

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

**Webinar
August 3 and 4, 2020**

Approved October 19, 2020

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1. **Approval of agenda** by consent (Page 1).
2. **Move to approve proceedings from May 20, 2020** by consent (Page 1).
3. **Move to approve the 2020 Fishery Management Plan Review and state compliance reports for Atlantic striped bass** (Page 5). Motion by Emerson Hasbrouck; second by Cheri Patterson. Motion carried (Page 5).

Postponed Motions from April 2019

Main Motion

Move to initiate an Amendment to the Atlantic Striped Bass Fishery Management Plan to address the needed consideration for change on the issues of fishery goals and objectives, empirical/biological/spatial reference points, management triggers, rebuilding biomass, and area-specific management. Work on this amendment will begin upon the completion of the previously discussed addendum to the management. Motion postponed indefinitely.

4. **Move to postpone indefinitely the motions made during the April 2019 meeting of the Board** (Page 25) . Motion by Mike Luisi; second by Justin Davis. Motion carried (Page 25).
5. **Move to initiate an Amendment to the Atlantic Striped Bass Fishery Management Plan focused on the following management topics: (1) fishery goals and objectives; (2) stock rebuilding/timeframe; (3) management triggers; (4) biological reference points; (5) regional management (recreational measures, coastal and producer areas, regional reference points); (6) recreational discard mortality; (7) conservation equivalency; (8) recreational accountability; and (9) coastal commercial quota allocation. Each of these topics will be presented in a Public Information Document in order to solicit 5 stakeholder comment focused on prioritizing the importance of each topic for continued development and inclusion in the Amendment** (Page 25). Motion by Mike Luisi; second by Megan Ware. Motion carried (Page 31).

Motion to Amend

Move to amend to remove part 9: coastal commercial quota allocation from the initial motion (Page 27). Motion by Emerson Hasbrouck; second by Justin Davis. Motion failed (Page 31).

6. **Move to task the Plan Development Team/Technical Committee to begin developing methods to better understand discards in the fishery** (Page 33). Motion by Eric Reid; second by Marty Gary. Motion carried (Page 39).
7. **Move to elect Marty Gary as Vice chair of the Atlantic Striped Bass Management Board** (Page 39). Motion by Megan Ware; second by Roy Miller. Motion carried (Page 39).

INDEX OF MOTIONS (continued)

Postponed Motion from February 2020

Move to task the Plan Review team to review state reductions in the fishery Management Plan Review of the 2020 fishing year. If a state is below their predicted target reduction, the Board may direct a state to modify he Board may direct a state to modify measures for the following fishing year to achieve the target reduction .

8. **Move to postpone indefinitely with the intention to address accountability in the initiated amendment** (Page 41). Motion by Megan Ware; second by Justin Davis. Motion carried (Page 43).
9. **Adjourn** by consent (Page 45).

ATTENDANCE

Board Members

Patrick Keliher, ME (AA)	Heather Corbett, NJ, Administrative proxy
Megan Ware, ME, Administrative proxy	Tom Fote, NJ (GA)
Sen. David Miramant, ME (LA)	Adam Nowalsky, NJ, proxy for Asm. Houghtaling (LA)
Cheri Patterson, NH (AA)	Kris Kuhn, PA, Administrative proxy
Ritchie White, NH (GA)	Loren Lustig, PA (GA)
Dennis Abbott, NH, proxy for Sen. Watters (LA)	G. Warren Elliott, PA (LA)
Dan McKiernan, MA (AA)	John Clark, DE, proxy for D. Saveikis (AA)
Mike Armstrong, MA, Administrative proxy	Roy Miller, DE (GA)
Raymond Kane, MA (GA)	Craig Pugh, DE, proxy for Rep. Carson (LA)
Rep. Sarah Peake, MA (LA)	Bill Anderson, MD (AA)
Jason McNamee, RI (AA)	Mike Luisi, MD, Administrative proxy
David Borden, RI (GA)	Robert Brown, MD, proxy for R. Dize (GA)
Eric Reid, RI, proxy for Sen. Sosnowski (LA)	Phil Langley, MD, proxy for Del. Stein (LA)
Justin Davis, CT (AA)	Pat Geer, VA, proxy for S. Bowman (AA)
Bill Hyatt, CT (GA)	Sen. Monty Mason, VA (LA)
Robert LaFrance, CT, Governor Appointee proxy	Steve Murphey, NC (AA)
Matt Gates, CT, proxy for Sen. Miner (LA)	Chris Batsavage, NC, Administrative proxy
Jim Gilmore, NY (AA)	Jerry Mannen, NC (GA)
Maureen Davidson, NY, Administrative proxy	Daniel Ryan, DC, proxy for B. King
Emerson Hasbrouck, NY (GA)	Marty Gary, PRFC
John McMurray, NY, proxy for Sen. Kaminsky (LA)	Derek Orner, NMFS
Joe Cimino, NJ (AA)	Mike Millard, USFWS

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

Ex-Officio Members

Kevin Sullivan, Technical Committee Chair	Kurt Blanchard, Law Enforcement Representative
Mike Celestino, SAS Chair	

Staff

Robert Beal	Chris Jacobs
Toni Kerns	Jeff Kipp
Max Appelman	Kirby Rootes-Murdy
Kristen Anstead	Sarah Murray
Tina Berger	Joe Myers
Pat Campfield	Mike Rinaldi
Katie Drew	Mike Schmidtke
Maya Drzewicki	Caitlin starts
Kristen Anstead	Deke Tompkins
Lisa Havel	Geoff White
Sarah Hylton	

Guests

Karen Abrams	Joey Ballenger, SC DNR	Ellen Bolen, VMRC
Rep. Thad Altman, FL (LA)	John Bello	Jason Boucher, DE DFW
Pat Augustine, Coram, NY	Peter Benoit, Ofc. Sen King, ME	William Brantley, NC DENR
Michael Auriemma, NJ DEP	Jessica Best, NYS DEC	Delayne Brown, NH F&G
Matt Ayer, MA DMF	Alan Bianchi, NC DNR	Jeff Brust, NJ DEP

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Mike Celestino, NJ DEP
Matt Cieri, ME DMR
Joe Cimino, NJ DEP
Germain Cloutier
Allison Colden, CBF
Catlyn Craig
Jane Crowther, Omega Protein
Jeff Deem
Patrick Denno
Russell Dize, MD (GA)
John Duane
Paul Eidman
Peter Fallon
Catherine Fede, NYS DEC
Lynn Fegley, MD DNR
Corrin Flora, NC DENR
Jared Flowers, GA DNR
Julien Frank
Tony Friedrich, SGA
Matt Gates, CT DEEP
Lewis Gillingham, VMRC
Angela Giuliano, MD DNR
Lee Goldberg
Willy Goldsmith, SGA
Kurt Gottschall, CT DMF
Shepherd Grimes, NOAA
Jake Hardy
Brendan Harrison, NJ DEP
William Harward
Doug Haymans, GA (AA)

Peter Himchak
Kyle Hoffman, SC DNR
Carol Hoffman, NYS DEC
Asm. Eric Houghtaling, NJ (LA)
Rusty Hudson, DSF
Bob Humphrey, Pownal, ME
George Jackman
Stephen Jackson, USFWS
Jeff Kaelin, Lund's Fisheries
Desmond Kahn
Adam Kenyon, VMRC
Adrienne Kotula, CBF
Toby Lapinski
Tom Little, NJ Legislature
Carl LoBue, TNC
Dee Lupton, NC DENR
Chip Lynch, NOAA
Pam Lyons Gromen
Shanna Madsen, VMRC
John Maniscalco, NYS DEC
Steve Minkinen, US FWS
Frank Misel
Nichola Meserve, MA DMF
Steve Meyers
Chris Moore, CBF
Brandon Muffley, MAFMC
David Mussina
Ken Neill
George O'Donnell, MD DNR
Tyler O'Neill
Travis O'Neal
Patrick Paquette, MA SBA
Rich Pendleton, NYS, DEC

Olivia Phillips, VMRC
Kelly Place
Nicholas Popoff, US FWS
Dominick Pucci
Michael Quinan
Jill Ramsey, VMRC
Harry Rickabaugh, MD DNR
Matt Rogers, VMRC
Mike Ruccio, NOAA
Eric Schneider, RI DEM
Tara Scott, NOAA
Alexei Sharov, MD DNR
Andy Shiels, PA F&B
Davie Sikorski
Melissa Smith, ME DMR
Gregory Sorg, SC DNR
Ross Squire
David Stormer, DE DFW
Helen T-Heumacher, US FWS
Howard Townsend, NOAA
Taylor Vavra
Beth Versak, MD DNR
Mike Waine, ASA
Hannah Welch
Craig Weedon, MD DNR
Catlyn Wells, SC DNR
Angel Willey, MD DNR
Charles Witek, W. Babylon, NY
Chris Wright, NOAA
Spud Woodward, GA (GA)
Erik Zlokovitz, MD DNR
Renee Zobel, NH FGD

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The Atlantic Striped Bass Management Board of the Atlantic States Marine Fisheries Commission convened via webinar; Monday, August 3, 2020, and was called to order at 9:00 a.m. by Chair David V. Borden.

CALL TO ORDER

CHAIR DAVID V. BORDEN: Welcome all. The first meeting of the week is the Atlantic Striped Bass Management Board. For the record, my name is David Borden. I'll be chairing the meeting. Welcome you all.

APPROVAL OF AGENDA

CHAIR BORDEN: We'll proceed with the agenda the way it was published. In terms of Board Consent, do we have any objections to approving the agenda as submitted? Toni, are there any hands up?

MS. TONI KERNS: Mike Luisi has his hand up.

CHAIR BORDEN: Mike.

MR. MICHAEL LUISI: No objections, Mr. Chairman. I just was wondering if we could potentially at the end of the meeting, once we get through the agenda, maybe under new business. I just wanted to put it on your radar if you thought it would be appropriate. As you know, states are going through the process right now to implement circle hook requirements as part of the provisions of Addendum VI.

I was hoping that, at the conclusion of our agenda under new business, that we might be able to spend a few minutes to go around the table to just get a sense as to what people are thinking about regarding the coastal circle hook requirements. I know our implementation plans are due in a few weeks, but it would be helpful to me, and I'm sure others, to spend a few minutes at the end of the meeting talking about that. I just wanted to see if you thought that that would be appropriate, maybe

tomorrow afternoon after we get through the agenda.

CHAIR BORDEN: Yes, I have no objection to that as long as we have time, everyone recognizes we have a very limited amount of time to go over these issues, so if we can accommodate that we will start the discussion.

MS. KERNS: David, Jim Gilmore has his hand up as well.

CHAIR BORDEN: Excuse me.

MS. KERNS: Jim Gilmore has his hand up.

CHAIR BORDEN: Go ahead.

MR. JAMES J. GILMORE: It was the same request, Mr. Chairman. Mike beat me to it, but yes there is a lot of stuff that we could talk about on that. I think it's a good thing to do, if we can squeeze it in a few minutes at least.

CHAIR BORDEN: Okay, we'll add that to the agenda if the time allows, or at least have a short discussion on it. The agenda is approved as submitted.

APPROVAL OF PROCEEDINGS

CHAIR BORDEN: The next item of business is approval of the proceedings from May 20. Normally we handle this by consensus. Is there any objection to approving the proceedings as submitted? Toni, any hands up?

MS. KERNS: No objections.

CHAIR BORDEN: No objections, so the proceedings stand approved without objection.

PUBLIC COMMENT

CHAIR BORDEN: We always afford the public an opportunity to comment at these. The comment period is limited to items which are not on the agenda, and we limit the amount of time that is available for the public. Are there any members of

the public that want to comment on issues that are not on the agenda? Toni.

MS. KERNS: I don't see any members of the public with their hands raised, and if there was a member of the public that wants to speak, and you can't figure out the hand raise, you can always send us a question of a chat and let us know.

**CONSIDERATION OF THE FISHERY
MANAGEMENT PLAN REVIEW AND STATE
COMPLIANCE**

CHAIR BORDEN: Okay, we have no questions, so we'll proceed with Agenda Item 4, Consideration of the FMP Review and State Compliance. I just simply note as an introductory comment that there are no problems that have been noted as part of this. I would hope for the approval to proceed on that. Max, do you want to offer a comment?

MR. MAX APPELMAN: We'll just get the presentation up on the screen. Maya, that link didn't work for me. Maybe if you could just pull it up on your end.

MS. KERNS: David, don't forget to mute your microphone when you're not talking, because I think we get a little feedback from you.

MS. MAYA DRZEWICKI: Max, do you want me to make myself the presenter again?

MR. APPELMAN: Yes, it's not working on my end, if you could just show it on yours and flip through it for me. Excellent, thanks Maya. Sorry about that guys. This is the 2020 FMP Review for striped bass. It focuses on the 2019 fishing season. The Plan Review Team reviewed State Compliance reports back in July, and the draft report is included in supplemental meeting materials, hopefully you have it in front of you.

Like Dave said, we don't have that much time this morning, so I'm going to move through this

pretty quickly, and just hit the high points. As a reminder, this is an action item. You do have a motion typed up and ready to go. We'll just need someone to make that motion, and a second of course. Quick overview of the sections in the report. There is a summary for the status of the stock, status of the management plan, status of the fishery and fishery performance in 2019, status of management measures and compliance, and then of course Plan Review Team comments and recommendations. For stock status, we're still using the results of the 2018 benchmark stock assessment, which found the stock overfished and experiencing overfishing in 2017. That is the terminal year of that assessment. A reminder that the 2018 benchmark does use the new MRIP estimates, so cannot be directly compared to previous assessments.

Then in the table, looking at the 2017 spawning stock biomass estimates relative to their target and thresholds. This is a figure from that report, a lot going on here, but in the blue shaded area in the back that is female spawning stock biomass over time. The trajectory is very similar to previous assessments, but the scale is different, and the declines and the peaks are a little steeper compared to previous reports, especially in the more recent part of the time series.

You can see the solid line and the dash lines at the top in black. Those are the SSB targets and thresholds. The gold bars at the foreground that is recruitment estimates through time. They are somewhat variable, there was a period of low recruitment at the early part of the time series, followed by a period of higher recruitment in the middle, and more recently a period of lower recruitment.

However, there are three notable, strong recruitment events in 2012, 2015, and 2016. The dashed orange line that is the average recruitment across the time series. Then briefly, this is the fishing mortality rate, a figure from the assessment. You can see that ACT has been above the target for a number of years, dating back to the mid-1990s,

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and has been above the threshold in 13 of the last 15 years.

In 2019, Amendment 6 and its Addenda I through IV set the regulatory and monitoring programs for striped bass. Recall that Addendum VI was approved in October of 2019, but final measures weren't implemented until April of this year. It was not in place for the 2019 reporting period. Of course, the Board is considering postponed motions later today and tomorrow, which are consider initiating an amendment to address a suite of different management issues.

Moving to status of the fishery. This is a look at fishery performance over time by sector. At the bottom in blue is commercial harvest, and discards in red, which are relatively stable through time. The commercial sector is managed by a quota system, and a static quota system at bass since 2015. Again, most of the removals here are coming from the recreational sector. You have harvest in green, and discards in the purple color.

The recreational estimates are much more variable through time. There are peaks in the 2000s, and you can see how they tail off a little bit in recent years. Now we're zooming in on the 2019 fishing season. This is sort of a broad view of fishery performance. Typically, for striped bass, we talk about catch and harvest in terms of numbers of fish, and the percentages in the parentheses here are the relative change to the previous year, so relative to 2018.

Overall, total removal of that being commercial and recreational harvest plus dead discard from both sectors was estimated at 5.47 million fish, and that is a 5 percent decrease relative to 2018. On the commercial side there was a 4 percent increase, in terms of numbers of fish, but a 12 percent decrease by weight, indicating more fish harvested but smaller average fish size, which is corroborated by reports from the ocean commercial fishery reporting a lot of high

catch of sublegal size fish, particularly off of New York. Chesapeake Bay accounted for 66 percent of the harvest by weight, and discards were accounted for at less than 2 percent of total removals in 2019. On the recreational side, harvest was estimated at 2.15 million fish. That is a 4 percent decrease relative to 2018. Releases also came down by 8 percent.

Dead discards were estimated 2.6 million fish, and that accounted for 47 percent of total removals in 2019. Lastly, the Plan Review Team did discuss fishery performance by region as well, specifically Chesapeake Bay versus the ocean fishery. I'm not going to go into detail here, but there is some dialogue in the report on Pages 6 and 7, I believe that highlights those differences, and the different fishing conditions that were experienced in most of the regions.

Quickly here, reviewing the first proportion of recreational catch that is thrown back. These are the total catch estimates in the blue bars, which are quite variable. But the proportion of fish that are released alive remains relatively high. That's the red line at the top of the figure. About 90 percent per year, going back to the early '90s are thrown back, and that proportion has been above 90 percent the last few years, and in 2019.

This table is showing commercial quota monitoring. You have commercial quota then harvest for 2019 in those first two columns, and then the final 2020 quotas are presented on the right side, and they do account for approved conservation equivalency programs, as well as any overages. There was one overage by Maryland in Chesapeake Bay.

You can see that at the bottom of the table, and that will be deducted from its 2020 quota. Again, all those quotas on the right-hand side are final, and reflect overages and season programs. These figures show the 2020 Juvenile Abundance Index Analysis for this year. The Review Team looked at the 2017, 2018, and 2019 index values, and no management action is triggered at this time.

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Of note though, North Carolina's index value was below its respective threshold in 2018 and 2019, so that is definitely something to pay attention to next year. Also, Maine and New York values were below their threshold in 2019. Virginia and New Jersey's values were above average for the time series, I'm sorry were about average for the time series, and Maryland's was above its threshold, but well below average. You can see these figures much clearer in the report.

Wrapping up with Review Team comments and recommendations. In 2019, the Plan Review Team determined that all states implemented a regulatory and monitoring program consistent with the requirements of the FMP. There are tables in the back of the report that summarize state regulations by sector, also a table for fishery independent and dependent monitoring requirements and compliance, as well as the commercial harvest tagging program.

Those are summarized by state as well. As far as *de minimis* requests, there weren't any requests for 2019. The last bullet here is the Plan Review Team did note two inconsistencies in state regulations for 2020. New York and Delaware's recreational measures permit harvest of fish less than and equal to the maximum size limit, as opposed to just less than the maximum size limit to reflect the Addendum VI measures and the approved implementation plans. But I'll note that this was already flagged. The Board reviewed updated projections that in May you'll recall, and at that time these items were flagged, those projections were based on final 2020 state measures. This has been brought up before, nothing new there. Yes, that's it for me, Mr. Chair. I'm happy to take questions if there are any, but otherwise as mentioned, this is an action item. We do have a motion drafted and prepared. We can bring that up on the screen, and if someone is willing to make that motion, we'll be looking for approval.

CHAIR BORDEN: All right, questions for Max.

MS. KERNS: You have John McMurray and then John Clark.

CHAIR BORDEN: Okay, John McMurray.

MR. JOHN G. McMURRAY: I had a question about the Juvenile Abundance Indices. Can we put that slide up again that showed all the different charts of different watersheds? Generally, we pay close attention to the Maryland JAI, and you don't hear much about the Virginia one. But just looking at these two, they seem very different in their results. I think that is odd, given that it is the same watershed. Is there any explanation of that? Why do we focus on the Maryland survey more than the Virginia survey, and why do you think they are so different?

MR. APPELMAN: It's a good question. You know these two surveys are surveying different parts of the Bay. I would have to look back into the management plan to find which specific rivers they're surveying. We review each of these indices every year, and if some members are focused more on the Maryland Bay, it is more predictive of what is going to be happening out on the water that is fine. But we do review each of these independently.

MR. McMURRAY: Okay thanks, I was just more curious than anything else.

CHAIR BORDEN: John Clark.

MR. JOHN CLARK: Yes, just quickly. I just wanted to point out that Delaware is now in compliance. Our regulation change goes into effect August 11. That will have us at less than 35 inches as the maximum size, so we are in compliance on that now.

CHAIR BORDEN: Any other hands up, Toni?

MS. KERNS: No, you're all set.

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CHAIR BORDEN: That motion Max, could you put that up on the board, please? Can I have someone to make it, please?

MR. APPELMAN: Maya is going to pull that up really quick.

MS. KERNS: We have Emerson Hasbrouck.

CHAIR BORDEN: Emerson, make your motion to approve the 2020 Fishery Management Plan Review and state compliance reports for the Atlantic striped bass. Is there a second to that motion?

MS. KERNS: Cheri Patterson.

CHAIR BORDEN: Sounds great. Cheri, is the seconder, thank you. Do we have any objections to the motion? Any hands up?

MS. KERNS: I see no objections.

CHAIR BORDEN: Okay, motion stands approved without objection.

DISCUSS WORK GROUP REPORT ON ISSUES TO BE CONSIDERED IN THE NEXT MANAGEMENT DOCUMENT

CHAIR BORDEN: The next item on the agenda is the Work Group Report, and just as a quick introduction. The last time the Board met we agreed to put together a small work group, which has met I think four times, and done a lot of excellent work on the pros and cons of various strategies. We're going to get two reports. I ended up appointing two different co-chairs, and I think we're going to start off with Megan, and then we'll move to Marty, who are both giving reports. Megan.

MS. MEGAN WARE: This is Megan, good morning everyone. Marty and I were co-chairs of this Workgroup, so we're going to be splitting up the presentation today of our report. As the Board Chair mentioned, the Workgroup met four times between this Board meeting and the

last Board meeting. The Workgroup spent over ten hours discussing these topics.

Distilling all of that conversation into a 15-minute presentation is a little difficult, and I definitely recommend reading through the Workgroup report, if you haven't done so already, to get a better flavor of what we talked about. As a reminder, the Workgroup was tasked with discussing issues related to concerns of current management of striped bass, and specifically we talked about potential issues that could be included in a future management document.

The Workgroup was confident that we are not a Plan Development Team, so we are not the group charged with developing specific alternatives. Instead, the Workgroup focused on identifying challenges or concerns with the current FMP, areas of improvement. We talked about pros and cons of different strategies.

Then we also developed some questions for the Board for areas of feedback from the public. We're going to start the Workgroup presentation with kind of a broader view of some of the overarching discussion of the workgroup, and the themes which emerge. Throughout the four calls, the Workgroup noted several management challenges, which have emerged for striped bass.

I think the first one that we talked a fair bit about was the 2018 benchmark stock assessment, and how this has changed our understanding of stock status. This is really due to the change in MRIP estimates. We now have higher recreational catch and harvest estimates than we previously thought, and this has resulted in higher fishing mortality estimates throughout the time period. But there are also other challenges. This fishery is extremely complex. We have fish from the Hudson River, the Delaware Bay, the Chesapeake Bay. They are all merging in a mixed-stock fishery along the Atlantic Coast. Unfortunately, this complexity is not requested in the modeling with the stock, so this limits the Board's ability to implement measures which reflect this complexity. We have a

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geographically diverse fishery, and this can often result in differing goals and objectives. We also have regional fisheries, which look very different from one another, so that can depend on the sizes of fish, or the availability of fish, and also this regional practices in culture.

We have F rates which are variable from year to year, even under a single management program. This can make it hard to project catch and effort. Then we also have challenges with MRIP. Even though this is our best available data for the recreational sector, particularly when you get at finer-scale estimates, like the state level for entry level.

There is going to be high levels of uncertainty and variability, and this limits the Board's ability to have a flexible management program, while also maintaining accountability. Through our four calls on the Workgroup, there were three themes which emerged. They were management stability, flexibility and consistency.

The Workgroup acknowledged that there are some elements of these which are in conflict with one another, and there are others that probably work well together. But using the analogy of a Venn diagram, the Workgroup commented that there is a sweet spot between balancing these different ideas, and it's the degree of overlap between these different ideas, which means they are either easy or challenging to find that point of balance.

These themes were also commented on being central to striped bass management, and they could be guiding principles, if the Board decides to initiate action. Now I'm going to talk about some of the specific issues the Workgroup discussed. There are 10 of them, and we'll go one-by-one. Our first was stock rebuilding.

As a reminder, the Board is required to take action to rebuild SSB to the target in ten years or less. Our most recent projection suggests

that in 2029, we will be at 97 percent of the SSB target. The Workgroup began its discussion with an acknowledgement that that first bullet point on the slide is a projection.

How do we incorporate the uncertainty around these projections into our management decisions, as well as our definition of success? There were comments that many striped bass management decisions are rooted in stock projections, and sometimes the results of these are taken at face value. I think there was an acknowledgement by the Workgroup that this has resulted in some criticism from the public.

In terms of the ten-year rebuilding timeframe, the Workgroup commented that it's long, but it is likely appropriate, given the biology of striped bass. Then there was also a note that stock rebuilding is closely tied to management triggers and reference points, and we will talk about those next.

Our second issue was management triggers. As a reminder, Amendment 6 includes five management triggers that are tied to fishing mortality, SSB, and recruitment. Overall, there was strong support from the Workgroup to revisit these management triggers. Once it's noted that the triggers are requiring different change on different timeframes. For example, there is a one-year window for looking at exceeding the F threshold. Other triggers are based on two consecutive years of SSB estimates. We have a three-year timeframe for recruitment, and all of these different timeframes mean action is being required at different times to address different concerns, and that this is in conflict with the theme of management facility.

Further, there were some Workgroup members who noted that while the triggers can require frequent change, there needs to be an acknowledgement that F can be variable from year to year under the same management measures. The Workgroup also discussed the one-year requirement to get back to the F target.

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There were some who noted that stakeholders support this requirement, while others believed it promotes more of a knee jerk reaction that isn't always necessary. Several Workgroup members commented that management triggers should be developed which strike a balance between management stability and accountability.

Then finally, the Workgroup kind of posed a question. I think this is not a unique question for striped bass, and we certainly didn't answer it. But how could the Board balance the magnitude of change in an action versus the time to get to our target, and how do we think about some of the communities in our decision?

Our third topic was reference points. Currently our reference points are based on historical stock performance in 1995, and they are applied coastwide. The Workgroup began its discussion with talking about the current assessment, and how it really fails to capture the complexities of our stock structure, and it has uncertainty to aspects of stripe bass management.

There was very strong support from the Workgroup to continue to develop that 2-stock model. There was also support from several Workgroup members to revisit reference points now, even if we don't have that 2-stock model. Some Workgroup members questioned if 1995 is still appropriate for a reference year, given we had improved data and advanced modeling, which has changed our understanding of historical stock performance.

Some pointed to the fact that our 2018 stock assessment indicates that the SSB target has never been achieved. But I think kind of in the same breath, the Workgroup also acknowledged that F has been above the F threshold for some time, so that may be contributing to that SSB trends routine.

The Workgroup also talked about regional reference points that can be pursued under our current assessment framework. In the current model we have removals that are separated into two fleets, a Chesapeake Bay fleet, and an ocean fleet. These fleets could be used to explore regional reference points.

However, the Workgroup noted that a challenge with this is how to apportion the coastwide F reference points between those two regions. Our fourth topic was FMP goals and objectives. I think there was an acknowledgement from the Workgroup that goals and objectives are going to vary, depending on where you are and how an angler is interacting with the resource. The Workgroup did not suggest eliminating any of the existing goals and objectives. I think many Workgroup members highlighted that some of the objectives are still quite relevant, so things like management stability, balancing flexibility with consistency to sustain essential habitat. All of those are still quite relevant.

But the Workgroup did jot down some ideas of objectives which may be missing from the current FMP. Reflecting stock complexity in the assessment science, consistent management and monitoring, recognizing impacts of climate change, improving catch accounting for the recreational sector, and then promoting "responsible fishing." This was getting at the idea of circle hooks, which were implemented in Addendum VI.

Our fifth topic was commercial allocations. As a reminder, Amendment 6 restored commercial allocations to 100 percent of average catch from 1972 to 1979, except for Delaware, who has kept it at 2002 level. Since then there have been many management changes, and conservation equivalencies. I think it's a little muddier than just that simple explanation.

Some Workgroup members expressed concern that the commercial allocations are a poundage, and they are not a percentage. As a result, they are not inherently linked to the status of the stock. This

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means that to change commercial allocations you have to go through an addendum or an amendment.

In contrast, we think that something like the menhaden FMP, their commercial quotas are a percentage of a total allowable catch, and that means allocations are scaling as either biomass increases or decreases. There were also comments that different states are subject to different timeframes for quota.

As I mentioned, Delaware was capped at its 2002 level in Amendment 6. I think there were also questions about the accuracy of the data between 1972 and 1979, particularly that far back there were questions about the accuracy of harvester reports during that time, and if that timeframe is still relevant.

There were also discussions on the potential influence of climate change on the stocks, so some Workgroup members noted that not all states are meeting their quotas, and is that indicative of climate change? Finally, there was a comment that the commercial fishery is accounting for about 10 percent of removals, and this potentially speaks to the ability to control catch and effort in the striped bass fishery. That is my half. Marty, I will pass it off to you.

MR. MARTIN GARY: Good morning everyone, and as Megan mentioned, she has taken you through the first five issues the Workgroup addressed, and there is another five, and I'll walk you through those. Then there will be an opportunity for the Board to ask questions. Our next topic is conservation equivalency.

The Workgroup reflected on the recent Addendum VI conservation equivalency process. We looked at pros and cons specific to that. Pros included flexibility of management, and the ability for a single FMP to consider regional differences in a fishery. Cons listed included reduced consistency between the

states, greater imprecision in the data used to craft measures, and the potential to fall short of the overall target. Then we discussed could we better define the purpose of conservation equivalency, and how can it be applied? Including potential restrictions during periods of stock rebuilding, greater guidelines on the measures that can be used, and to limit the number of conservation equivalency proposals submitted for review.

Then we went into regional management, and we discussed producer versus coastal regions in a larger theme breakout, and unique considerations of the producer areas due to the development of smaller fish throughout the season. The producer versus coastal area management leaves distinct reference points as a goal for this species.

As Megan had mentioned that is still something the Workgroup members felt strong about. Then this overlapped with discussions with CE and CE proposals that create disparate measures in our region, and the Chesapeake is sort of an example of that right now, where typically we have relatively good regulatory consistency.

Now you have a situation where four Chesapeake jurisdictions, none of the regulations are consistent. Perhaps there is a place for regional management and conservation equivalency, again that overlap in the themes that we mentioned. The recreational accountability, and the Workgroup discussed the harvest and the catch varying due to the availability of the fish, and then high level of variability year to year.

The managers are unable to predict effort, and effort tends to increase exponentially with availability. The Workgroup discussed whether there should be thought carefully to the challenges associated with MRIP. Accountability to what, and at what scale? We discussed how MRIP estimates are generally less accurate at finer scales, and concerns with the accountability based on MRIP point estimates.

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Recreational dead discards, more than one of the Workgroup members commented this may be the most important issue. These recreational dead discards accounted for 48 percent of the overall mortality in the terminal year through 2017 of the most recent benchmark stock assessment. During that discussion of recreational dead discards, the Workgroup commented that again this may be one of the most important issues.

Dead discards correlate with the availability and effort, so this can vary widely year to year, as we saw with Max with the FMP update, it dropped in the most recent year, in 2019. We discussed ways to address dead discards, which may include regulatory change. The requirements that we're discussing now we'll hopefully discuss tomorrow, and angler education.

Continued efforts to improve the science, when release mortality rates for assessment purposes have a strong theme in our discussions in the Workgroup. The geographic scope makes addressing dead discards a daunting challenge, but we all agreed that the efforts were worthy of the time to put into that.

In the future management documents should raise awareness of this issue. This was a very, very important issue the Workgroup discussed. Finally, Number 10, protection of larger, older fish. This was not part of the original list of issues, but the Workgroup did agree it was worthy of discussion. The larger fish are more fecund and produce more recruits, as an importance there biologically. Addendum VI implemented maximum sizes in many states, but it also created slot limits, so sort of by default we moved in a direction where we are affording protection. There may be question of continuity of protection for larger fish.

There was a discussion on broad age structure versus protecting older fish. It's all about the fishing effort on a cohort. In this particular

situation one of the goals and objectives of Amendment 6 was to provide a broad age structure, not necessarily protection of the older fish. But in this particular situation under Addendum VI, we've shifted, at least along many of the states along the coast to a slot limit.

We are now affording protection to those larger fish, and concentrating effort on specific cohorts as they move through, so we had a discussion about that. Then finally, general agreement from the Workgroup to bring this up before the Board for further discussion. We created a prioritization survey.

It was anonymous, so there were seven Workgroup members and they submitted answers to various questions, in terms of the priority of these various topics, and the scope of the issues discussed by the Workgroup proved to be very formidable, and a challenge to address comprehensively in one single document.

As a result, the Workgroup discussed prioritizing the issues and providing the Board with a sense of what issues may be combined or addressed by a different process. We made an attempt to pull that together, and I believe the next slide, Maya should have the results of that survey, and this is a small sample size just the seven Workgroup members.

The histogram up top is showing the value, the importance of recreational dead discards, and then the chart below telling the number of Workgroup members, again there are just seven folks in this Workgroup. But you can at least get a sense of where priorities fell out. I will say that something like goals and objectives, it's kind of skewed over, so it's either lower to the right-hand side, the less important side.

We had a pretty vigorous discussion in our last meeting that that is imperative, even though it sort of ranked down the list that we really need to capture this effectively. Again, this just gives you a kind of a snapshot of how these fell out in importance for the various Workgroup members.

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This is a time and opportunity for the Board to ask questions about the Workgroup's efforts. The Workgroup was made up of Mike Armstrong from Massachusetts, Mike Luisi from Maryland, Ritchie White, with Dennis Abbot as his proxy for New Hampshire, Joe Cimino from New Jersey, myself and Megan Ware from Maine.

Normally, I think we would all be around a table, and we would be seated up by myself, Megan, Max, and our Board Chair, David Borden. I'll turn it back, Max I guess to you, to see how we want to handle the processing of the questions. Hope that gets us through those issues, and I know we have a little bit more to talk about beyond the question component of this meeting.

CHAIR BORDEN: Thank you, Marty and Megan. Recognizing the fact that we have all of 12 minutes for questions, if we're going to stay on a schedule. Let's take a few questions. Let me just ask, questions for we'll say two questions from Megan, and two questions for Marty, and then see where we go from there. Does anyone care to ask Megan a question on the points that she raised?

MS. KERNS: We have a question from John McMurray, and then Bill Hyatt.

CHAIR BORDEN: Okay, so John then Bill. John.

MR. McMURRAY: I have a question for Megan about themes that emerged. One of them was management stability, and regulatory consistency was the last one, but the two kind of go together, I think. I'm a little confused about where management has been unstable. I think we've had two management changes in the last 17 years were triggered.

One was when the stock was clearly headed downhill, and the other one was when it became overfished. That doesn't seem excessive, it doesn't seem to be knee-jerk to

me. I'm wondering if you could articulate what the Board meant by knee-jerk reactions. Why do we need that flexibility to make things more stable and more consistent, because to me it looks like it is already pretty consistent?

MS. WARE: Thank you for the question, John. This is a diverse Workgroup, so there are lots of different opinions expressed. I think when we talked about management stability that was stability over time, and that consistency was over space, so regulatory consistency for state-to-state, and then also in time. I don't believe the Workgroup, or I don't recall the Workgroup necessarily looking at the history of the actions that have come to date.

But I think the discussion on management stability stems from that trigger discussion, where we were looking at the different triggers and seeing the different timeframes that could be initiated for a change. Commenting that it may be nice, or prudent to have a more cohesive approach to the triggers that wouldn't be triggering something one year, and then something different the second year, and then something different the third year.

MR. McMURRAY: Okay that is helpful to understand. I have a quick follow up about the flexibility portion of the policy. That was listed as a theme, but there wasn't really much discussion of it in the report, as far as I can tell. What does that mean, flexibility to disregard clear science and to allow overfishing, or to change things based on political pressure?

In my view that's pretty clear, and we've certainly heard from stakeholders that that is exactly what they don't want. I'm wondering if preventing overfishing and rebuilding has emerged as a theme at all. You know it's discussed almost cursory in the report. To me, and I think to most stakeholders that would be the top thing in all of this. Maybe you can explain some of that for me, and clarify.

MS. WARE: Sure, for management flexibility that discussion I think stemmed from the recognition

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that we have a pretty complex fishery. You know different regions have different attributes or fisheries that are in them. Even though we are looking for the stability and consistency of space and time, we also need to acknowledge that regional fisheries are different. There may be different ways to approach or manage those regional differences. I think it was an acknowledgement of that. I can't remember if there was a second part to your question there, John.

MR. McMURRAY: Yes, I'm just wondering where preventing overfishing and rebuilding fall into the discussion, because it's not really talked about much in the report. I was wondering if there was a significant discussion or if this was kind of passed over.

MS. WARE: The very first issue that we did talk about was stock rebuilding, so it was one of the three issues that we talked about in our first webinar. I think our rebuilding folk's discussion really focused on the projection that I referenced, and the fact that this is a projection, and there is lots of uncertainty around this. How is the Board supposed to grapple or move forward with this type of information?

How do we incorporate and acknowledge that uncertainty into our featured management of the stock? The Workgroup is not a decisional body, so we did not make any decisions on the stock rebuilding. But I do believe, I'll quickly look back at the survey. I think stock rebuilding was the third highest ranked topic, so there were clearly some Workgroup members who felt like that was an important topic.

MR. McMURRAY: Okay that has helped.

CHAIR BORDEN: John, we're going to have to move on to Bill, and then take questions from Marty, so Bill.

MR. WILLIAM HYATT: My question has to do with something that is mentioned under the conservation equivalency portion of the report. In that there is a suggestion made that a biological benefit should be demonstrated in a conservation equivalency proposal. I don't think this was included in your summary report, and it doesn't go into a lot of detail in the report itself. I kind of interpreted that as a suggestion that conservation equivalency proposals should include a sort of built in conservation buffer.

I think this probably came about because of the issue that arose recently wherein on a coastwide basis, after all the conservation equivalency proposals were figured in, the overall conservation of benefit came out, or reduction provision came out less than was originally trying for, less than the 18 percent you were intending to achieve. I found this suggestion to be intriguing, and I'm wondering if somebody, yourself or someone on the Workgroup could expand upon it a little bit, maybe provide some detail as to what you were getting at with that comment.

MS. WARE: Sure, Marty feel free to jump in, because I think this is actually on your slide. As a Workgroup member who felt or commented that the purpose of conservation equivalency should be better defined, and there to be kind of a clear goal and objective in using conservation equivalency. Their recommendation was that there be some sort of biological benefit. This would in essence be a bar that a state would have to meet or show when submitting a conservation equivalency proposal. As I mentioned, it's hard to put all of the conservation of the Workgroup on these slides, so I apologize that there wasn't a specific nod for that comment on this slide, but I definitely encourage people to read the Workgroup Report, which has [\[more information on these issues\]](#).

CHAIR BORDEN: All right we're going to move on, a couple of questions for Marty. Toni.

MS. KERNS: It's Tom Fote.

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CHAIR BORDEN: Tom.

MR. THOMAS P. FOTE: Yes, I have two questions. One, when we look at the catch rates, did any of you discuss the fact that in Virginia and North Carolina, from basically 2012 to the present, we really do not have a fishery? Not even when the stocks were healthy, they haven't been since 2012. Does that basically relate to water temperature?

That was my first question. Did anybody even think of that when they looked at the figures of participation and basically do it. The second is, I've been dealing with striped bass a long time, and the science has never proved that big fish have more viable eggs, as a matter of fact they don't show up to the spawning grounds as often.

What scientific fact did you look that say smaller, 34, 33, 32-inch females are not more productive or more viable eggs than the larger fish? I mean that is the battle that has been going on, and nobody seems to have a question for the last 30 years that I've been dealing with this.

CHAIR BORDEN: Marty, if you would like to take a stab at that. If you're not comfortable with that for some reason, perhaps somebody else will.

MR. GARY: No, I think I can take a stab I think, David. Tom, thanks for your question, and feel free other Workgroup members to chip in. I guess the first part of your question. You know we did touch upon; I think you're talking about I guess distribution and availability shift in those fish, Tom.

I know we touched on essences of that and discussed for instance, some of the shift northward, especially in the wintering time for those fish that used to be off North Carolina have moved up. That discussion sort of drifted

into different elements of how that would play out, in terms of allocation and things like that.

But we didn't really get deep into the weeds on it. There were nuances of discussion of distribution and changes over time with those fish. The second part of your question, you're talking about the fecundity, I think, and value of those larger fish. Again, that kind of fed into the addition of bringing that last topic into play during the last meeting, the value of the older fish. But we really didn't do a deep dive into the science behind that. It was more a cursory discussion, given the fact that one of the main goals and objectives in Amendment 6 was to provide a broad age structure. Now, we've kind of shifted here under Addendum VI, where we are affording protection to those larger fish, and we're shifting effort into a slot. You know it would kind of go into this discussion, this organic discussion of are we in conflict with the goals and objectives because we did that, and asked Katie a few technical questions. But I don't think we got quite to the level of scientific detail that you're asking in your question. If any of the Workgroup members saw that differently, please correct me.

CHAIR BORDEN: We've got time for; I'll say two comments for Marty. Does somebody else have a question for Marty?

MS. KERNS: You have both Dennis Abbot and Craig Pugh with their hand up.

CHAIR BORDEN: Okay, Dennis you get the last bite of the apple.

MR. DENNIS ABBOTT: I feel compelled to comment about my participation on your Working Group, albeit briefer than I had intended, as I've written out several pages of comments.

CHAIR BORDEN: Dennis, can I interrupt you, and I apologize for interrupting you. Tom, I probably should have announced. Tom Fote had raised some questions about process on the Working Group, and I discussed the situation with Pat Keliher this morning, and suggested to him that that issue be

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referred to either the Executive Committee or the Policy Board for a detailed discussion.

What I would like to do is to hold any comments on that issue until the last time. If you've got a specific question on some of the detailed recommendations from the Work Group then please ask, and if not, I would just ask you to hold off on that other aspect of the discussion.

MR. ABBOTT: Thank you, Mr. Chair. I have to make this comment that I was terribly troubled to be personally attacked by your three Commissioners from the state of New Jersey, saying that I participated in this with an agenda. I participated in this because I was asked to do it, because my friend, Ritchie White was recovering from heart surgery. I didn't volunteer for this, and I take great umbrage that my character was attacked in this letter from the state of New Jersey.

CHAIR BORDEN: Okay thank you, Dennis. One other question for Marty and then I'm going to move on and kind of frame where I think we need to go during the second session of the first half meeting, since we're already behind schedule. Another question, who was on the list, Toni?

MS. KERNS: The last person that had their hand raised was Craig Pugh.

CHAIR BORDEN: Craig, go ahead.

MR. CRAIG D. PUGH: My question, I guess it's to Gary, we had a discussion, and I appreciate the availability of him to allow us to talk about this a little bit. My concern is with the prioritization in the last part of the synopsis. As I see in the five-year strategic goal plan, under Number 1, it states in the middle of the paragraph, fishery management plans will also address the fair allocation of fishery resources among the states.

Understanding changing ocean conditions and their impact on fishery productivity and distribution is an elevated priority. My concern is that that would be a more elevated priority as according to what we've stated on our five-year plan. Unless we intend on recognizing this work as just work. Well if this actually has some meaning, then I would like that addressed.

MR. GARY: Mr. Chair, I think it was more of a comment. I'm not sure I got a question there. But I would just say that the commercial allocation discussion, even though it shows up in prioritization by the Workgroup has fairly low rank, and again I think you have to take that a little bit with a grain of salt.

We did, we were careful in our deliberations and discussions to say, this is a small work group, that all these items are important. Craig, I don't know if it was a reference to whether or not you thought the Workgroup didn't particularly have strong feelings about commercial allocation. I thought we had a good discussion that particular meeting day, even though it ranked well, all these items are very important.

MR. PUGH: I do believe that you and I did have a great discussion there. I am a little onboard with Tom Fote, as far as representation. I'm a little slighted here, I thought John Clark would have been a great addition to the Working Group myself, could have added a lot to that. I have mixed emotions here. It just seems to me it's a wonderment of why we worked so hard on a five-year goal plan. I didn't see any of that mentioned in this that's all.

CHAIR BORDEN: Where do we go from here? I think everybody recognizes there is a very limited amount of time for us to deal with this. This Working Group has done an excellent job of kind of fleshing out the pros and cons of different strategies, and they've offered up some prioritization.

But as you can see from the last comments that some members of the Board had a big issue with

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some of those strategies. I think what you've got here, this warrants a great deal more discussion, as we go forward. But it has to be framed. The staff broke up the meeting intentionally, so that it would be completed in two parts.

The first part would basically be the report, the second part would be taking up a whole series of motions, tabled motions that have been offered as our entire meeting. Obviously, the Workgroup Report has direct bearing on where we go from here. The other aspect is this that I think we need to reflect on for the second aspect of the meeting, is when the next benchmark stock assessment is going to be complete.

Obviously, if we want to take major action on any of these priorities, I think we have to factor in the benchmark stock assessment. I could see a logical progression of viewing an amendment on a couple of priority issues that the Board thinks are important. Get the next stock assessment update, so we have the most current information. Then follow that if need be with an Addendum, which meets the actual restrictions. In preparation for the second segment of the meeting, which will be to take up these two motions, and basically decide where we go from here in terms of the work priority.

I would like people to reflect on the fact that almost in both cases that kind of the cleanest way to move forward with those postponed motions is we could make a motion to postpone them indefinitely. That would kind of clear the deck, so to speak, and we could consider prioritizing some of these suggestions that the Work Committee or other Board members want to offer.

That to me is kind of the cleanest way to go. The reason I'm stating this is that the staff broke the meeting into two pieces so that the Commissioners will have the ability to caucus

between now and the second session, and figure out their collective strategy on how they would like to move forward, and what the priorities are to move forward on, and also afford the Commissioners the opportunity to caucus among different states.

Between now and the second session of the meeting, I would ask all of you to caucus among your own delegation, and talk to other delegations. Hopefully for the second session we can come in and actually have a consensus on how to move forward. Unless there are additional questions, what I would like to do is to end this segment of the meeting, and we'll reconvene the second session with the postponed motions, and decide what kind of work priorities will be open. Are there any process questions from any of the members?

MS. KERNS: Dennis Abbott.

CHAIR BORDEN: Dennis.

MR. ABBOTT: No, I don't have anything. My hand is probably in the wrong place.

CHAIR BORDEN: Anyone else? If not, then I guess we're going to recess until the second segment of the meeting.

MS. KERNS: You have no other hands raised.

CHAIR BORDEN: Thank you all, and before we leave, let me just thank all the members of the Workgroup, particularly Megan and Marty. I think you guys collectively did an excellent job of questioning out some of the pros and cons, without getting into the politics of the discussions, and I think you'll make the work for the Board easier because of the fine work that you guys took on. Thank you one and all.

(Whereupon the meeting adjourned at 10:07 a.m.
on August 3, 2020)

RECESS

**ATLANTIC STATES MARINE FISHERIES
COMMISSION
ATLANTIC STRIPED BASS MANAGEMENT
BOARD**

**TUESDAY AUGUST 4, 2020
AFTERNOON SESSION**

The Atlantic Striped Bass Management Board of the Atlantic States Marine Fisheries Commission reconvened via webinar; Tuesday, August 4, 2020, and was called to order at 3:00 p.m. by Chair David V. Borden.

CALL TO ORDER

CHAIR DAVID V. BORDEN: Welcome to the second sitting of the Striped Bass Board. My name is David Borden from Rhode Island; and I'm Chairman of the Board. The purpose of the session today is to deal with two tabled motions, and to decide on a course of action in a future action.

For those of you that did not listen to the first session, we intentionally broke the meeting into two parts, to allow Commissioners to caucus and discuss issues with their constituents if necessary. We also have been requested by Mike Luisi to allow a limited discussion of circle hooks under Other Business, so we'll bring that up if time allows, and hopefully it will.

Before we discuss the motions, what I would like to do is I would like to start with a discussion, and a very brief presentation by Max to provide an update on a few aspects of the issue that I believe are pertinent to the subject matter and the stock assessment. Then what we're going to do is we're going to move right into the tabled motions. Without further introduction, Max, would you please put up your presentation.

MR. MAX APELMAN: Yes, absolutely. Just a few slides here to focus on next steps and hopefully get ahead of some questions. There are two postponed motions coming back to the Board

today. This is the first motion, which was made back in April of 2019, after the Board reviewed the results of the 2018 benchmark assessment and initiated Addendum VI, which addresses overfishing status.

This motion considers initiating an amendment to revisit or address a suite of management issues, and it has two parts, a main motion and a motion to amend. This is the second motion, which will come back to the Board today. This motion was made in February of this year, after the Board reviewed and approved state implementation plans and CE measures with Addendum VI.

This motion considers accountability for states that do not achieve their predicted target reduction in 2020. In light of recent workgroup discussions, a number of members of the Board and other stakeholders have reached out to me and asked, you know which of these issues that are being discussed can be done during addendum, and which would require an amendment. I'll say generally speaking, if significant changes through a management program are needed, an amendment is typically developed to replace the existing FMP, to consolidate previous amendments and addenda.

But also, an amendment is sometimes pursued when the issues being considered are especially complex or controversial. The amendment process is a little bit longer, it provides for more opportunities for public input. There is an initial round of scoping for issues to include in an amendment. There is more opportunity for back and forth between the Board and the Development Team to flesh out that document.

That being said, up on the screen here are the measures that are subject to change under adaptive management per Amendment VI. Then in the blue text are the issues that were discussed, or topics I should say that were discussed by the workgroup. You can see where they sort of fall under the various issues of measures that could change through an addendum.

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The only one that is not up here in blue is that of goals and objectives. If the Board does wish to consider changes in the fishery goals and objectives that would require an amendment. Talking about an amendment timeline and the types of actions involved there. Generally speaking, the shortest timeline for an amendment is one year.

That being from initial initiation to final action. However, what I have up on the screen here is more of a conservative timeline, considering the list of issues that has been discussed so far. If the Board were to initiate an amendment today, then it could consider approving a PID for public comment in October, and public hearings would then be conducted in the fall.

Now when the Board gets to the draft amendment phase, depending on which issues are moved forward for further development in a draft amendment, and depending on how much time the Plan Development Team needs to explore or develop alternative strategies, it could take a few meetings before the Board is comfortable approving a draft document for public comment.

All that considered, I think a fair timeline for final action on an amendment would be early 2022, or possibly later that summer. Of course, there is potential for final action to occur earlier, but also later, so just keep that in mind. I also want to highlight that an assessment update is currently scheduled for 2021, and certainly projections from that update could help inform whether further changes to regulations are needed to achieve existing or new rebuilding targets.

However, given the terminal year of that assessment would be 2020, there may be reasons to reschedule the timeline for the assessment, due to data issues in 2020 as a result of COVID. There would likely be a higher degree of uncertainty in those results and projections. But also considering where the

assessment would line up with this potential amendment process, considering that the TC may have a full plate helping out with the amendment.

It could also lead to further delays in your final action. Also, in that vein, the update would likely be reviewed by the Board in October of that year, so potentially near the end of amendment process, again lining up in your final action. But again, I just wanted to flag this right now, it's something to think about. The Board doesn't need to act on this at this meeting. The Board could certainly consider tasking the TC at a future meeting to perhaps comment on some of the pros and cons of the timing of the next update from a data perspective, but for right now just focusing on the postponed motions.

Just wrapping up here, some thoughts for Board considerations. You know depending on the actions the Board takes today, it would be helpful to think about any concerns or issues the Board might have with the workgroup report, you know anything wrong or missing. Assuming the Board is as comfortable with the information in that report, hopefully the PDT can use that conversation or discussion to provide background information in a draft PID or a draft addendum if that is the route the Board goes.

Also, consider which issues to include in this next management document, speaking to the discussion on prioritization that took place among the workgroup, and lastly just thinking about what kind of feedback to solicit from the public. If there are any specific questions that might be overlooked, now would be a great time to get that guidance from the Board. That is all from me, Mr. Chair.

CHAIR BORDEN: Any questions for Max? We'll take one or two if you've got any questions. If not, we'll move on with the agenda. Are there any hands up, Toni?

MS. TONI KERNS: You've got John McMurray.

CHAIR BORDEN: John.

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MR. JOHN G. McMURRAY: A very quick question. Max, you mentioned the 2021 assessment update. We also have a benchmark coming soon too also, right? What is the year? When can we expect that?

MR. APPELMAN: It's a good question, John. I believe it's 2023. Katie is on the line. She can correct me if I'm wrong there.

MS. KATIE DREW: Yes, 2023 would be the trigger, the five-year trigger, but we don't have it formally scheduled, and I think we would probably want to get some updates from the Board about, you know how important is it to continue work on this 2-stock model, et cetera, in terms of do we need extra time or not, in order to work on this benchmark assessment. But like I said, sort of the tentative date is 2023, but there is flexibility around that.

MR. McMURRAY: Okay great, thank you.

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

MS. KERNS: No, there are not.

CHAIR BORDEN: Okay, so we're going to move forward. As I indicated before, I plan to deal with the first tabled motion, in regards to the amendment and its related motion to amend, and then we'll deal with the second one, obviously to complete that. As you all know, there has been a considerable period of time has lapsed since we tabled the original motion. To some extent it has been rendered in my view stale by our suggestions of the Working Group. The Working Group did a splendid job of identifying comprehensive lists of topics that they think warrant closer evaluation of the Board.

Just so everyone is very clear on this, it's the exclusive purview of the Board what goes into an amendment, not a working group, so in large our decision. The issues that are contained in

the Work Group Report, contain most of the elements of the original motion, plus some additional aspects of the issues that we have not discussed by the Board.

At least in my view, it is more comprehensive. With that said, I think the cleanest way for us to move forward is for the Board to adopt a motion to postpone indefinitely the original motion, and then the related motion to amend, and then craft a new motion to basically take its place. One of the difficulties with that suggestion is that some of you might be reluctant to agree to do that not knowing what might follow.

Prior to the meeting I had a discussion with Mike Luisi about a course of action that will kind of eliminate that uncertainty. What I would like to do is to give him a few moments to describe what he would like to propose for our amendment, without making a motion, just put the idea on the floor.

Then I will come back to the issue of the tabled motion, and at that point any Board member is free to make any motions that they see fit, including to postpone indefinitely, or other some course of action. Mike, would you please describe what you would like the Board to consider as a course of action, please?

MR. MICHAEL LUISI: Yes, thank you, Mr. Chairman. I wasn't sure when this opportunity would come up, so I appreciate you giving me just a minute or two. I'll be brief. I spoke with David over the break during lunch, and we talked about the fact that the motion that was made back in April, 2019, which I believe I made and we discussed briefly at the time.

The intent there was to make sure that we and the Board wouldn't lose focus, and didn't lose sight of a longer-term plan for addressing striped bass in Amendment 8. At the time the main topics that we were focused on were listed out as part of this motion with a caveat that work would not begin until after the Addendum that we finished; Number VI was complete.

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Over the 16 months of time that have passed, we as a Board, we as a Working Group, came to determine that there were additional elements that would likely need some further discussion. The Working Group had an opportunity over the course of the summer to meet four times. As a member of the Working Group I appreciated the discussions that we had around the table.

One of the common threads in all of the Working Group's discussion for each topic, was that we as a group were interested in hearing more from the public about what the public felt, what the pros and cons were for each of the topics, and whether or not there was enough interest by the public for considering changes to the different topics with an amendment process. Mr. Chairman, I do agree with you. I believe that the wording here is stale, and that it is 16 months old. We have new terms that were referring to the different topics for consideration paths, and so I know that you want to get some feedback from others. But I did draft a motion this morning, and I passed it along to staff and you as well, Mr. Chairman, that I would be happy to make if the Board would like to postpone this indefinitely.

The motion that I would make would be very comprehensive to the Working Group topics, with the idea that we would take those topics to the public in a PID for their prioritization and discussion as to whether or not the topics will need to be formalized in an amendment, in a draft amendment. Whenever you're ready, Mr. Chairman, I would be happy to make that motion. You may want to get additional feedback as to whether or not this motion needs to be postponed or not. But that's all I have at this point, Mr. Chairman, thank you.

CHAIR BORDEN: Mike, one correction from the Chair. If you follow that course of action you have outlined, it's your intent that we number one start an amendment, we take all of the

elements of the Work Group out for public hearing, and then following the solicitation of the public input. At that point we would cull down the issues to whatever we determine will be the priorities. Is that what you intend?

MR. LUISI: Yes, I think the length would be that that would be up to the Board as to whether or not to cull down the topics. Based on that timeline, essentially my motion would establish a time period between now and October for the development of a public information document, which includes all nine of the topics that the Work Group has done.

My hope would be that staff and the Plan Development Team would be able to use the Striped Bass as a working group, a smaller working group that convene this summer. We could use that report as a basis for developing that public information document. The Board would then see the document at the October meeting, and have the opportunity to add, subtract, delete.

You know add to the discussion into the document prior to it going out to the public, for which you would get a report back in February as to public comment, during the first round of public comment. At that point the Board would have an opportunity to consider whether or not to whittle down the topics in the Amendment, or to continue as is with all nine.

I think there are differing opinions around the table about what topics to include. But yes, I am not sure today is the day to whittle things down. I personally would really like to hear from the public. That is what my motion that was the substitute to what we have in front of us here today would address.

CHAIR BORDEN: With that I ask the Board, you've heard my schedule, which was somewhat similar to Mike's. What is the pleasure of the Board on this issue? Toni, any hands up?

MS. KERNS: You have Eric Reid and then Mike Armstrong, and then Craig Pugh.

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CHAIR BORDEN: Okay, Eric then Mike.

MR. ERIC REID: Can't we just make a motion to substitute? I mean, I like Mike's idea. I think this is stale, but it might be a lot less work if you just move to substitute. But I am not a parliamentarian, I don't think anyways. If that would work, I would prefer to go down that road, see the motion and get it over with. I'm in full support of the WG group, the Ware/Gary group and their efforts, and I would like to have that motion so I could vote on it. Thank you.

CHAIR BORDEN: Bob Beal, do you want to comment on Eric's question?

MR. ROBERT E. BEAL: It gets a little bit tricky to substitute, since there are two motions in play as a Board right now. You have a motion to amend and the main motion. If you made a motion to substitute right now, it would really be just substituting the motion to amend, and then you would have to take another vote to have that substitution then replace the main motion.

It can be done if Eric's point of if people want to see what Mike has in mind, a motion to substitute might be. We can make that work. I understand. Really, ultimately with all these different wrangling's of motions to postpone indefinitely or substitute, the idea is to make sure whatever you end up with reflects the will of the Board.

I think there probably are a lot of folks listening now that agree that these motions that are in play right now are a little bit stale. I think all the ideas that are included in both of these motions, the main motion, the motion to amend, are included in Mr. Luisi's motion that he said he intends to make.

CHAIR BORDEN: Emerson. Toni, was it Emerson who was next on the list?

MS. KERNS: Mike Armstrong, I think and Craig Pugh.

CHAIR BORDEN: Excuse me, they look very similar.

DR. MICHAEL ARMSTRONG: A stunning resemblance.

CHAIR BORDEN: Dr. Armstrong.

DR. ARMSTRONG: I've got to tell you, I'm torn about this, and the reason is what we're going through right now. We have a lot to talk about, particularly reference points and rebuilding, and all that. We need an enormous amount of public input. I'm looking at us having two to three Board meetings, one to two public hearings, through this kind of venue.

Having recently gone through it at home, here for the public hearing, I wouldn't call it a success. It is very, very difficult to present a serious subject and get feedback. I do think this Amendment needs to be postponed. I think we need one, and we move forward, because we need public input.

Whether we could do it with an Addendum or not, I think we need the Amendment. We talked to that at the Working Group. Boy, I think it is irresponsible for us to try and get public input while under this condition. We're looking at maybe next May meeting in person, maybe. I would say the better bet is a year from now. I would vote to postpone this indefinitely, and not do any serious work, in terms of public hearing. What I could support, an addendum to pick away at some of the things. Let me step back. None of these things are terribly time sensitive, because we are reducing F, in theory we are rebuilding.

Under the current F we'll rebuild in ten years. That is a whole other thing. I think we ought to get a look at what is going on with the assessment next year, before we really move forward with an amendment. We're flying blind at this point, and we're flying without appropriate public input, in my mind.

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What I would support an addendum to pick away at some things that are of real concern, one of which is the mortality of discard from the recreational fishery. We are running out of ways to manage the fishery. This is one I think we could bring to public hearing, because it is a single issue, and maybe throw in conservation equivalency.

But to me that is a much smaller goal than all the things you're pulling up there right now. That would be very difficult to do, even a PID hearing. I support delaying the amendment. I would throw out, I am not going to make a motion right now that maybe we start an addendum, just to keep this Board busy, and do something effective over the next nine months, and we wait until we have an assessment and we are out of this COVID business, before we get to the serious work. That's what I got.

CHAIR BORDEN: Craig.

MR. CRAIG PUGH: I disagree with Mr. Armstrong, sorry to say. We do need the amendment. It's been 30 years of degradation for the city of Delaware and its allocation position with the Striped Bass Board. For me and the others it's well, well overdue to answer these questions. I do have a question for Mr. Luisi on how this would be affected by the five-year strategic plan, especially in the allocation part.

It states in the allocation part, states will need to seek innovative ways to reallocate the species, so that collectively all states feel their needs are met. I can tell you flatly, plainly and frankly, our needs have not been met for over 30 years. At this point in this junction, we have the opportunity to answer that for the state of Delaware.

I would love to see that happen as part of this. The rest of that statement will be required to successfully navigate these discussions and decisions is the commitment of the states to

work through the issues with honesty, integrity, and fairness, seeking outcomes that balance the needs of the state and the stakeholders, with ever-changing realities of shifting resource abundance and availability.

I don't find much balance in the way our quotas are structured. I could name out a state and compare them to what we have. It doesn't take real long to figure out that the inequities are there. We are treated differently. That is not fair. That is inequitable. It would be a great thing for our state to accomplish this. It is very, very important as part of the amendment. I agree that the other parts of the amendment, such as reference points, management triggers, should also be addressed. But it is time for this amendment. We don't need to sit back on our laurels, we need to get home and go to work. That is what we're here for. At any rate that is my stance on this. I do, I would support Mr. Luisi's inclusion, as long as some sort of mention can be brought in that we will be following the five-year strategic plan in this. I like what it says. It has meaning and it has value. Hopefully it's just not boiler plate, as I said yesterday.

CHAIR BORDEN: Toni, who else do you have on the list?

MS. KERNS: I have Justin Davis, John McMurray, Dennis Abbott, Tom Fote, and Emerson Hasbrouck.

CHAIR BORDEN: The third person was who?

MS. KERNS: Justin Davis, John McMurray, Dennis Abbott, Tom Fote, Emerson Hasbrouck.

CHAIR BORDEN: Justin.

DR. JUSTIN DAVIS: At a little bit of a disadvantage here, because I lost power right when Mike Luisi started talking a while back, and I just got back in now. I came back in a little bit ago, right when Mike Armstrong was talking. I've missed a bit of the discussion here, and I'm not clear on exactly what Mike was proposing. That being said, I just wanted

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to speak up and say that I generally agree with what Mike Armstrong was saying.

I support postponing this motion indefinitely, and delaying work on a new management action until we're in a better place, and have the ability to get public input. I just don't think, given our current environment, that it really facilitates getting public input. I think that is really important for any action we take, but particularly for this species, where we just came out of a very contentious management action, where it was clear there were folks from the public who have very strong opinions about striped bass management.

I also just sort of feel like, again with what Mike said. I don't feel an urgency to act on any one of these things. I do think they are all important. If we had to undertake something, I would prefer an addendum of limited scope to address one or two items here that are of the most importance.

I also just think we're in a place right now where our understanding of stock dynamics changed dramatically with the benchmark assessment, incorporation of the new MRIP numbers, and the realization that fishing mortality was much higher than we thought. Given the current status of the stock that it's overfished, and we've just taken some action to try to correct that. I would prefer to see where we're at after the next stock assessment update, before we take any subsequent management action.

CHAIR BORDEN: John McMurray.

MR. McMURRAY: I'm in favor of postponing also. I think moving on an amendment, even if it's just putting issues out to the public before we know what a 2021, or perhaps 2022 assessment update is going to tell us, or even a benchmark for that matter seems like a mistake. Do we really want to put something like reference points out to the public, when we

don't know whether or not they are going to change drastically with the benchmark? I mean it makes sense to wait for the development of that 2-stock model. Plus, what nobody seems to be talking about here is we still have a stock that is overfished.

Any data showing us what the results are of the management action we took this year, moving forward with what could potentially be a major management implication probably is not a good idea right now, the timing is just really bad. Lastly, I'm not sure how public hearings would work with the COVID thing going on. Dr. Armstrong explained the difficulty of the public input process, and this would complicate it greatly, I think.

CHAIR BORDEN: Dennis Abbott.

MR. DENNIS ABBOTT: I have some agreements and some disagreements, as normal. I agree with Mike Luisi that we really need to get the public involved, and I'm not sure if it's possible to do that. But it should be possible to do that without initiating an amendment at this time, and as Mike Armstrong said, this is not the time to be looking for person to person meetings, trying to gain the public's input, and we do need that public input.

I was a part time participant in the Working Group, and I recall Mike Armstrong, Dr. Armstrong, making the point that we're at one-fish, we're in a narrow slot. What are we going to do next? You know there are probably some people on one side that would like to see a liberalization of regulations. Well, those that are looking for a tightening up of regulations, as Mike Armstrong said, where are we going to go below one fish?

Another thing that the Working Group probably was remiss, though they did a wonderful job, is that I don't think we probably considered the sentiments just mentioned by Craig Pugh from Delaware. We didn't talk, if I recall in the couple of meetings that I was involved in. That we really talked about the commercial side of things. I don't know what we could have said, but when we prioritized the nine items, commercial came way down at the bottom.

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I bet Craig Pugh probably came off his chair when he saw that. I think in the long run, we should take a longer look at this. We should figure out a way to get public input. We should hear from the public input in helping us decide where we go. Further, we just adopted Addendum VI. We don't know how that is working. We're in a COVID year. I think we need time to see how Addendum VI is working. I think that proceeding slowly is the best thing. Though an amendment may be needed, I'm not sure we have to rush into that today.

CHAIR BORDEN: Toni, how many more names do you have on the list? If you could give me an indication, please?

MS. KERNS: We have Tom Fote, Emerson Hasbrouck, and then I need to add Megan Ware, Cheri Patterson, and then Mike Armstrong, Justin Davis, and Emerson Hasbrouck still have their hands up. But I don't know if those are on purpose, and they have all gone down except for Emerson, so Tom, Megan, Cheri, and Emerson. I'm not sure Emerson is in the right order.

CHAIR BORDEN: Okay, Tom Fote.

MR. THOMAS P. FOTE: It's an interesting situation, because I agree with Dr. Armstrong, I agree with John McMurray, and I agree with Dennis Abbot, and I tried to get a star just at that point. I basically looking at this meeting coming up. I'm going through the charts that basically looked at the recreational catch by all the states, from '95 to 2019.

What I did was take New Jersey's last seven years, and averaged it out, started figuring what the average is on supporting numbers, and then saw what 2019 was compared to a reduction of that seven-year average. In 2019, we caught 67 percent of what the average was. That's almost a 33 percent reduction over that period of time.

I think we've got to see what's going on, unless we basically get some real figures, and we can't get our figures of 2020. Public hearings, trying to do this virtually. I mean I'm on a lot of virtual meetings, whether it's for organizations, clearwater action, things like that. It's very difficult without being person to person to actually work things out sitting over a table.

I also think the strain of the virus has put a strain on all of us. I haven't left the house to go more than about five miles in the last, since March. I mean I haven't visited with anybody or even fished. All that stress is basically getting to all of us over time. I think the public will be the same way. I think we have to calm down. I agree with what everybody just said about waiting on the process.

CHAIR BORDEN: I've got Emerson next.

MS. KERNS: Then can you add to the bottom of that list John Clark and then Adam Nowalsky.

CHAIR BORDEN: Okay, Emerson, you're next.

MR. EMERSON C. HASBROUCK: I put my hand up when you said that Mike and I look so similar that you get us confused. Since we haven't all met together since February, I'm wondering if Mike has grown a white beard in the interim. That is my first question. Then secondly, I think there is an urgency to address rebuilding biomass, all right, and to reduce recreational discard mortality. I want to go on the record agreeing with John McMurray that we need to start to address a rebuilding plan.

I think we need to go forward with that as quickly as we can, and maybe some of these other issues will come along with that and maybe not. We'll find that out as we go forward in our discussion. Then also, in terms of moving forward with rebuilding. I think that including commercial reallocation at this point, we're just going to sidetrack and slow down rebuilding effort as part of the same management action.

CHAIR BORDEN: Megan Ware.

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MS. MEGAN WARE: This is an interesting conversation to listen to. You know being on the Workgroup, I think one of my biggest takeaways from that experience was that we've got a lot of issues in the striped bass fishery, and how we manage it. I think this Board has kind of danced around some of these issues for a long time, and I think they are kind of all coming to fruition now. I can see a lot of reasons to, there is always a reason to delay, whether it's an upcoming assessments, or a benchmark, or something else.

But I kind of thing the Board just needs to buck up and initiate the amendment at this point. I would be in support of initiating an amendment today. In terms of public comment, you know I think that's a fair question of how the Commission wants to handle public hearings in the time of COVID. I would suggest that maybe that is an appropriate discussion for the Executive Committee or the Policy Board to be having, because I think that is going to impact multiple species boards.

That is something that could be talked about between now and the annual meeting, when you would potentially see a PID. You know certainly the councils have already addressed this issue, so I think there is precedent here for ways that we can include public comment. We just need to figure out what that looks like to the Commission.

CHAIR BORDEN: John Clark.

MR. JOHN CLARK: I think Megan said it well. I think *carpe diem*, let's get moving on this, we've waited for years. As Craig pointed out, there have been inequities in this plan that go back decades. The last amendment was in 2003. I think the public input aspect, yes that is an issue right now.

But as we've heard previous meetings, there are a lot of people in the public that actually prefer to make their opinions heard through

these virtual methods, because it is less intimidating than being at a big public hearing, where you might have a group of people that are all voting in a block, and can be intimidating.

You know if this Board was like a sleek cheetah that was picking off these addendums like they were sickly gazelles that would be one thing, but we know we don't move that way. This is a very slow-moving operation anyhow. I think, you know let's get moving here. Let's get this amendment started, because by the time the process goes along, we'll have plenty of time to get public input virtually, and I'm sure we'll be back to the public hearings in person while this thing is still working its way through the process.

CHAIR BORDEN: Adam's next.

MR. ADAM NOWALSKY: I will also speak in favor of the motion that is not yet a motion, but is likely to soon be a motion, I suspect. The last couple of speakers hit on a lot of the points I was intending to make, including the fact that we've got a lot of these topics. Get them out for public comment.

At that time after we have that public comment, we would know what things to whittle down to ultimately include in an amendment for consideration, after we get a public information document out. I agree with the statement that was made with regards to the numbers of the public, including a lot of fishermen that have been in support of the virtual process. We've conducted a lot of business virtually. We as managers have learned a lot fast, and the public has become very comfortable with that process. I would agree with the statement that by the time we get to a public draft amendment going out, I would certainly hope we would be able to conduct those hearings in person.

The one piece of new information that we haven't touched on in a couple minutes, remains the issue about use of (muffled) most recent management actions based on the new MRIP data, but still using the old reference points. As the new MRIP data has come out, many of the other species that we have

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worked with, including most of the ones that have a large recreational component, bluefish, summer flounder, sea bass, scup, cobia with this Commission. We've taken action on all of these species to deal with the implications of the new MRIP data.

To continue now managing with the new MRIP data but continuing to use old reference points that information to date is what is the most stale out of everything. We ought not be managing that way. Until we change those reference points that is the only way to do it is going to be through an amendment, then we have to get that process going, so I would support that motion when it comes to the floor.

**CONSIDER POSTPONED MOTIONS FROM
APRIL 2019**

MR. BORDEN: Toni, in the interest of time, why don't you just suggest that we've got a two-step process. You need to deal with the postponed motion and the motion to amend. Once that is dispensed with in one form or another, we'll try it on the second step, which potentially could be no actions, or it could be to initiate a draft amendment with a PDT PID. Let's deal with the postponed motion. I had originally suggested that someone make a motion to postpone indefinitely the original motion, and a related motion to amend. Would someone like to make that as a motion?

MS. KERNS: Mr. Chairman, you have both Cheri Patterson, Mike Luisi, Emerson, Tom, and Adam and Ritchie White with their hands up. Cheri had her hand up from before, you skipped her.

MR. NOWALSKY: My hand is now back down.

MR. HASBROUCK: My hand should be down as well.

CHAIR BORDEN: Okay, I'll tell you where it's a good point I should call on Cheri, and anyone else on the list who have not spoken. Ritchie has not spoken. Then I'm going to go back to what I asked for. I'm going to look for a motion,

rather than give individuals a second bit of the apple. All right, so Cheri.

MS. CHERI PATTERSON: I think that we need to slow down on this. I don't mind it moving forward as a main motion. However, I don't think we should put this on a fast track. If we've made some management decisions, we need to see how those work out with the next stock assessment. I think that we really need to be cautious as to what the data is going to be telling us from this year, considering the interruption of data collection, especially the recreational component. I think we just need to be cautious and move forward slowly.

CHAIR BORDEN: Ritchie White.

MR. G. RITCHIE WHITE: I agree with Cheri. I'm willing to support beginning an amendment. But the time period that Mike Luisi was suggesting is way too fast for me. These are really complicated situations. I'm going to want to, or I think we need that two bites at a PID before it goes to the public.

I think the idea that we get a PID in October, send it to the public, and then it comes back to us in February is way too fast. I think we get a PID in October, then I think we rework the PID, send it back to the Plan Development Team, then it comes back to us again before we send it out to the public. I'm in favor of starting an amendment, but I think it has to be slow and careful, and we have to really go out of our way to make sure there is plenty of public input.

CHAIR BORDEN: Is there anyone on the list, anyone else on the list, Toni, that hasn't had one opportunity to speak.

MS. KERNS: Your list is done; you just have Mike Luisi now.

CHAIR BORDEN: Okay, I think I'm going to go back to the original question. Would someone care to make a motion to postpone indefinitely the original motion and the related motion, and if that passes, we'll discuss what the appropriate step is next. The

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floor is open, would someone care to make a motion? Toni, any hands up?

MS. KERNS: You have Mike Luisi, Mike Armstrong, and Emerson Hasbrouck.

CHAIR BORDEN: Mike Luisi.

MR. LUISI: You know, with your guidance and in the interest of time, I think in order to put before us a motion that I spoke to at the beginning of the meeting. I think it's appropriate at this time to move to postpone indefinitely the motions made during the April, 2019 meeting of the Board. If I get a second on this and it passes, the intent would be to follow up that vote with a motion that I spoke to earlier, so that we can focus our discussion on next steps.

CHAIR BORDEN: Is there a second?

MS. KERNS: Justin Davis.

CHAIR BORDEN: Okay, motion by Mr. Luisi, seconded by Dr. Davis. The motion is to postpone indefinitely the motion made during the April, 2019 meeting of the Board. Discussion, any discussion? Hands up, Toni?

MS. KERNS: You have Mike Luisi to speak to his motion, I believe.

CHAIR BORDEN: You were broken up, Toni, if you could say that again, please.

MS. KERNS: I believe Mike Luisi wants to speak to his motion, but his hand came back down, so maybe not. Emerson Hasbrouck also has his hand up.

CHAIR BORDEN: Emerson.

MR. HASBROUCK: I thought my hand went back down again. My hand was up to second the motion.

MS. KERNS: Just for reference, Emerson, your hand is up right now, so if you click on it, it will go back down. There you go. I do not see any hands raised to speak to this motion.

CHAIR BORDEN: If there are no hands up, let me just explain the process, and Toni can correct me if I misspeak. I'm going to ask if there are any objections to this motion. If there are no objections, I'm going to state that it is adopted by consent. If anyone objects, then we have to vote individually, state by state on this, so reflect that in your thinking. Are there any objections to this motion? Any hands up, Toni?

MS. KERNS: I do not see any hands.

CHAIR BORDEN: All right, there are no hands up and no objections to the motion. The motion is adopted by consensus. Okay folks, now let's deal with the second aspect of the motion, which is to potentially move forward with an amendment. I just state that I think there is a common view here to slow things down, because of the COVID situation, and our ability to get public comments.

I would make the comment that there is one thing that the process does quite well, which is slow down. I think that as we move forward, if we pass a motion to initiate an amendment, and at least start with a PID, the Board always has the right to take action to slow down the process if they find it unacceptably fast, so if someone here just make a motion on the amendment issue, any hands up?

MS. KERNS: You have Dennis Abbott and then Mike Luisi.

CHAIR BORDEN: Before Mike Luisi makes his motion, and with those of us that are concerned about doing this too fast. Would it be possible, well I'll ask Mike Luisi if it's possible that we would insert into his motion, even before he puts it up that we would plan to have an amendment adopted for the 2023 fishing season. That is just my suggestion to probably help sway some of the folks who have concerns about moving this down the tracks a little

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fast. I think that would put maybe some time certain on things if that is possible. Just a suggestion.

CHAIR BORDEN: Dennis, thank you for the comment. Mike Luisi.

MR. LUISI: To Dennis' point. I'll just state before we put my motion up, and maybe since this one has cleared and now it's postponed, maybe staff can work to get the motion that I sent them up on the screen, and I can read that in at the end of my comments. To address the concerns from Board members that there is an intent here to move quickly. I just want to say that there is nothing in the motion. I had no intent that this would be any type of fast-tracked amendment process. I think that the Board is ultimately in control of just how fast an amendment goes through the process to completion. The Board is in full control as to how quickly things move. To Ritchie's point, if we get a look at the Public Information Document in October, and the Board is not comfortable with it.

If you want to spend time over the winter modifying it, preparing it for a review again in February before it goes to the public that is fine. If that is the Board's wish that is the Board's intent in how to move forward. You know, I think right now time is something that we have on our side. We have some issues, obviously. We wouldn't be initiating an amendment or considering initiating an amendment if we didn't have concerns in the fishery.

But we don't have any bright barrels burning right now, whereas I feel like if we wait for another assessment update, and all of a sudden fires begin to burn, and we have management triggers that we have as Working Group determined that it has a lot of perceived problems with them, as far as priming of action.

We're going to find ourselves in the position again if we delay and we wait, where we're

going to have another fire to put out, and we're not going to be able to initiate the amendment. Just like last time, when an amendment was considered after the benchmark, but we had to deal with Addendum VI first.

You know Dennis, to your point. I don't think time speed, it's not in my intent at all to make this happen quickly. It's to develop a process for as much public opportunity to comment as possible, and to make the best and most informed decisions that we can during this long, drawn out process. I think Max's timeline put us at most likely a 2023 implementation date anyway.

If that is a massive timeline along the lines of what we're talking about, I think kind of addresses your concern. At this point I think what I would like to do is I'm going to make the motion. If I get a second, if there are other questions, I can certainly address them. I think I've spoken to the motion enough already, so I'll leave it there. Mr. Chairman if you're okay, I would like to read the motion, and then see if I can get a second on this motion.

CHAIR BORDEN: Please do.

MR. LUISI: I move to initiate an Amendment to the Atlantic Striped Bass Fishery Management Plan focused on the following management topics (1) fishery goals and objectives; (2) stock rebuilding/timeframe; (3) management triggers; (4) biological reference points; (5) regional management (recreational measures, coastal and producer areas, regional reference points); (6)recreational discard mortality; (7) conservation equivalency; (8) recreational accountability; and (9) coastal commercial quota allocation.

Each of these topics will be presented in a Public Information Document in order to solicit stakeholder comment focused on prioritizing the importance of each topic for continued development and inclusion in the amendment.

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

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CHAIR BORDEN: Okay, so we have a valid motion and a second. Thank you, Mike and Megan. Comments on the motion. I would point out we have already had a lot of comments on this. I would ask individuals to try to try to identify points that have not been made. Toni, who have you got on the list?

MS. KERNS: We have Megan Ware as your seconder, Joe Cimino, Roy Miller, and Emerson Hasbrouck.

CHAIR BORDEN: Megan.

MS. WARE: Yes, just to respond to a couple of the things I've heard about slowing the process. I mean I think this is going to be a pretty complicated, complex and controversial amendment, and so I think it's naturally going to be a slow process. Looking at these topics, I mean this is akin to Amendment 3, and I think most people lived through that. That was not a quick process, and we did have multiple looks at the draft document. I think that this will naturally take some time.

I'm also a little concerned. You know I've heard people talk about delaying initiating this until we have a better understanding of COVID, or what the future looks like. I'm a little hesitant to do that as I've said, because I think COVID is a very uncertain future right now. We don't know when that's going to end or what is going to happen. I think it is prudent for this Board to continue to work on the tasks at hand, and make progress as we can.

CHAIR BORDEN: Joe Cimino.

MR. JOE CIMINO: I support this motion for a lot of the reasons that have been discussed. I would be curious to ask staff. If we didn't start this now, would there be any other way to pass a PDT? You know the Technical Committee was starting to look at exactly what new reference points mean. I know there was a lot of work done on that. But I think that's going to be a

long, important process that can get started now.

I know in New Jersey, as Adam has mentioned, you know we've seen very good attendance at virtual public hearings. Instead of having a meeting in the middle of the state, where everyone needs to get off of work and drive for two hours or an hour and a half to get there, they can get home and be on the meeting. That really isn't a concern for me, as much as we don't do anything for a considerable amount of time. I would much rather get started.

CHAIR BORDEN: Toni, who are the next two names on the list, please?

MS. KERNS: We had Emerson Hasbrouck, Tom Fote, and John McMurray is on there. Just to answer Joe's question. You can task the TC at any point in time for work on an issue, you need to be clear what their task is, and what you're looking for them.

CHAIR BORDEN: Emerson.

MR. HASBROUCK: I have a motion to amend. I move to amend to remove part 9: coastal commercial quota allocation from the initial motion, or whatever the proper wording is to do that.

CHAIR BORDEN: All right, so we have a motion to amend the main motion by Emerson Hasbrouck, is there a second to the amendment?

MR. HASBROUCK: Yes, if I get a second, I'll give my reason why.

MS. KERNS: I see Roy Miller and John McMurray's hand up.

CHAIR BORDEN: Roy, are you seconding this motion?

MR. ROY W. MILLER: No, I am not.

CHAIR BORDEN: John McMurray are you seconding this motion?

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MS. KERNS: He cannot as a member of the same state.

CHAIR BORDEN: We don't have a second, is that correct?

MS. KERNS: Justin Davis now has his hand up.

CHAIR BORDEN: Justin Davis is the seconder, so Justin, would you like to speak to this one?

DR. DAVIS: Sure, although I would defer to the maker of the motion, if he wanted to speak first on it.

CHAIR BORDEN: Emerson, and then Justin.

MR. HASBROUCK: As I said in my earlier comment, whenever it was, 15 minutes or so ago. I think that adding in this component is going to make this amendment take forever, and it's really going to slow down our process, in terms of rebuilding. I mean look what we just went through the last year and the year before last with summer flounder. It took us five years to get through that process of reallocation of commercial quota. I don't want that to happen here, and really throw a wrench in the works, in terms of us rebuilding this resource.

CHAIR BORDEN: Justin, would you like to comment?

DR. DAVIS: I agree with Emerson. I kind of feel like this particular topic is kind of incongruous with the rest of the topics in the amendment, who were more focused on conservation and the way we are going to manage the striped bass stock. That this reallocation issues seemed a little bit different thematically. I also have the worries that Emerson has that it will lead to delays in the amendment. That being said, I am not completely opposed to including it if it is very important to other states. Obviously, you know speaking from a Connecticut standpoint. We don't have a commercial fishery, but I do

tend to agree with Emerson about inclusion of this in the amendment.

CHAIR BORDEN: Other comments on the motion to amend?

MS. KERNS: Yes, we have Roy Miller, John McMurray, Chris Batsavage, Dennis Abbott, and Tom Fote and Craig Pugh.

CHAIR BORDEN: Roy Miller.

MR. MILLER: I'm going to oppose this amendment. We've had the same scenario for commercial allocation since the 1980s, it is long since time to deal with this particular topic. I acknowledge it's a difficult topic. I acknowledge it will be controversial. But if we don't start on it now, when would we start on it? You know we haven't had a new amendment for 17 years. That is a long time to be operating under Amendment 6. We need to get on with this, and we need to deal with the controversial and difficult topics, and the sooner we start the better, in my view.

CHAIR BORDEN: John McMurray.

MR. McMURRAY: I agree with Emerson. I don't think we have any business doing allocation in this amendment. It's going to make things even more contentious than this amendment already will. In fact, I don't think we should be addressing anything right now other than overfishing or rebuilding.

We've got a stock that is overfished and it's not just on paper. There is a definitive lack of availability on the water. That is what we need to address first, before we address any of these. I don't think it's appropriate to address any of this right now until we take care of that. It's kind of put me in a weird situation, where I support Emerson's motion, but I don't support Mike's motion.

CHAIR BORDEN: Toni, who else is on the list?

MS. KERNS: Chris Batsavage, and then Craig Pugh, Tom Fote, Dennis Abbott and Eric Reid. I apologize

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if these are not in the same order as before, the names moved.

CHAIR BORDEN: Chris.

MR. CHRIS BATSAVAGE: I cannot support the amended motion. I understand Emerson and John's concerns, but jut the controversial nature of reallocation, and how it may not match with what else is in the amendment. But I think what Mike Luisi is proposing, you know if you get public input on what is important.

We may not address all nine of these when it is all said and done. We may end up going out to certain issues to deal with as an addendum, and then this might be one of them. But I think it is really hard, reallocation issues are hard, we've got several going on right now. It's going on forever for the stocks such as bluefish. I think other folks have stated that these have been longstanding issues with striped bass, much like it had been with other species we addressed. I think we need to at least include this with the other suite of issues so the public can do the comment on it.

CHAIR BORDEN: Next I've got Dennis and then Tom Fote. Dennis Abbott, please.

MR. ABBOTT: Am I being recognized, Dennis Abbott? Okay, it was cutting out. I can't support this. I think it is patently unfair, going out with a public information document not to put in something that even the Working Group had considered one of the nine points. What we do following it being in the public information document, is a lot different than what is finally going to appear in a proposed amendment.

I'm reminded of last year, when I just asked to insert into the striped bass addendum that we go out to the public and ask about conservation equivalency, and it wasn't allowed. I think it's a grave injustice to the commercial side, of which I have no skin in that game whatsoever. But it

seems very unfair not to give them an opportunity to express their positions in a PID.

CHAIR BORDEN: Tom Fote.

MR. FOTE: Yes, I was waiting to hear what Chris said, because my concern here is how will we handle North Carolina? We are basically, because we will not rise a fish we need to jig. We are basically not allowed the quota commute for years. That is my concern here. We tried to stop reallocating their quotas.

Because it is not based on not being the vulnerability of fish, but the availability that we're not letting the fish in North Carolina where the fish are. We're doing the same thing recreationally in Virginia in the coastal waters. That's not me making all that noise. I don't know who is doing that? That's my concern here, but if Chris is okay with it then I am fine with it too.

CHAIR BORDEN: Okay Toni, who else do you have on the list?

MS. KERNS: We have Eric Reid.

CHAIR BORDEN: Okay. Anyone else who hasn't spoken? Eric Reid.

MR. REID: I oppose the motion to amend. It's not fair, and since it's a laundry list of nine things, it should be in the game. I'm trying to figure out how this conversation is going to fit with two days next week that I'm going to spend talking about allocation.

My second point is, whatever it is going to take to start the analysis of recreational dead discards, which cannot wait until 2023. I intend to make that motion as soon as I can figure out what it is, when this is over, because that attracts me. I don't think the resource or the public is going to put up with waiting until 2023 to start figuring that out. That is my position, thank you, Mr. Chair.

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CHAIR BORDEN: Is there anyone else who hasn't spoken at this point? Toni, any hands up?

MS. KERNS: No other hands up.

CHAIR BORDEN: Okay, so where we are; we've got a motion to amend. The motion is to amend to remove part 9; coastal commercial quota allocation from the initial motion. I think we're ready to vote. Once again, if we have a consensus then fine, we don't need to have individual votes. If we don't have a consensus then we're going to have to go through the roll.

MR. ABBOTT: I think we need a roll call.

MS. KERNS: David, people can just raise their hands as well. I can count hands.

CHAIR BORDEN: You can count hands then, Toni? Is that acceptable, in terms of this phase?

MS. KERNS: Unless Dennis is asking for a roll call specifically.

CHAIR BORDEN: Okay, so everyone in favor of the motion to amend, please raise your hand.

MS. KERNS: Before you do that. We do need clarity from Dennis, to find out if he is asking for us to do a roll call. There might need to be caucusing.

MR. ABBOTT: Yes, the hands work as long as we need a recorded type vote, we have to know what the numbers are.

CHAIR BORDEN: All right, does anyone need a time for a caucus? Any hands up, Toni?

MS. KERNS: I don't see any. There is one hand up for a caucus.

CHAIR BORDEN: Everybody can have a one-minute caucus.

MR. MILLER: Mr. Chairman.

CHAIR BORDEN: Yes.

MR. MILLER: Can you hear me?

CHAIR BORDEN: Yes.

MR. MILLER: May I vote for John Clark, since he doesn't have computer access?

MS. KERNS: Yes, please, Roy.

MR. MILLER: Thank you.

MR. NOWALSKY: For the record, Adam Nowalsky will be voting for New Jersey. Joe Cimino just indicated he lost connection due to the internet power problem in the area.

MS. KERNS: Thank you, Adam.

MR. HASBROUCK: Yes, Emerson is going to vote for New York.

MS. KERNS: Thank you, Emerson.

CHAIR BORDEN: One minute is up. We have a motion to amend to remove part 9; coastal commercial quota allocation from the initial motion. **All those in favor of the motion to amend, raise your hand. Then if you would Toni, please provide me with that.**

MS. KERNS: Will do. Just to confirm, so that folks understand. Right now, there are no hands raised, so if someone is intending to vote in favor.

MR. MAX APPELMAN: Toni, I'm seeing two hands raised right now. Click the hand raise button again, so they all go through the very top.

MS. KERNS: There we go. We have two in favor.

CHAIR BORDEN: All those opposed. The individuals who raised their hand to vote in favor would now

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disconnect. All those opposed, please raise your hand.

MS. KERNS: I have 12 in favor.

MS. TINA BERGER: Twelve opposed.

MS. KERNS: Opposed, I apologize, thank you, Tina.

CHAIR BORDEN: Okay, any abstention, any null votes?

MS. KERNS: If we could slow down for the abstentions, please? Right now, Adam and Roy your hands are still up. We have two abstentions.

CHAIR BORDEN: Any null votes?

MS. KERNS: With no null votes.

CHAIR BORDEN: Okay, motion fails, and we're back to the main motion. We've had a lot of discussion on the subject. Does anyone care to raise a point that has not been raised before? If not, I'm going to ask the same question I've asked before. If we have a consensus, we don't need to vote. Do I have any objection to approving this motion as submitted? Does anyone object? If somebody objects, we've got to vote.

MS. KERNS: We have one objection.

CHAIR BORDEN: Okay we have one objection, so we're going to have to vote on this. All those in favor of the motion, please raise your hand. Then Toni, please provide me with a count.

MR. HASBROUCK: Caucus, please.

MS. KERNS: David, could they have a minute to caucus?

CHAIR BORDEN: Okay, we'll go back. One-minute caucus. All right, we had our one-minute caucus. All those in favor of the motion,

please signify then I ask Toni to provide me with the count, please.

MS. KERNS: I've got 15 in favor.

CHAIR BORDEN: All right, no votes, please raise your hand.

MS. KERNS: One no vote.

CHAIR BORDEN: One no vote, any abstentions?

MS. KERNS: I do not see any abstentions.

CHAIR BORDEN: Any null votes?

MS. KERNS: Dennis Abbott, are you voting n-u-l-l?

MR. ABBOTT: No, I have a point to make following the vote.

MS. KERNS: Okay, I don't see any null votes.

CHAIR BORDEN: All right, so the motion passes 15, 1, 0, 0. Dennis.

MR. ABBOTT: This is an expedient way of doing things, but if we were sitting around a table, we would know who voted yes and no. I think we should know who is voting yes or no, because we just want to know. I know that I do, so roll call might be an easier way to go. It doesn't take a whole lot more time, but I want to know who is voting yay and nay on these issues.

CHAIR BORDEN: Okay, thank you. I'm going to move on to the next motion. Is there anything else on this aspect of the proceedings? If not, let's pick up the second postponed motion.

MS. KERNS: You have Ritchie White, Eric Reid, and Mike Armstrong.

CHAIR BORDEN: Okay, Ritchie.

MR. WHITE: A question for the Plan Development Team. Is between now and October enough time

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for them to come up, and the Technical Committee, come up with this document? There is a lot of stuff in there, and a lot of options on each of those items. I want to make sure that we're not tasking them with too much work to provide us something in October that may make more sense to get in February.

MR. APPELMAN: Mr. Chair, would you like me to respond to that?

CHAIR BORDEN: Go ahead.

MR. APPELMAN: Yes, thanks. I appreciate the question, Ritchie. It is my understanding being that the intent here is that all of these issues would be included in the PID, in an effort to solicit feedback from the public on which topics. You know I'm synthesizing very briefly here which topics to move forward with, which topics are the highest priority among the public.

In that vein, it would be my intent as a member of the PDT, as the Chair of the PDT, to really crutch on the Work Group Report to fill in the background material for a PID. If the Board is comfortable with the information that is in there, certainly I feel it is a quick turnaround, but we could definitely get a draft PID in front of the Board in October.

If, speaking to the conversation that has sort of evolved, if more feedback is needed at that time, we can certainly go back to the drawing board and tweak things as necessary. But I don't see much, as far as developing alternatives at this stage, which would probably be the bigger lift.

MR. WHITE: Follow up, Mr. Chair?

CHAIR BORDEN: Go ahead, Ritchie.

MR. WHITE: Well I think for the public to comment, they are going to have to see some ideas on what these mean. I mean just to throw out fisheries goals and objectives. I mean, I think they need to see what we had in

the past, what changes could be made, the same thing with rebuilding timeframe. What does that mean?

Okay, here is what we presently have, you know here is what you could go to, and then talk about changes. You know would then require management actions. I mean I think for us to get information that helps us from the public, I think this has to be an extremely detailed document. That would be my sense.

MR. APPELMAN: Just a follow up. I believe we're on the same page here. If you look back at the Work Group Report, it is 15 pages of in-depth discussion elaborating on what all these issues are, the concerns relating to striped bass management, and a discussion around what alternatives might look like.

I mean nothing specific is in there. That was not the task of the Work Group. But what could change with the management triggers. That's in there. Other potential goals and objectives that is in the Work Group Report as well. I think we're on the same page here. There is a lot of meat in that report that could be used and provide a robust picture of what the concerns are, and possible road maps around those concerns for the public to weigh in on.

CHAIR BORDEN: Eric Reid.

MR. REID: We went from not being in a very big hurry to having something ready for October, so I don't get that. But anyway, I said I was going to make a motion, and I'm not exactly sure. Maybe Max will help me out with it. **But I would like to move to task the PDT/TC to begin developing methods to better analyze and understand discards in the fishery.**

CHAIR BORDEN: Could we have the motion please, typed out? All right, is there a second to the motion?

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MS. KERNS: I think Marty Gary is seconding it. There are a bunch of hands. Marty, was that for a second?

MR. MARTIN GARY: Correct, Toni.

CHAIR BORDEN: All right, motion by Eric Reid, seconded by Marty Gary. Discussion on the motion.

MS. KERNS: You have Mike Armstrong and John McMurray, Tom Fote, Roy Miller.

CHAIR BORDEN: The first three, let's not go beyond three.

MS. KERNS: Yes, Mike Armstrong, John McMurray, and I think I said Tom Fote next, and then I'll give you two more names later.

CHAIR BORDEN: Okay, Mike Armstrong, please.

DR. ARMSTRONG: My hand was actually up before this went up, but by coincidence it walked right into the crosshairs. You know I opposed, but begrudgingly voted for the main motion. I do think we're rushing it. Because we identified some problems through the last process and last assessment that I think need to be addressed before two and a half years.

One is the recreational discard. I am not sure I understand exactly what Eric means by this, so I look forward to him explaining it a little better. But I 100 percent support this, and I hope it leads to an addendum that we could put in quickly to address recreational discards. It is a thing we identified out of the last assessment, and it is stunning and crushing, it is 50 percent of mortality.

I don't think we can wait two and a half years to address it, particularly if the next assessment says we are above the target F. Then I'm left with what do we do now? I think I will support this. I look forward to Eric's comments on that. I do have one question. I don't know when I

should ask it, maybe for Toni. We can do a simultaneous addendum, right, while we're working on a massive amendment?

MS. KERNS: If it is the will of the Board, and we can figure out a way to make that work with staff time, yes.

DR. ARMSTRONG: I heard that Toni.

MS. KERNS: I was just caught, because the same people who would work on the amendment would be the same people working on the addendum, so a little tricky.

DR. ARMSTRONG: Which to be honest was my angst with moving the amendment forward. Something to think about, if we have buyer's remorse when people go home.

CHAIR BORDEN: Move on, I have John McMurray and then Tom Fote.

MR. McMURRAY: I don't oppose the motion, but I think there is a real disconnect between the Board and what they think the real dynamics of this fishery are. I mean it's primarily a sport fishery, 90 percent of it is a sports fishery, and then if I'm understanding correctly, 90 percent of it is catch and release. It's like the Board doesn't want to acknowledge that this is a sport fishery.

The fact that 90 percent of them get released is a good thing. If they weren't being released that would be way higher. We should probably take a look at tarpon or bonefish down south, and how folks manage those. Managers accept that sort of discard mortality as part of the fishery, with the understanding that if it was a kill fishery it would be much higher. But I look forward to having this discussion as it evolves, and I'm not opposed to the motion.

CHAIR BORDEN: Max, as soon as you get clarification on the motion, then I'm going to go to Tom Fote. Max.

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MR. APPELMAN: I was just hoping the maker and perhaps the seconder could just elaborate a little bit more on what this task is hoping to get from the TC. What are we hoping to hear from the TC, how could they weigh in on this topic more than they and others already have? Just trying to get a better understanding of what is being proposed here.

CHAIR BORDEN: Eric.

MR. REID: Honestly, to Mr. McMurray's point. If it is a 90 percent release fishery, and we're only using 9 percent as a death rate. Maybe that's right. Maybe it's wrong. You know they could do some data mining. There was a study in Massachusetts that showed that the survival rate was really poor, and that data is available.

But it would be my guess is that we don't really have a good understanding of what happens. You know the difference between the fish being caught in Chesapeake Bay, when it's 85 degrees, and off the coast of Massachusetts in cool water might be one thing. But if there is no data that is any good, in my mind, or it's not useable data.

Then the product would be look, we need to develop data, and we would like to look at this type of data. That is really all we have. We're going on data. It is my feeling that the data we have is outdated, it is incorrect, and we're not using some data that is available to us. But they have to tell us how we are going to better understand this. Whether it means we have to do more studies, or we have to do something else than what we're doing now. Then that is the advice I expect to get, and then it's going to be up to us as a Commission to get that done.

If we wait a couple of years anyway to get this thing moving, then we're going to be a couple more years figuring it out after that. This is a huge component of our fishery, and we don't really have a good grasp on what it really means, and I think that we need to do that.

Max, if I'm not giving you enough help now, you've got to help me. But it's got to be done, because it's not done now.

MR. APPELMAN: I appreciate going into that a little bit more. Just to sort of temper expectations on if this motion were to pass. I believe, and Katie can jump in if she feels I'm going down the wrong road here. But the TC could certainly summarize how dead discards are currently estimated in the assessment, and provide an overview, a literature overview, essentially, of all the different studies that are reviewed each iteration of the benchmark that comes to help inform which release mortality rate is used in the end.

But beyond that developing methods to better understand discards, I think that is going to be a big challenge, based on the data that is available. There could be recommendations coming from the TC on where data gaps might be, and perhaps other ways to collect better data. But beyond that I don't think we'll see methods developed at this time, until the next benchmark comes around where they really have a chance to grapple with producing these dead discard estimates.

MR. REID: If I might, Mr. Chairman.

CHAIR BORDEN: Go ahead, Eric.

MR. REID: Okay, Max, I can't ask for any more than that. I'm only asking for a beginning. If we don't get started on this project that is going to be a mistake. If you open the door for us a little bit then we can do our homework, and figure out how to get this, not under control, but understand it so we know what we're dealing with, because I don't think we understand it now. I appreciate it, and thanks for the help.

CHAIR BORDEN: Back on the list. Tom Fote.

MR. FOTE: Yes, I guess I'm to the point where I'm not going to be agreeing with everybody. I look at this fishery as not just a catch and release fishery for the recreational sector. I look it as a catch and

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harvest. People like to take striped bass home to eat, they should be able to do that. What you have done is probably increasing, so the guys in New York have released 100 fish, instead of 50 fish in a day.

You have now forced a person who just wants to go out and have a fish to bring home to eat, basically to keep catch and releasing, because you are raising the size limit to basically handle the hook and release mortality. That is a real problem. This is not a tarpon, where people don't want to eat it or fish that we built upon that people want to eat. Besides, we miss a lot of people. I was hoping you were talking about how a virtual meeting works with people, you have good results. What is going to happen is good results with people that are very familiar with how to use the computer, very familiar how to basically use this. Maybe there is a different type of person out there. The people that I look at, I mean I spend a lot of time teaching people how to use Zoom, and they still can't figure out how to do it.

They just don't get on and they get disgusted. You're losing all those people that would be at those public hearings when you do that, and it might not be the same way you lose school kids, because they're not familiar with the computer. Now we're losing people, because maybe they don't have access to all these computers at home. Maybe they don't have high state internet access. We're limiting who will do it.

There is a lot of population out there that fishes that is basically in that category, and looking at fish to take home to eat, not just to do catch and release. There is a reason there is a place for both of those fisheries together. But when one starts impacting both the commercial and the recreational sector, and watch it do that. I guess for their ability to go out and just catch and release fishing, and you basically don't care about the numbers they're doing, and don't care about the mortality. That is a real problem.

CHAIR BORDEN: Toni, do I have any other hands up?

MS. KERNS: Do you have other hands up. You have Dennis, Roy Miller, Megan Ware, Adam Nowalsky.

CHAIR BORDEN: Stop. You have Roy, who else?

MS. KERNS: Megan.

CHAIR BORDEN: Dennis.

MR. ABBOTT: As usual, you're running a very brief meeting, keeping to the time schedule as you always do. However, before I get to my main point. Max says that he could probably get something back to us in October. I appreciate Max is, I'll use the term an eager beaver, and he's a good hard worker, but we don't want any fast product.

We just had moments ago realized, not realized determined that we wanted to go about this slowly and carefully, and already we're maybe rushing things a bit. I hope that Max can do a thorough job by October, but I would prefer it by the springtime, whenever. The issue of dead discards. That is such a big issue.

If you tell the average person that you're killing 50 percent of the fish when you throw them back into the water, and you want to ignore it. We're not doing our job. I don't know how much we can correct it. I asked Katie Drew what would happen if we decreased dead discards by 50 percent, and maybe she can make a comment after I finish. However, we need to start someplace, and one of the places we need to start is to make the public aware of what the heck is going on with dead discards. I don't think that a lot of fishermen, recreational fishermen, realize how many fish they are killing. For that reason, that is why I support Eric's motion here that we've got to get off the ground, not only to understand discards, but to do something about it. Maybe that starts with public awareness through something through the media, through the sports fishermen's organizations, to do

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some articles on whatever to make people aware that we're killing too many striped bass throwing them back in the water. You can't help it, but you can help it. There are a lot of ways that you can improve. You never get rid of it, but you surely should be seeking ways to diminish what we're doing.

CHAIR BORDEN: Katie, do you want to comment? I'll give you an opportunity, otherwise I plan to move on to Roy and Megan. Katie.

DR. KATIE DREW: I would just say, you know we talked about this in the Workgroup, and absolutely reducing dead discards by 50 percent or by a significant amount would benefit the stock the same way by reducing directed harvest would benefit the stock. It's just a matter of reducing those total removals to help it rebuild. But I think the tricky part is, how do you get those removals to stop in either way, when really it is driven by effort rather than specific regulations that can be controlled by a size limit or a bag limit?

CHAIR BORDEN: Thank you, Dr. Drew. I've got Roy Miller and then Megan.

MR. MILLER: I think then my arguments in favor of this particular tasking have been well stated. I support the idea of tasking the PDT/TC to begin developing these methods. I think it could be important if it should not get in the way of initiating the amendment, but it is well worth doing.

CHAIR BORDEN: Megan.

MS. WARE: I actually have a question for the maker of the motion. My recollection is that our recent stock assessment kind of went through all of the different studies on dead discards, and looked at them and evaluated them, and that is how they reaffirmed that 9 percent. I am just trying to understand how this is different from what was done in the

assessment, taking it to the next step where they are putting forward some sort of study? I think that is where I'm getting a little lost.

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

MR. REID: Well, Megan. The way I see it is I know there are other studies that talk about dead discards. There was one done in Massachusetts, and it was done with discards and what happened to them over time. It wasn't 9 percent. I think the 9 percent is a joke. That has to be looked at. Just going over the same old methodology over and over again doesn't work for me.

We have to look at a way to figure it out, and I don't know if it's a bag limit or a size limit or circle hooks, or what. But it is a massive component in a fishery that we don't really understand. If we just want to keep using the same old number that's fine, but it is not fine for me. That is why I made the motion.

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

MS. WARE: Yes, I guess I'm generally supportive of this idea, I'm just trying to understand what we're doing. I guess now I'm a little more confused. Is this about tasking the PDT and the TC to evaluate the science behind the discard mortality percentage, or is this about identifying some management tools that reduce discard mortality?

MR. REID: I mean basically right now, Megan, all we really have is science. I don't expect them to come up with a solution. I just want to know where our gaps are, and how we can get a better grasp on how to solve this issue. I think it is a travesty that we let it happen, and I don't care if it's a sport fishery in a 100 percent release fishery.

There is dead striped bass floating all over the place once the recreational fishery leaves an area, and that's not right, and that is not 9 percent. If we start by analyzing the data we have and the science behind what we have, maybe we can figure out a way to better understand what happens, because right now I don't think we have any idea what happens.

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CHAIR BORDEN: Toni, do we have anybody else on the list that hasn't spoken?

MS. KERNS: Yes. That hasn't spoken on this issue, yes. We have Adam, Mike Luisi, Ritchie White, and I still have more names after them.

CHAIR BORDEN: Okay Adam.

MR. NOWALSKY: I'll build on a number of the last comments that I've heard. I will be speaking in support of the motion. I understand there are concerns specifically about what happens with smaller fish in warmer waters, with regards to recreational anglers leaving an area with piles of dead striped bass floating behind them.

I have never seen that in a fall/winter fishery. I certainly haven't pursued the fishery in the Chesapeake Bay, but I have the ocean. I do think that while discards are the problem, I think that characterization may be a little extreme. But specifically, with respect to Megan's question. I had a very similar question, and to Tom's point. I'm supporting this motion because it says, methods to better understand discards in the fishery.

This motion doesn't say methods to reduce discards in the fishery. I know ultimately that is where we want to get to. But I think it's really important that we're able to understand what is causing these discards in the fishery. The point about the fishery being a catch and release fishery, that may be true by the data.

But the question remains, is it a catch and release fishery, because nobody wants to take a fish home, because they don't provide any table value. I have never heard that from anyone I've spoken to. I think the fishery in the Chesapeake Bay clearly demonstrates that this is a highly prized fish for its food value. The comments that we heard during the COVID crisis of allowing for-hire fishermen to continue operating because of the food value, clearly

suggests that this is not only a catch and release fishery, because they don't provide value once harvested.

I agree entirely with the comment that it's our regulatory process that has driven the percentage of discards up, and I would hope that the PDT and TC, in beginning to develop methods to better understand discards in the fishery that that is one of the things that they would do. If they can't do it by October, if they come up with some information to give us to put into the PID, to generate some questions to take out to the public to better understand it.

Once we understand why they are occurring, then we're best in a position to develop those methods. I hope that furthers the intent on the record here of the maker of the motion is to give the PDT/TC the latitude to do the work to try to understand that, to give us some direction about what we could put in a PID to get in that information.

If we don't have this analysis done in October, if it takes until the winter meeting or whatever the timeline is to do it right, I hope that we give that group the flexibility and the time in order to do it, so we can determine how best to proceed, and basically that would address the concerns of a lot of different speakers over the last 15 minutes during this discussion.

CHAIR BORDEN: We're almost a half hour behind schedule, so I'm going to take the last two that I have on the list, we'll have a one-minute caucus, and then call the vote on the subject. Mike Luisi and Ritchie White.

MR. LUISI: I absolutely agree with everything that Adam said, and I fully support the motion. The way I see this developing, I could see it becoming part of the PID in our discussions as the PID developed. Even though, well discard mortality is part of what was approved as moving forward in this PID.

But I could see that there would be concern that discard mortality may carry along with the

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amendment, to the point where this may take a couple years, which is what we talked about moving slowly. I think the Board would have the opportunity, once we hear from the public and we get a chance to review what goes into the Amendment.

We could consider peeling away the discard mortality and doing what I think Mike Armstrong recommended, which might be taking a more fast-track action on an addendum during the time the Amendment developed. Nine percent across the board is not a responsible way to continue for the future.

You know that that mortality is greater during times when the conditions are not conducive to the survival of fish when they're released, and I think we need to address that and we need to take a new step forward in our understanding of discard mortality. I'm fully supportive, and I hope to see this develop under the PID umbrella.

CHAIR BORDEN: Ritchie White, you get the last word, and then we're going to move on to caucus.

MR. WHITE: I think that if you put this to the public, I don't believe there are two types of fisheries, catch and release and people that harvest. I think people go out to stripe bass fish, and they enjoy striped bass fishing. Some of them may decide that they want to harvest a fish, or that is their goal, and some of them may decide that they don't want to harvest a fish. But I've had a lot of charter boats up and down the east coast, and I've never been on a charter boat that you catch your limit in the first half hour and you go home. Charter a boat for six hours, you fish for six hours. I believe that is what the anglers want to do. They want to go out and experience striped bass fishing, and bringing a fish home is important to some people, to some people it's not.

But what is important to all of them is to be out there experiencing striped bass fishing, and doing it as much as they can. I think the only solution to this, beyond education, is we clearly need to do a much better job on education. It's going to be to take people off the water. That is the only way you're going to lower discard mortality is to have seasons, and I don't think the public is going to go for that at all.

CHAIR BORDEN: You get a one-minute caucus. I would just note why the open line is. The storm has arrived and will pass in Rhode Island. My electricity and lights are beginning to flash. I'll raise the question. All those in favor of the motion. Let me read the motion. Move to task the PDT/TC to begin developing methods to better understand discards in the fishery. Motion by Mr. Reid, seconded by Marty Gary. All those in favor of the motion, signify by raising your hand.

MS. KERNS: Hold on, Mr. Chairman, I think I just had one more vote.

CHAIR BORDEN: Toni, you were broken up. Could you state that again?

MS. KERNS: I have 14 in favor.

CHAIR BORDEN: No votes, please raise your hand.

MS. KERNS: I have 2 no votes. I apologize, I have 3 no votes.

CHAIR BORDEN: Does anyone abstain?

MR. APPELMAN: I'm sorry, Toni. That is too many votes. There are only 16 votes on this Board.

CHAIR BORDEN: Let's go back and clear the slate and we're going to revote. All those in favor of this motion voting yes.

MS. KERNS: Emerson Hasbrouck has a question, Mr. Chairman, I believe.

CHAIR BORDEN: Emerson, is it on the motion, because we're past the point where I wanted to be. Emerson, do you have a process question?

MR. HASBROUCK: No, we were still in caucus, so I missed the first vote, so I just want to make sure that New York vote is counted here in the second go around. If you had too many votes the first time, and that was even without New York voting.

CHAIR BORDEN: This is a whole new vote.

MR. JAMES J. GILMORE: It's Jim, I did vote, so I will vote again.

MR. HASBROUCK: Okay, sorry, Jim. We were caucusing without you, we had Maureen on.

CHAIR BORDEN: All in favor of the motion as I read, please signify by raising your hand.

MS. KERNS: I have 15 in favor.

CHAIR BORDEN: Any opposed?

MS. KERNS: All the opposed hands, please raise your hand.

CHAIR BORDEN: Any abstentions?

MS. KERNS: I don't see any abstentions.

CHAIR BORDEN: Any null votes?

MS. KERNS: I don't have any null votes. I didn't have any opposed votes either.

CHAIR BORDEN: Okay, so the final vote is 15, 0, 0, 0. The motion passes. That dispenses with that.

ELECT VICE-CHAIR

CHAIR BORDEN: We've got two more items that should be fairly quick items on the agenda. We need to elect a Vice-Chairman. My understanding is Megan Ware would like to make a motion.

MS. WARE: Sure, I can do that now if we are at that point in the agenda. Due to his leadership and poise on the Workgroup, I would like to nominate Marty Gary as Vice-Chair of the Striped Bass Board.

CHAIR BORDEN: Do I have a second?

MS. KERNS: Yes, Roy Miller.

CHAIR BORDEN: Seconded by Roy Miller, any objections to the motion? Any hands up, Toni?

MS. KERNS: No objections.

CHAIR BORDEN: No objections, I suggest the record reflect Mr. Gary is now the Vice-Chairman of the Committee by the acclamation of the Board.

OTHER BUSINESS

DISCUSS STATE PLANS FOR IMPLEMENTATION OF CIRCLE HOOKS COASTWIDE

CHAIR BORDEN: The last issue under Other Business is Mike Luisi asked for a brief period of time to talk about circle hooks.

MR. LUISI: I don't know if it was discussed. I was disconnected for a few minutes. Wasn't there another motion that we needed to consider, as a postponed motion today, before we get to Other Business, or did I miss something?

MR. APPELMAN: Yes.

MR. LUISI: We could go to Other Business if that is the wish of the Chair. I had asked whether or not this would be an opportunity. I know we're late in the day. But this would be an opportunity to talk a little bit about some of the states and what their plans are for implementing circle hooks coastwide.

I think it would be problematic if we all find ourselves coming up with different rules and regulations for how those circle hooks would be applied. The Addendum VI language is pretty clear, in that if we're addressing or if we're targeting striped bass with bait, a circle hook is required.

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I just was curious as to whether or not states are finding problems in that, whether it be enforcement or with stakeholder concern, and were planning to modify their proposal. If we don't have the time, I get it, Mr. Chairman. Certainly, it is up to you if you want to spend time on that. But it might help some of the states, as we're all probably in the process right now of getting those regulations done.

**CONSIDER POSTPONED MOTION FROM
FEBRUARY 2020**

CHAIR BORDEN: We still need to take action on this postponed motion from February. We did have discussion on that. Does anyone want to make a motion on the subject? The options here I think are fairly clear, just postpone it to another meeting. We could postpone it indefinitely, which would in effect kill it.

You could vote the question and vote it up or down, and if it failed it would stop. Those are kind of the options. Maybe someone else can think of another option, but those ones just come quickly to mind. Would someone care to make a motion on this issue?

MS. KERNS: You have Megan Ware.

CHAIR BORDEN: Megan.

MS. WARE: Yes, this motion has given me a little bit of pause, because I think we all agree that 2020 MRIP estimates are going to have a bit of uncertainty, and might be a little wonky. I'm not sure if that is now the best year to be choosing in the motion. That said, I certainly heard from a lot of anglers over the past week, and they are still interested in looking for assurances of accountability with Addendum VI.

I had some thought about waiting until the 2021 FMP review, but I think that means we wouldn't actually see any information until August of 2022, which I think is kind of when we would be considering final action on the Amendment we just initiated. I'm thinking that

the easiest way to address this is, you know we just initiated an amendment, which is looking at overhauling or considering changes to conservation equivalency, and we've included recreational accountability. I'm wondering if there is a way, we can just say that this is being looked at in that amendment, and process a question in the PID to address this topic of accountability. If there needs to be a motion to make that happen, I can kind of do that. I would just need some help from the staff with wording.

CHAIR BORDEN: Max.

MR. APPELMAN: We're looking for a motion to find agreement that the action that just occurred with the amendment is making ground on accountability and things like that. Correct?

MS. WARE: Yes, I mean it seems to me that we just initiated an amendment that is looking at CE and accountability, and I think that actually might be a quicker route to addressing those topics, than waiting until this 2021 FMP Review. I don't know if that required a motion or not to make that acknowledgement. If you have a suggestion on how best to do that, I'm all ears.

MR. APPELMAN: I'm sort of with you on that and Toni could jump in if I'm lost. But I don't think a motion is needed to convey that intent. I think what the Board needs to do is to deal with this motion, and if it is voted down or postponed indefinitely, or however it's dealt with. As long as that intent, Megan that you have made is clear. I think we're all good. I don't think we need a motion for that.

MS. KERNS: Megan, if it is your intention to dispense of this motion, then you could say it is postponed indefinitely with the intention that through the amendment this accountability process will take place.

MS. WARE: That sounds great, Toni. I'll make that motion.

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CHAIR BORDEN: All right, so Megan you're **making a motion to postpone indefinitely, with the intent that accountability will be factored into any future amendment. Is that correct?**

MS. WARE: Yes, if we could just have the motion read that acknowledging that our amendment was just initiated is addressing CE and accountability that would be helpful.

MS. KERNS: Justin Davis is seconding this motion, and Maya for language to help you out, if you could put after indefinitely a new sentence, or in parentheses, I guess. Motion to postpone indefinitely is sort of an infinitive. There is usually nothing else that goes with it. With the intention to address accountability in the initiated amendment.

CHAIR BORDEN: Megan, is that your motion?

MS. WARE: Yes, please.

CHAIR BORDEN: Okay, Megan Ware has made a motion, Dr. Davis has seconded. Move to postpone indefinitely, with the intention to address accountability in the initiated amendment. We have a motion on the table, discussion. Does anyone care to discuss the issue? If so, please raise your hand. Toni.

MS. KERNS: I have John McMurray and Joe Cimino.

MR. McMURRAY: Okay, John McMurray and then Joe.

MR. McMURRAY: I don't support postponing. This is specific to Addendum VI, and it is not gratuitous. It is pretty clear at this point that some states are using CE to liberalize regulations, and the overages are not theoretical, they are real, as we saw in 2015. I don't think this is draconian. I understand well that availability drives catch up in some states.

But there is no requirement here for a state to change to require a change in the regulations. It would be up to the state if that had the overage, to make a case of why the reduction wasn't achieved, and then the Board would consider that, and make a determination, which I think we could do anyway even without this. This just seems like a commonsense requirement here, and frankly I don't think we could push this off any more, the public is demanding it. That's it.

CHAIR BORDEN: Joe.

MR. JOE CIMINO: Well, unfortunately this motion doesn't really address missing reductions. Most states don't even know what their reduction target was, those tables were not really used. This is punitive to states that legitimately use the process for conservation equivalency to do something else. Unless you're saying every state that didn't take conservation equivalency is going to be held to an 18 percent reduction, and if they aren't then they need to do something.

In a stock that needs help, only holding a few states to a reduction doesn't make any sense in my mind. I completely disagree that it's for the stock. I think its people that are angry at the process. You know a new amendment is going to look at that, and I fully support looking at conservation equivalency. I think this is punitive and not helpful. I support the motion.

MS. KERNS: You also have Justin Davis, Cheri Patterson, and Mike Luisi.

CHAIR BORDEN: Justin.

DR. DAVIS: I do support the motion. I do want to acknowledge though the dynamic that John McMurray brought up that there was sort of broad, public support for the idea of recreational accountability, and that that is where this motion came from, directly out of the Addendum VI process.

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I'm not necessarily opposed to the idea, but I have concern, and Megan did a good job outlining some of them. I just don't know how we're going to use 2020 MRIP data, when a number of states suspended intercept surveys during the early portion of the year while a lot of striped bass fishing was happening.

It's not clear how we're going to generate catch and harvest estimates. I just don't see how we're going to use 2020 MRIP data to assess whether states met the target and reduction from Addendum VI. I also think there is more general concerns about using MRIP data on a state-by-state level, which everyone acknowledges that is not what the MRIP Survey is built for, even though we use it for that to use as a basis for accountability. Also, just MRIP estimates in general are highly variable. I think we need to consider about what is the sort of level at which an overage has actually occurred? Does it go 2 percent over, 5 percent over? How does that relate to the inherent uncertainty in the MRIP numbers? All this is just to say that I think there are a lot of things to pick through here, and think through.

That's why I would rather see it considered more deliberatively in the amendment process. It's going to touch upon the recreational accountability topic in the amendment. It's also going to touch upon conservation equivalency, I think, because I think that was the motivation for this. I just wanted to be clear that I understand the public's interest in this. I'm not necessarily opposed to the idea, but this specific motion I think the best move right now is to postpone this indefinitely.

CHAIR BORDEN: Cheri.

MS. PATTERSON: I'm sorry, did you call on me?

CHAIR BORDEN: Yes, I did. It could be my connection.

MS. PATTERSON: I actually support Megan's motion. For what Justin pretty much just said also. I think that you need to be very careful and cautious how we are going to be evaluating the 2020 fishing year, based on MRIP information. I understand the frustration of not being able to really delve into any sort of state reductions that did not come to pass through the CE process.

But we have to be very, very, very careful what we're going to be looking at and making decisions on data, based on this fishing year. I think the best move forward at this point in time, is to look at it through this amendment that we are moving forward.

CHAIR BORDEN: Make it short, I've got Mike Luisi next.

MR. LUISI: I'll be very brief. I do want to say that I support the motion, for the reasons that Joe Cimino and Justin Davis mentioned, and I won't go back into that. I just wanted to add that I think keeping your approach in the motion for consideration, gets us much more closely aligned with how we've been managing summer flounder, black sea bass, and other federally managed species, which I don't think anybody around the table thinks it has been a good exercise.

Just on Thursday, we're going to be talking about ways to try to get out from under the arm of federal management, to try to provide for better recreational tools in moving forward. This takes us backwards into that world, the way I see it. I'm going to support the motion to postpone, with the intent that we address this accountability through the amendment.

CHAIR BORDEN: Toni, do you have anyone else?

MS. KERNS: That's everybody.

CHAIR BORDEN: Okay, so one-minute caucus, and I'll call the question.

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MR. NOWALSKY: Toni, did you say Joe Cimino raised his hand last time, because I haven't gotten in touch with him in text recently, so I'm not sure who is voting for us in New Jersey.

MS. KERNS: He did have his hand up before, let me make sure he's still on the webinar. I still see him on the webinar, Adam.

MR. CIMINO: I'm here. Adam, I could cover this one, sorry.

MS. KERNS: I try to like make sure there is not a double-state voting as well, which is one of the reasons why I'm a little slow on my counting.

MR. LUISI: Hey Toni, just really quick, and sorry for jumping in, Mr. Chairman. I wanted to get into Dennis Abbott's question earlier about roll call. I mean is there a possibility that you could just call out names, you know call out the states that are voting, so when we raise our hands we could just say yes votes from, and just state a state just so we know who is voting each way?

MS. KERNS: I certainly can do that.

CHAIR BORDEN: Are you ready for the motion? All those in favor signify by saying yes, raise your hand.

MS. KERNS: I need everybody to have their hand up so the names stop moving, and then I can give you your count. Connecticut, U.S. Fish and Wildlife Service, Rhode Island, Delaware, Maryland, Maine, Virginia, Pennsylvania, Massachusetts, North Carolina, New Jersey, and PRFC. That is 12.

CHAIR BORDEN: All right, no votes, please signify.

MS. KERNS: Before you say that I'm just going to take everybody's hand down. Now, if you're going to vote now, please raise your hand. I don't have any no votes, one no vote from New York.

CHAIR BORDEN: New York, any abstentions?

MS. KERNS: One abstention from NOAA Fisheries.

CHAIR BORDEN: Any null votes?

MS. KERNS: One null vote from New Hampshire.

CHAIR BORDEN: The motion passes. All right, is there any other business to come before the Board?

MS. KERNS: Adam Nowalsky has his hand up.

CHAIR BORDEN: Adam.

**ISSUE TO COME BEFORE THE EXECUTIVE
COMMITTEE AND POLICY BOARD**

MR. NOWALSKY: All right Mr. Chairman, I can continue. I didn't raise this under Other Business at the beginning of the meeting yesterday, because I wasn't aware it was going to be the issue it became. But there were some comments made during yesterday's portion of the Board meeting that a letter had been sent to a large number of the Board.

It has come to my attention that it wasn't everybody on this Board that came from the entire New Jersey delegation. I just wanted to make it clear to everybody on this call that that letter did not come from the entirety of the delegation. Perhaps you can just give the extender 30 seconds to briefly just speak to the fact that it didn't come from the delegation.

I don't want to take up the issues that were in the letter. It is my understanding they will come before the Executive Board and the Policy Board. But I do think it is important for this Board to hear, especially those people who heard that the entire delegation from New Jersey sent something with regards to specific other commissioners. That that was not in fact the case, and I think it's very important that that be made clear on the record.

CHAIR BORDEN: Thank you, Adam. I don't know whether Pat Keliher is on the call. Bob, you know

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what is going on. Is one of those gentlemen still on it? Could you tell the group when that issue will be discussed?

EXECUTIVE DIRECTOR ROBERT E. BEAL: David, this is Bob Beal. I'll go ahead and jump in, if we don't hear Pat.

CHAIR BORDEN: Sure, that's fine.

EXECUTIVE DIRECTOR BEAL: Okay. Adam is right. The Executive Committee is going to bring it up tomorrow to talk about it. The Executive Committee has a really full agenda in the morning, so I don't think they're going to put a whole lot of time into it, other than to acknowledge that the letter is received, and mostly focusing on the notion of, do any changes need to be made to the Working Group procedures that were approved by the Policy Board, I don't know six months or eight months ago.

You know the question will be focusing on reviewing how the Working Group for Striped Bass operated, then moving forward. Probably better to have it introduced at the Executive Committee, and then maybe since the Executive Committee is meeting almost weekly now, they can talk about it at subsequent meeting if there isn't much time to talk about it tomorrow during the two-hour Executive Committee session.

CHAIR BORDEN: Thank you, Bob. Is there any other business before us?

MS. KERNS: It's Jim Gilmore.

OTHER BUSINESS
CIRCLE HOOKS (CONTINUED)

MR.. GILMORE: I was just actually going back to Mike's thing, and I suggested it also about the circle hook thing. I don't want to spend a lot of time, but I thought this was going to be very simple that we were just going to adopt the circle hook provision. We had our Council

meeting a couple weeks ago, and now there was some of the folks in our state are looking for exemptions for surf casting. I understand other states are looking for exemptions for that. My only concern is like Mike's concern.

If we wait until the October meeting, and then we have a January 1 implementation deadline. We're not going to have enough time. One suggestion I have is maybe at least if the states could send the staff or Max, whatever, what their proposal is, and if we've got a lot of variability. We need maybe to address it before the October meeting. Maybe Mike has more to add on.

CHAIR BORDEN: Thanks Jim, for the suggestion. That was aborted, I would point out giving your protracted discussion at this point has come to (muffled). Any objection to doing what Jim suggested?

MR. LUISI: This is Mike, I think what Jim is suggesting might be a good idea. I think the implementation plan begins at the middle of this month, and if not we could always, if there is a lot of variation between the plans, I think we could probably call a meeting of the administrative people from the state to go over it, in between now and the October meeting.

I would be fine with that. I just don't want to get too far along and be in October, and all of a sudden now our timeline is off, and we're not going to be able to meet our deadline, if adjustments can be made. But I think Jim's suggestion is a good one.

CHAIR BORDEN: Let me just suggest that we defer this to the staff, particularly Toni and Bob, to send out written guidance to the Board as to how this discussion is going to take place, whether it's administrative commissioners and what the timeframe is, and then they handle it in that manner. It seems like is there is a frequency to address this. Rather than have us try to fine tune the methodology at this point, just let the staff send out a letter and say what the methodology is. Are

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there any objections to doing that? Are there any hands up?

MR. APPELMAN: Dave, could I jump in really quick, this is Max?

CHAIR BORDEN: Yes.

MR. APPELMAN: Just a quick reminder that implementation plans, Mike was on the money, they are due a week from tomorrow. Assuming that all states hit that deadline, I could of course give a thumb through, and see if anything stands out. As far as guidance from Addendum VI itself. You know there is a definition of what a circle hook is.

The regulations require a non-offset circle hook that is defined in the Addendum. But besides from that states have flexibility to put in regulatory language that addresses the nuances or differences in those fisheries, and the PRT doesn't have sort of a threshold of when intent of that provision is compromised.

To that point, the PRT plans to provide a report back to the Board in October, commenting on the intent of that provision, which is why we asked for any quantitative information for these exemptions to be included in the implementation plan, so the PRT has some idea of how much effort, or how many anglers may not be restricted by this provision. Without that it is very difficult to provide any comment on whether these rules are undermining the intent of the provision.

CHAIR BORDEN: Any further comment on this?

MS. KERNS: I don't see any hands, but I will tell you that Dennis Abbott has had his hand up. I don't think it's about this though.

CHAIR BORDEN: Dennis Abbott.

MS. KERNS: He has now taken his hand back down.

CHAIR BORDEN: Is it clear to everyone how this is going to be handled?

MS. KERNS: Yes.

ADJOURNMENT

CHAIR BORDEN: All right, so any objections to moving on and adjourning the meeting? The meeting stands adjourned.

(Whereupon the meeting adjourned at 5:30 p.m. on
May 4, 2020)