board approved was for a period of one year; and that we would review it in February, and determine whether we were going to approve it for any future years, if you could clarify that. I was pretty sure that there was going to be a report provided by the state of Maryland on the effectiveness of this in reducing mortality and that this was only for one year. I think we need to have that clarified. I thought that was what the motion originally said.

CHAIRMAN ARMSTRONG: That would be an important point, Doug. That must be in the minutes somewhere, right?

MR. APPELMAN: I'm working to pull it up.

CHAIRMAN ARMSTRONG: That being said, we have another slight problem. This motion was not quite complete. The full motion should say; Move to approve the FMP Review and State Compliance Reports. That needs to be part of it. How do we perfect that Toni?

MS. TONI KERNS: If there is no objection to adding "and State Compliance Reports," then we can just add it in.

CHAIRMAN ARMSTRONG: Ritchie.

MR. WHITE: I would like to hear the answer to the issue of the February report and what's attached to that before there is any change in that motion.

CHAIRMAN ARMSTRONG: Okay. Mike.

MR. LUISI: We went forward with a two-year provision; in the event that after the report that the Board agrees or sees the program that we've implemented as being a success. If the Board were to decide to not allow Maryland to use a circle hook with a smaller size limit, we would reverse the regulation in due time. We had to go through, like I mentioned before we had to do an emergency regulation, which is almost unheard of under this administration to get these rules enacted in time for the season.

We didn't want to go through that again next year after February; if the Board was approving of our program. We decided to put a two-year sunset on there for our own internal review; if the Board is accepting of our program for the next two years. This Board ultimately has the say as to whether or not Maryland continues with the circle hook requirement.

Therefore, if that decision that was made in February of 2018 was reversed, and we were asked to go back to the drawing board; go back and allow for treble hooks, and go back and allow for the use of J hooks with chumming and live lining. If that is the Board's wish, then we would have to go back and reverse our rules. But for now it's in place for two years.

CHAIRMAN ARMSTRONG: Go ahead, Max.

MR. APPELMAN: We just looked up the motion. What Mike is saying is sort of in line with what the motion reads. It doesn't put a sunset provision on the regulations that are in; just that you will bring a

report, Maryland will bring a report to the Board in February, at which time the Board can make its judgment on revisiting that conservation equivalency measure.

EXECUTIVE DIRECTOR BEAL: I could read the motion if you would like; but it's a pretty long motion. Maybe I'll try to paraphrase it. The first sentence of the motion just says; Move to approve Option B in Maryland's Conservation Equivalency Proposal, and then it describes what regulations Maryland was going to implement.

Then the second sentence of the motion said, Additionally Maryland will collect enforcement, compliance, and other relevant information during 2018, and will report back to the Board with a Conservation Equivalency Effectiveness Review in February of 2019. It does not include any reference to a single year or it's a 2018 only program or anything along those lines. I don't have the full minutes in front of me; and I don't know if the record has any part of the discussion or not. But we can pull that up right here and review those during the meeting.

CHAIRMAN ARMSTRONG: We do get a crack at looking at it in February. I don't know if that provides some level of comfort. Go ahead, Ritchie.

MR. WHITE: Question, so if we approve the FMP for 2018, we're going to be in 2019, so this has no effect on any changes that might be required in February.

MR. APPELMAN: This FMP Review, the Compliance Reports relating to this FMP Review cover the 2017 fishing season; and any changes to 2018 regulations.

MR. WHITE: Right, so again if there were a decision to create changes for 2019, then we would have the ability to do that in February. Anything we do to this motion isn't going to affect that.

MR. APPELMAN: Correct.

CHAIRMAN ARMSTRONG: Yes.

MR. SHIELS: I found the preamble part to that from the archives and it says, the part that leads into the motion, the description says the Board approved Option B for Maryland's proposal for implementation in 2018; with the understanding that Maryland would include circle hook specifications in its regulations. Then it goes down and includes the information from the motion that says; this information will be provided in February, 2019. It seems like at least in the summary it's pretty clear it was for 2018. It doesn't say beyond that in the summary.

CHAIRMAN ARMSTRONG: Yes so it's clear there is no sunset to the regulation; except internally within the state; any other comments? Eric.

MR. ERIC REID: I'm trying to decide whether there is a comment or not. I mean I don't know what's in the water in the Chesapeake Bay. But yesterday we talked about the other side of Chesapeake Bay with the legislature and menhaden. Now Maryland really only enacted a portion of what they said they were going to for 2018.

Is that correct; because you had a problem with the J hook issue? You were going to make bigger J hooks and you were going to do circle hooks; but you only enacted the circle hook portion of what you proposed to get 19 inches. Is that right?

CHAIRMAN ARMSTRONG: Mike.

MR. LUISI: Eric, it was our intent to capture the greatest audience that we could in our rulemaking; for people who intended to stripe bass fish. When we approached our enforcement agency and asked them if we could promulgate rules on targeting, or if we could make rules specific for people stripe bass fishing on intent to stripe bass fish, they told us no.

Here we have this pool of people who we want to effect. When we put forth the rules that we first put forth, we started to affect the fringe fisheries unintentionally. Therefore, when we looked again

at the pool, we said it's probably better to capture 95 percent of that pool than none of them.

When you say we only did half of what we said. We actually captured the audience that we wanted in those regulations; and didn't affect those fringe fisheries, but we lost a very small percentage of those people who may use a piece of bait with a J hook to catch a striped bass. But we were willing to deal with that tradeoff; in order to effectively handle that very large pool of striped bass fishermen that we couldn't implement regulations on intent for, if that's clear.

CHAIRMAN ARMSTRONG: Ritchie.

MR. WHITE: As I recall, I was the one that asked for the February report. I still stand by that. We're giving them a chance. They didn't implement the regulations exactly as we requested; but they've gone a long ways. We have the ability to make changes in February, so I support letting them give their report. Let's see what's happened there. Let's see what they have to say. We can decide if we don't think things are going as they thought they would; we can make a change in February.

CHAIRMAN ARMSTRONG: Okay, any more comments? Seeing none; is there any objection to approving the State Compliance Report to this motion that was passed? Seeing none; it is now passed with the amended language. Should I read that? The new approved motion is; to approve the 2018 FMP Review and State Compliance Reports for Atlantic Striped Bass, original motion by Mr. Fote, second by Mr. Kane. Passed unanimously, passed the second time unanimously. I think we're out of business; any other business before this Board? Tom.

MR. FOTE: It seems I always get caught in a controversy; even when I make a simple motion. But anyway, I took what Desmond said to heart. I've been asking for that same review; basically the producing area status of the Delaware River and the Hudson River, and what the contribution is to the overall coastal stocks.

I've been hammering that for about the last ten years since we got put out as no longer producing areas by just the writing of a pen; while Bruce Freeman and I left a meeting. I still want that to be on the agenda. I would like it on the agenda for the next Striped Bass Board of where we're going forward with that; because we've been talking about it, yet nothing ever gets done.

MR. APPELMAN: Tom, I'm sorry. Were you also suggesting that maybe that would happen when the results of the benchmark came out?

MR. FOTE: Yes, I think you're working on the benchmark. I just needed a report on what's going on with that; because we've been talking about that for years. It was accidentally removed as a producing area status of the Hudson River and the Delaware River under Amendment 5, I think it was. It was done when New Jersey left the room.

We've been complaining about it ever since. We should know what effects the Delaware River and the Hudson are to the coastal migratory stock, because we don't manage it that way. We manage strictly as the Chesapeake Bay; because that's the way it's been written ever since. We should really know; because some years the studies in Massachusetts, thinking about 30 percent or 40 percent of the coastal migratory stock is from the Hudson and the Delaware combined, if I heard the studies right.

MR. APPELMAN: I think that a task like that would pretty cumbersome; and the Stock Assessment and Technical Committees are pretty involved with the benchmark right now. Once that information comes available, which we'll add to that type of analysis or evaluation, we could definitely consider doing something like that at that time.

ADJOURNMENT

CHAIRMAN ARMSTRONG: Tom, we'll circle back to that after the assessment. That being said, no more business we are adjourned. Thank you.

(Whereupon the meeting adjourned at 5:55 o'clock p.m. on August 8, 2018)