

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

**Westin Crystal City
Arlington, Virginia
August 2, 2022**

Approved November 7, 2022

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1. **Approval of Agenda** by consent (Page 1).
2. **Approval of Proceedings of May 4, 2022** by consent (Page 1).
3. **Move to approve the Atlantic Striped Bass FMP Review and state compliance for the 2021 fishing year** (Page 12). Motion by Mike Luisi; second by Emerson Hasbrouck. Motion carried (Page 12).
4. **Move to add the following provisions to Draft Addendum I to Amendment 7 under Option B Commercial quota transfer provision of the coastal commercial quota:**
 - **The Board will decide by their final meeting of the year, based on the information the Board has available on the status of the striped bass stock and performance of the commercial fishery, whether to allow commercial quota transfers in the next year.**
 - **If the Board approves commercial quota transfers, the Board may decide to limit the transferable amount of quota to a set poundage or a set percentage of the total commercial quota.**
 - **The Board may also choose to specify the following criteria:**
 - **The eligibility of a state to receive a transfer based on percentage of that state’s quota landed (e.g., state may not request quota until it has landed 90% of its annual quota).**
 - **The allocation of allowed transferable quota among seasonal fisheries (e.g. 50% reserved for states that have spring fisheries, 50% reserved for states with summer or fall fisheries).**

Motion by John Clark; second by Eric Reid (Page 46). Motion approved by consent (15 in favor, 1 abstention) (Page 49).
5. **Move to adjourn** by consent (Page 49).

ATTENDANCE

Board Members

Megan Ware, ME, proxy for P. Keliher (AA)	Tom Fote, NJ (GA)
Steve Train, ME (GA)	Kris Kuhn, PA, proxy for T. Schaeffer (AA)
Cheri Patterson, NH (AA)	Loren Lustig, PA (GA)
Ritchie White, NH (GA)	G. Warren Elliott, PA (LA)
Dennis Abbott, NH, proxy for Sen. Watters (LA)	John Clark, DE (AA)
Nichola Meserve, MA, proxy for D. McKiernan (AA)	Roy Miller, DE (GA)
Dan McKiernan, MA (AA)	Craig Pugh, DE, proxy for Rep. Carson (LA)
Raymond Kane, MA (GA)	Mike Luisi, MD, Administrative proxy
Sarah Ferrara, MA, proxy for Rep. Peake (LA)	Robert Brown, MD, proxy for R. Dize (GA)
Jason McNamee (AA)	David Sikorski, MD, proxy for Del. Stein (LA)
David Borden, RI (GA)	Pat Geer, VA, proxy for J. Green (AA)
Eric Reid, RI, proxy for Sen. Sosnowski (LA)	Bryan Plumlee, VA (GA)
Justin Davis, CT (AA)	Chris Batsavage, NC, proxy for K. Rawls (AA)
Bill Hyatt, CT (GA)	Jerry Mannen, NC (GA)
Sen. Craig Miner, CT (LA)	Marty Gary, PRFC
Jim Gilmore, NY (AA)	Dan Ryan, DC, proxy for C. Rese
Emerson Hasbrouck, NY, (GA)	John Coll, USFWS
Joe Cimino, NJ (AA)	Max Appelman, NMFS

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

Ex-Officio Members

Mike Celestino, Stock Assmnt. Subcommittee Chair

Staff

Bob Beal	Katie Drew	Chris Jacobs
Toni Kerns	Maya Drzewicki	Jeff Kipp
Tina Berger	Emilie Franke	Adam Lee
Kristen Anstead	Lisa Havel	Sarah Murray
Lisa Carty		

Guests

Mike Armstrong, MA DMF	Christopher	Ingrid Braun, PRFC Andrew
Jerry Audet, InDeepOutdoors	Borgatti	Briggs James Burns
Pat Augustine, Coram, NY		Craig Cantelmo
Megan Barrow, NYS DEC		Michael Celestino, NJ DEP Matt
John Bello		Cieri, ME DMR Germain Cloutier
Susan Bertoline		Margaret Conroy, DE DFW
Jessica Best, NYS DEC		Heather Corbett, NJ DEP
Alan Bianchi, NC DENR		

Proceedings of the Atlantic Striped Bass Management Board – August 2022

Nicole Lengyel Costa, RI
DEM Caitlin Craig, NYS
DEC Brendon Curley
Christopher Davis, VMRC
Patrick Denno
Greg DiDomenico
Evan Dintaman
Russell Dize, MD
(GA) Paul
Eidman, NJ

Guests (continued)

John Ellis, US FWS	Shanna Madsen, VMRC	Melissa Smith, ME DMR
James Fletcher	John Maniscalco, NYS DEC	Ross Squire
Anthony Friedrich	Genine McClair, MD DNR	Michael Stangl, DE DFW
Tony Friedrich, ASGA	Joshua McGilly, VMRC	Lauren Staples, NH F&G
Tom Fuda	Kevin McMenamin	Anthony Stefanski
John Gans, TRCP	Steve Meyers	David Stormer, DE DFW
Shaun Gehan, Gehan Law	Mike Millard	Kevin Sullivan, NH F&G
Lewis Gillingham, VMRC	Henry Millken, NOAA	John Sweka, US FWS
Angela Giuliano, MD DNR	Steve Minkkinen, US FWS	Colin Temple
Alixandra Godar, USGS	Jack Molmud, NewsCenter ME	Lou Tirado
Kurt Gottschall, CT DEEP	Chris Moore, CBF	Andrea Tomlinson
Pam Lyons Gromen, WildOceans	Timothy Murphy	Chris Uraneck, ME DMR
Brendan Harrison, NJ DEP	Allison Murphy, NOAA	Taylor Vavra, Stripers Forever
Helen Takade-Heumacher, FWS	Brian Neilan, NJ DEP	Beth Versak, MD DNR
Jaclyn Higgins, TRCP	Lindsey Nelson, NOAA	Mike Waine, ASA
Greg Hinks, NJ DEP	Robert Newberry	Craig Weedon, MD DNR
Carol Hoffman	Thomas Newman, NC	Peter Whelan
Brett Hoffmeister, MA	George O'Donnell, MD DNR	Meredith Whitten, NC DENR
Jeffrey Horne, MD DNR	Virginia Olsen, Local 207	Kate Wilke, TNC
Jesse Hornstein, NYS DEC	Scott Olszewski, RI DEM	John Page Williams
Edward Houdee, UMD CES	Derek Orner, NOAA	Wally Williams
Jacob Jaskiel	Patrick Paquette	Joseph Wilson, Endicott, NY
Gary Jennings, FL, (AA)	Nick Popoff, US FWS	Charles Witek, NY
Aidan Kaiser-Bulmash	Will Poston, ASGA	Rich Wong, DE DFW
Brian Kelly, MA DMF	Jill Ramsey, VMRC	Michael Woods
Gregg Kenney, NYS DEC	Harry Rickabaugh, MD DNR	Chris Wright, NOAA
Dale Kirkendall	Courtney Roberts	Dan Zapf, NC DENR
Thomas Kosinski	Jason Rock NC DENR	Jordan Zimmerman, DE DFW
Nils Larson	Mike Ruccio, NOAA	Erik Zlokovitz, MD DNR
Brooke Lowman, VMRC	Zachary Schuller, NYS DEC	Renee Zobel, NH F&G
J A Macfarlan, RI DEM	Ethan Simpson, VMRC	

The Atlantic Striped Bass Management Board of the Atlantic States Marine Fisheries Commission convened in the Jefferson Ballroom of the Westin Crystal City Hotel, Arlington, Virginia, via hybrid meeting, in-person and webinar; Tuesday, August 2, 2022, and was called to order at 2:00 p.m. by Chair Martin Gary.

CALL TO ORDER

CHAIR MARTIN GARY: Welcome everyone! Welcome to the Atlantic States Marine Fisheries Commission Atlantic Striped Bass Management Board. My name is Marty Gary; I'm your Board Chair, and our Vice-Chair is Ms. Megan Ware from Maine, and we are joined on my right by our fishery management plan coordinator, Emilie Franke, and Dr. Katie Drew for ASMFC staff.

This is a hybrid meeting of the Striped Bass Management Board. Before we get going in earnest here, just wanted to recognize Mr. John Coll from the U.S. Fish and Wildlife Service. John, welcome, you are proxy for Rick Jacobson, so welcome and thanks for joining us. Also, before we get going, I know at our last meeting in May we got through Amendment 7, thanks to the great work by Emilie and Katie and all the ASMFC staff.

But, Emilie wasn't able to join us and it was such an incredible effort she put on through, all the work that went into the hearings and all. I just wanted to revisit that one more time. Emilie, thank you so much for a great job. Thank you!

APPROVAL OF AGENDA

CHAIR GARY: We'll go ahead and get started, and our first order of business is Approval of the Agenda.

I would ask if there are any additions or modifications to the agenda. Seeing none; the agenda is approved by consent.

APPROVAL OF PROCEEDINGS

CHAIR GARY: Next, we'll approve the proceedings from the May 2022 meeting. I will note that staff was notified that a Board member's name needed to

be corrected under the Index of Motions on Page 3 of the proceedings.

I believe that change has been made, and I would ask, are there any other edits to the proceedings from the May, 2022 meeting? Seeing none; the proceedings from May, 2022 are approved.

PUBLIC COMMENT

CHAIR GARY: Next, we'll go to Public Comment for items that are not on the agenda, and I'm going to go ahead and look to see if there are any raised hands from the public that are in attendance.

Would anybody like to make comments for items not on the agenda? Not seeing anyone, and I would look to Emilie and Katie if there is anybody online that would like to. None, okay.

CONSIDER OF FISHERY MANAGEMENT PLAN REVIEW AND STATE COMPLIANCE FOR THE 2021 FISHING YEAR

CHAIR GARY: All right, we'll move right along. Our next item is Item Number 4 in your agenda. It's Consideration of Fishery Management Plan Review and State Compliance for the 2021 Fishing Year, and I'll turn it over to Emilie.

MS. EMILIE FRANKE: It's great to meet so many of you in person today. I will provide an overview of the Fishery Management Plan Review for Fishing Year 2021, and the PRT Review, State Compliance Reports and compile this FMP Review, and those were included in the supplemental materials.

There is a lot of detail in the written report. In today's presentation I'll highlight some of the main points on the status of the stock, the status of the FMP, the status of the fishery, the status of current management measures, as well as the Plan Review Team's comments and recommendations.

The Board action for consideration today is to approve the FMP Review for Fishing Year 2021 and the State Compliance Reports. Starting with the status of the stock. Based on the results of the 2018

benchmark stock assessment the stock is overfished, and experiencing overfishing. The 2018 assessment included data through 2017, and included the recalibrated MRIP estimates.

In 2017 female SSB was estimated at just over 68,000 metric tons, which was below both the target and the threshold, and fishing mortality was estimated at 0.31, which was above both the target and threshold for fishing mortality. As we'll talk about a little bit later, the next stock assessment, the 2022 assessment update is currently in progress, and those results are expected in October of this year.

This figure shows the spawning stock biomass in blue, and Age 1 recruitment in the orange bars. You can see that female SSB has declined since the high in 2003, and has been below the threshold since 2013. For recruitment there has been a period of low recruitment since about 2005, but there have been some strong year classes, including the 2011-, 2014-, and 2015-year classes.

Then for fishing mortality on the next slide, you can see that fishing mortality was estimated to be at or above the threshold, which indicates overfishing is occurring in 13 out of the last 15 years. Moving on to the status of the fishery management plan. Fishing Year 2021 was the second year of Addendum VI implementation.

Addendum VI implemented measures to reduce total removals by 18 percent relative to 2017, in order to achieve the fishing mortality target. Those Addendum VI measures were implemented by April 1, 2020. They reduced commercial quota levels by 18 percent, implemented a 1-fish bag limit, and a 28 to less than 35-inch slot limit for ocean recreational fisheries, and a 1-fish bag limit and 18-inch minimum size for Chesapeake Bay recreational fisheries.

Some states did implement alternative regulations through conservation equivalency, which were designed to achieve an 18 percent reduction at the state level. Addendum VI also requires the

mandatory use of circle hooks when fishing recreationally for striped bass with bait, to address recreational release mortality. Those Addendum VI measures were required to be implemented by January, 2021. Then in March 2021 last year, the Board clarified the definition of bait and methods of fishing when circle hooks are required. This is a compliance criterion for Addendum VI. The Board also provided guidance on the incidental catch of striped bass when targeting other species with non-circle hooks with bait attached. Then as far as updates to the FMP, as was discussed last meeting, Amendment 7 was approved just a few months ago in May.

Amendment 7 builds on this Addendum VI action to address overfishing, and initiate stock rebuilding. Amendment 7 establishes new requirements for management triggers, conservation equivalency, measures to address recreational release mortality, and the stock rebuilding plan. All the Amendment 7 provisions were effective immediately, May 5, 2022, except for the gear restrictions addressing release mortality.

States have to implement those new gear restrictions by January 1, 2023. Moving on to the fisheries. This figure shows fishery removals over time in numbers of fish by sector. You can see at the bottom, commercial harvest in blue and commercial discards in red. Those have been relatively stable over time.

You can see most removals are coming from the recreational sector, including recreational harvest in green, and recreational release mortality in purple. In 2021 total striped bass removals were estimated at 5.1 million fish, which is about the same as removals in 2020. It was less than a 1 percent increase from the removals we saw in 2020.

Here on the screen here is the proportion of total removals by sector over the past few years. In 2021 commercial harvest accounted for 12 percent of removals. Commercial dead discards accounted for less than 2 percent of total removals, and on the recreational side harvest accounted for 36 percent

of total removals and recreational release mortality accounted for 50 percent of total removals.

To the commercial fishery specifically, in 2021 the commercial fishery harvested an estimated 4.29 million pounds, just over 577,000 fish, which was an 18 percent increase by weight relative to commercial harvest in 2020. The Chesapeake Bay accounted for about 57 percent of that commercial harvest by weight.

Commercial discards overall, as I mentioned, were less than 2 percent of total striped bass removals. The PRT noted that the ocean commercial quota utilization increased to 76 percent of the quota used in 2021. This is the highest ocean quota utilization in the past five years. Here on the screen and in the report is the state-by-state quota and harvest accounting.

In 2021 about 1.8 million pounds were commercially harvested in the ocean, which is less than the 2.4 million pounds total ocean quota. In the Chesapeake Bay about 2.4 million pounds were commercially harvested, which is less than the about 3-million-pound Chesapeake Bay quota. In the last column highlighted in orange, you can see the quota utilization for each state.

I highlighted in orange here those ocean states that used a very high percent of their commercial quota this year. You can see a lot of states used up to 98 or 99 percent of their quota this year, except for North Carolina, which had zero harvest again in 2021. On the recreational side, total recreational harvest in 2021 was 1.82 million fish, which was about 15.7 million pounds. This is about a 6 percent increase in numbers of fish harvested relative to 2020. As we've discussed, the vast majority of recreational striped bass catch is released alive, and the assessment assumes 9 percent of those fish released die as a result of that interaction. In 2021 an estimated 28.6 million fish were caught and released alive, and of those 2.6 million are assumed to have died.

Overall, the number of live releases in 2021 was about a 7 percent decrease coastwide as compared to 2020. The PRT did note that there were different

trends by region. In 2021 the ocean region saw an increase in recreational harvest, live releases, and a slight increase in striped bass directed trips relative to 2020.

On the other hand, the Chesapeake Bay saw a decrease in all of those categories in 2021 relative to 2020. Overall, in the report there are some more detailed discussion. But the PRT noted that there are several factors likely contributing to the levels of harvest, catch and effort, and those factors include year class availability, particularly as the relatively strong 2014 and 2015 fish have been moving out of the Chesapeake Bay and into the ocean.

Also, factors like near-shore availability, angler behavior, and the impacts of COVID-19, which likely impacted each sector and each state differently. Moving on to the management measures. If we're looking at the Addendum VI, 18 percent required reduction, in 2021 we saw a 27 percent reduction in total removals relative to 2017.

This was about the same reduction that we saw last year comparing 2020 to 2017, again, because we had about the same removals in 2020 and 2021. The FMP Review Report includes the state-by-state realized change in recreational removals. Here on the screen here is the change comparing 2021 to 2017. You can also see the predicted reduction based on state conservation equivalency plans.

The PRT noted that again, you know differences in performance from state to state are influenced by a lot of factors, including changes in effort, fish availability and environmental factors. Some states saw increased recreational releases, which contributed to some states having a less than predicted reduction. The PRT also noted that there is a lot of year-to-year variability, even under consistent regulations, again due to things like changes in effort and fish availability.

The report also includes a state-by-state percent changes in commercial harvest. Here on the screen is, comparing by weight 2021 to 2017, and comparing that to the percent change in commercial quota implemented through Addendum VI. The

report also includes those changes comparing 2020 to 2017 as well. Then moving on to the current recruitment trigger. As of May 2022, the new Amendment 7 recruitment trigger is effective.

For that new trigger, if any of the four juvenile abundance indices used in the stock assessment, so that's New York, New Jersey, Maryland, or Virginia shows an index value that is below 75 percent of all values from the high recruitment period for three consecutive years, then interim F reference points are calculated using the low recruitment assumption. For this year's review of the juvenile abundance indices, we evaluated 2019, 2020, and 2021, and the Maryland JAI for those three years did meet the recruitment trigger criteria, so this trips the recruitment trigger in 2022. Per our new trigger in Amendment 7, this means that this upcoming assessment this year will calculate the fishing mortality reference points using a low recruitment assumption. You can see here the four juvenile abundance indices. The top left, New York, has been above their trigger level for the past two years. New Jersey, the top right, was below its trigger level this past year. On the bottom left you can see Maryland with those three years below the trigger level, and then Virginia was below its trigger level as well this past year.

I'll finish up with the Plan Review Team's comments and recommendations. The PRT noted that in 2021 all states implemented management and monitoring programs consistent with the FMP, with three inconsistencies. The first one, as noted in the past two FMP reviews is New York's recreational regulations state a slot limit of 28 to 35 inches total length.

This does not explicitly indicate whether that upper limit of 35 is inclusive or not. The PRT noted that New York's implementation plan predicted a greater than the required 18 percent reduction, assuming a less than 35 inch upper bound, and the PRT noted that even assuming an inclusive upper bound of 35 that predicted reduction still would have been greater than the required 18 percent. The PRT noted that the future reduction calculations would just need to recognize this New York

regulation as being different than the current standard of less than 35 inches. Second, as noted in last year's FMP Review, Maryland's 2021 summer closure period, which is currently no targeting from July 16 through 31, is different from their approved closure period from their 2020 implementation plan, which was originally August.

Last year at the Board meeting, Maryland stated their intent to continue with this July closure. Then for the circle hook requirement the PRT noted that Pennsylvania implemented the circle hook requirement in the tidal portion of the Delaware River, which is downstream from the Calhoun Street Bridge, but not in the non-tidal waters upstream from that point.

This does align with Pennsylvania's approved implementation plan, which only specified a recommendation for the non-tidal waters, and Pennsylvania noted that the striped bass fishery in the non-tidal portion is very limited, and there are low numbers of fish using that upstream habitat.

Then for the circle hook requirements more generally, the PRT noted that there are differences among the definitions of bait. Some states have more restrictive definitions, and several states have already implemented the incidental catch guidance, which is now a requirement for implementation by 2023. Then finally, there were no requests for de minimis status. Then for PRT recommendations.

The PRT plans to update the striped bass compliance report template to request updated tag accounting information for unused commercial tags. The PRT recommends that Commission staff work with the Law Enforcement Committee and the PRT to follow up with states on any tag accounting questions. The PRT also recommends that the Board task the PRT with a specific review of the commercial tagging program at a regular interval, to review the program components, since it has been about ten years since that program was put into place, to review components like the biological metrics that are used to allocate tags. Then the final recommendation is that the PRT recommends the Board consult with the Law Enforcement Committee on what type of

enforcement information would be most helpful for states to include in their compliance reports.

Currently the compliance report template asks kind of a general question about enforcement, and the information that we're receiving is pretty widely varied. The PRT is wondering what type of information would be helpful for the Board to see in compliance reports. That's all I have, Mr. Chair, I'm happy to take any questions.

CHAIR GARY: Thank you, Emilie for an excellent presentation, and thank you and the PRT for all the supporting documentation. It was very thorough and it was put together extremely well. Any questions for Emilie from the Board? Oh, we've got one, Chris Batsavage.

MR. CHRIS BATSAVAGE: Thank you, Emilie, for the presentation. On the PRTs recommendation for the Law Enforcement Committee to review the enforcement information in the FMP Review, actually this question might be more for Toni. But would that be something of interest for the Law Enforcement Committee to review for multiple FMP reviews, or are these issues just specific to striped bass? I know it's kind of going beyond this Board, but I know our staff have asked questions about the kind of information regarding enforcement issues to include in compliance reports. I don't know if this might be a cross-cutting thing to look at.

MS. TONI KERNS: Thanks, Emilie. Chris, this is a tough question. We have brought it up with the Law Enforcement Committee before, and there is differing types of data that are collected and kept by a state when it comes to enforcement activities. If we go down to the lowest common denominator, it's not a lot of helpful information. It is a question that I can bring back to the Law Enforcement Committee.

But it may be helpful for either folk to think about, and then send me an e-mail with information that you're looking for, to give me something as a base to bring to the Law Enforcement Committee, so I have a better idea of how we might be able to tackle it, and see what we can get from the states. It's not going to be something consistent across the board

though from every state, due to the lack of what I would say a data base for a lot of these states, in terms of enforcement activity, specific to a species or specific to a certain type of infraction.

CHAIR GARY: Go ahead, Emilie.

MS. FRANKE: Yes, just for some context there. You know some states provided specific numbers of violations. Some states provided a more qualitative overview of the types of violations they were seeing for striped bass. There is just a wide variety of information that we're getting.

CHAIR GARY: John Clark.

MR. JOHN CLARK: Thank you for the presentation, Emilie. I just had a question about the PRT recommendation about the Board task the PRT with a specific review of commercial tagging program at a regular interval. You know since the tag commercial fish are weighed also for quota compliance, was there a specific concern there coming from any one program, or was this just a general?

MS. FRANKE: Yes, so it was more a general observation that there hasn't been a closer look and sort of review of the tagging program since it's been implemented, and just looking at the different biological metrics that are used across the states, and if there are any issues that are arising. Just sort of a more holistic review of the tagging program would be helpful.

CHAIR GARY: Other questions for Emilie? Steve Train.

MR. STEPHEN TRAIN: Is it possible to get the slide up on number of fish caught, number of fish released mortality? I've got a question. Maybe it's been answered, maybe I missed it. But as we change these slot sizes around states, and some states are having closures for a time period, things like that.

As we change the slot sizes, we saw that especially in the recreational fishery, they kill more fish releasing them than keeping them, that the mortality is higher with the releases. As we change the slot size, are we

throwing more fish back and resulting in larger amounts of dead fish, or is that all taken into account when that slot is shifted, based on what we know the average size in that region is?

DR. KATIE DREW: The TC takes that into account when we do these reduction calculations. If you look at the reductions that we're predicting, and the reductions that we realize. You see that we have a bigger reduction in harvest to offset that reduction in releases. The fish that are thrown back, we know that obviously they don't get harvested now, because they're not within that slot, but it's not a 100 percent savings, essentially. Yes, release mortality does go up, but it's offset by that decrease in harvest, so that your overall total removals meet the reduction that you need for the stock. It just gets sort of shifted around into different components.

CHAIR GARY: Go ahead, Steve, you had a follow up?

MR. TRAIN: I'm just trying to figure this. Okay, so the net benefit is a gain, but we're killing more fish released than we were when we were keeping them.

DR. DREW: If you look at the number that you killed before hand, the number that are killed that you harvest and take back with you. The number that you killed by throwing them back add up to make a total removal, and we need to come down from that. When we did these calculations, we needed to take whatever it was, that 18 percent.

When we do the calculations, we figure out okay, here is what the size frequency is probably going to look like. If people can't harvest, they have to throw everything over 35 back.

Then we compare how many did you, so all those 35 instead of being kept are now released alive. You also release alive all the ones that you would have released alive anyway. The total number of fish that you release alive does go up. But only 9 percent of those are dying. The total number that you're killing, the ones that you throw back and die, plus the ones that you harvest. That total number meets that 18 percent reduction. But if you looked at like your

number that you're harvesting, and just compare the 2017 harvest with the 2020 or the 2021 harvest, that is only the ones that you're landing. That is a greater than 18 percent reduction, because we know that some of those fish that we're throwing back are going to die, and count toward the total dead fish.

If we go back to maybe the slide, maybe if Maya can go to Slide 10. We're looking at 5.1 million fish, and you can see that the release mortality is a big component of that. But it's still 5.1 million fish, which is 27 percent less than it was in 2017. We're still getting that reduction; it's just now we've sort of shifted what proportion is in what category.

CHAIR GARY: Go ahead, Steve.

MR. TRAIN: I think you agreed with me. We are killing less fish in total, but we're killing more by throwing them back than we were before we changed the size. We're taking less fish, so we're killing less fish in total. But we know we're killing a larger portion for nothing but fun.

DR. DREW: If you compare it to what we were in 2017, we don't have the 2017 numbers up. But I think it was about, it was 49 percent in 2017 was the release mortality. Now it's at 50 percent, so there is virtually no change here. Like the total numbers of released alive dead fish have actually come down.

But now we're looking at more like 50 percent here, 50 percent of 5.1 is less than. I'm not guaranteeing this. I mean in a sense of like, I don't have the exact numbers, but we've shifted some of that mortality to the released alive fish. But all of those released alive fish that are in the slot, would have been killed, so you're talking about 9 percent of those versus 100 percent of those.

CHAIR GARY: Tom Fote.

MR. THOMAS P. FOTE: Yes, but I've been looking at Table 3, and the numbers on Table 3 have all the years listed, and it has only the catch. I'm looking at the figures, and what he's saying is true. I mean we're killing more fish from catch and release, and a higher percentage now from catch and release.

What we're regulating is what people can take home to eat, and we're reducing those numbers. But the numbers are increasing, because the catch and release numbers are going up, because they are greater than they were before, and it's a bigger percentage. I'm looking at, because we're looking at numbers like 21 with 1,824,000, and the catch and release numbers was 25 – 2,572,000.

When we go back and look at 2017, they were 29 and 34 – 3.4 to 2.7. I'm looking at a greater increase in the percentage of fish that we're killing from catch and release than we are taking home. We're actually doing a reduction that way, because the numbers steadily have dropped from where we were in 2017, we were at 2,937,000, where in '21 we're at 1,824,000. That is a dramatic drop. If I'm reading the tables right. Am I doing something wrong? I spent a lot of time looking at this table.

CHAIR GARY: You're asking a question, are you interpreting the table correctly?

MR. FOTE: I'm trying to interpret the table the way I'm looking at it. What Steve Train said, it jives with what Steve had stated. I'm not sure whether I understand it. But you're saying that because the releases are now increasing the number of killed fish, while the fish were taken home it's basically reducing it by a greater proportion.

It's really more than 49 percent if we look at the recreational catches. If I'm looking at these numbers when you go 1,824,000 to 2,572,000 that's more than a 49 percent, 50 percent. I don't have

my calculator with me, and I'm not going to do that type of math in my head.

DR. DREW: The 49 percent is more for the total. Right, so it's for total removals. I was talking about total removals which includes the commercial stuff. I will say, I mean this actually does tie a little bit into our next agenda item, but size and bag limits are really, they are a good tool for reducing harvest, but that release mortality again, the releases are a combination of people who go out to harvest a fish

and have to throw things back that are not legal.

But they are also the product of people who go out to fish to catch and release. We can control that harvest, but we need other measures to control the total effort, and that total effort is a big part of that release component. Yes, we've achieved our reductions, but we've achieved that mostly through reducing harvest, as opposed to reducing effort. COVID helped reduce effort, fortunately for us, but that is something going forward to control releases, we really need to be controlling effort with it.

MR. FOTE: Follow up on that, Marty. CHAIR GARY:

Go ahead, Tom.

MR. FOTE: Yes, that means that we basically take on the back of people who want to take home fish. We've reduced their catch, so the guys in catch and release could actually kill more fish. That's it in a nutshell. Now I'm not saying that's how we planned it, but that's exactly what has happened to fall within our quota. It's kind of what I pointed out three years ago. We're not addressing the real problem here; we're just basically restricting what people could take home to eat.

CHAIR GARY: Mike Luisi, did you have your hand up?

MR. MICHAEL LUISI: I did, Mr. Chairman. I wanted to say that you know I'm comfortable with the report that Emilie made, and if you're up for it I can make a motion to approve, if you're ready for that at this time.

CHAIR GARY: Thank you, Mike, and I'll give you first privilege. Just to put it out there one last time. Is there any more Board discussion on the PRTs comments and recommendations? All right, I'll yield to you for the motion.

MR. LUISI: I move to approve the Atlantic Striped Bass Fishery Management Plan Review and state compliance for the 2021 fishing year.

CHAIR GARY: We have a second by Emerson Hasbrouck. All right, any discussion? **All right then,**

let's try to do this by consent. Is there any opposition to the motion? Seeing none, the motion passes unanimously.

PROGRESS UPDATE AND BOARD GUIDANCE ON 2022 STOCK ASSESSMENT UPDATE

CHAIR GARY: All right, we'll go on to Item Number 5 in our Agenda, Progress Update and Board Guidance on 2022 Stock Assessment Update.

We're going to get a Technical Committee Report from Dr. Drew, and look to provide TC guidance, the Board's TC guidance for the management options to consider if the assessment indicates a reduction is needed for rebuilding. We'll also be discussing the timeline for that. Katie, I'll turn it over to you.

DR. DREW: Great, thank you, Mr. Chair. We can just jump right in to the next slide here. I'm going to start by talking about the outline, or basically what I'm going to tell you guys today. I'm going to go over some of our Amendment 7 requirements, in particular the fast-track response to the 2022 update, and the changes in the CE Plans provisions, which impact the assessment itself as well as the management response to the assessment.

I'm going to go over our current assessment update timeline, and then tell you guys what kind of guidance we need, in order to maintain this timeline. Basically, as I'm sure you all recall, Amendment 7 requires a fast-track response to the assessment update. If the 2022 assessment update indicates that one, there is a less than 50 percent chance of rebuilding the stock by 2029, and at least a 5 percent reduction in removals is needed to bring F down to that F rebuild.

Then the Board may adjust measures via Board action, i.e., voting on them as opposed to taking them out for public comment via the addendum process. In addition, there were also changes to the CE provisions within the FMP. Commercial and recreational measures from Addendum VI are maintained.

That includes that 18 percent reduction in quota

from the Addendum IV quotas, as well as the 1-fish at 28 to less than 35 in the ocean, and the 1-fish at 18 inches minimum size in the Bay. These measures did not change in Amendment 7, and all approved Addendum VI, CE plans are maintained until the measures change.

But going forward, CE programs will not be approved for non-quota managed recreational fisheries when the stock is overfished, with exceptions for the Hudson River, the Delaware River, and the Delaware Bay recreational fisheries. With this new assessment update, I can't say what the results are going to be yet, we haven't seen them.

But we're not going to magically rebuild the stock in the last three years, I hate to break it to you. If we need to take a reduction, this provision will be in place that CE programs will not be approved.

DISCUSS TIMELINE FOR RESPONDING TO THE ASSESSMENT

DR. DREW: Where are we in the assessment update timeline? All of our data has been submitted, and we've been working on runs of the model and projections to answer these rebuilding questions. Next week the TC will have a call to review these preliminary runs and the projections, discuss what we think about these runs, and see if there are any additional runs, et cetera, so that we can have a call to approve the final document in September.

Then look at if we need a reduction, what kind of measures will achieve that reduction, and have those calculations done for the September meeting, so that we can make any changes or adjustments for October, and have the final report, including the assessment update, as well as any proposed measures, if necessary to the Board October 24, as part of meeting materials.

Then, the week of November 7th will be the Board meeting, where you guys will get this official presentation. In order to maintain that timeline, basically in between now and November, we need to finish the assessment update and come up with potentially management measures for you to

consider in November.

If the stock indicates that a 5 percent or greater reduction in removals is needed, the TC will provide the Board with a small, small set of potential options to achieve that reduction, along with the assessment report. You will have the option to approve a set of measures for 2023 at the annual meeting in November, or at a later meeting.

If you guys are ready in November when you see this report, and our beautiful suite of curated options, if necessary, you can approve them in November or we could have a separate standalone webinar in late 2022 or early 2023, or at the winter meeting February of 2023. This is one of the things we need Board guidance on, which is when are you guys going to be ready to make this decision?

Basically, we need you guys to tell us when you will be ready to make this decision now, so that we can plan out the future of this process. Basically, we don't want to hear in November, oh actually we need another board meeting here. That is one of our areas that we need guidance for. The other question is, how do we handle existing CE plans when we start these reduction calculations, and details on the preferred management options for the Bay and the ocean?

I'm going to go into more detail on both of these right now. Currently there are a number of CE plans in place in both the ocean and the Bay. The details on what the actual plans are, are in the TC memo, so you can look at those. But this is basically the ocean, and next slide we can go to the Bay. There are a number of CE plans in place right now.

What do we do with those plans going forward? We've already said we won't approve new ones, but what do we do with the existing ones? The TC recommends using the current set of management measures, and the resulting level of 2021 removals as the starting point for calculating the potential reduction of any new measures.

**PROVIDE TC GUIDANCE FOR MANAGEMENT
OPTIONS TO CONSIDER IF THE ASSESSMENT**

**INDICATES REDUCTION IS NEEDED FOR
REBUILDING**

DR. DREW: Basically, from a technical standpoint, the 2021 removals were the product of the 2021 measures, including all of those CE plans. What the TC recommends doing from a technical standpoint is developing a new set of management measures that would achieve the required reduction relative to 2021, for both the commercial quotas and the recreational quotas, and sort of leave that structure as it is in place, and make changes to the existing structure. That means that some CE measures could be retained under the new regulations. For example, new quotas would be based on the 2021 CE quotas.

Some states are using CE in order to adjust the size limits within their commercial fishery, which adjust the average size of the fish, which adjust your total quota, and some states used CE to take a lower reduction to their quota on the commercial side, and made it up with extra reduction on the recreational side.

If we need to take a reduction, we would take that reduction from the 2021 CE quotas. Essentially, you're leaving that in place and taking a step forward. We could also do things like maintain current seasons if the new regulations only change the size limits or the bag limit. Depending on what the final regulations are, essentially you could be leaving little bits and pieces of these CE plans in place, and just sort of moving on from there.

Alternatively, the Board could require all states to revert to the FMP standard and calculate a reduction from there. The TC does not recommend this, because this would increase the uncertainty in any of the reduction calculations, since we don't know what removals would have been under the FMP standard, and sort of reverting back to that and then trying to move forward from that is just going to add extra layers of uncertainty.

But that would get rid of all of the sort of extra little bits and pieces of those CE plans that are in place. The final decision on what to do with those existing CE measures belongs to the Board, and this is kind of

where we would look to you guys for guidance, in terms of do you want to go with the Technical Committee's recommendation of just start where we are now and tweak it, or do you want to completely clear the board, revert to the FMP standard, and make changes from there?

That is question one. Well, actually I guess at this point we're at question two, what with the timeline and all. I think the plan is we're going to put all these questions back up at the end. But this is question two. The next kind of questions that we're looking at you guys for guidance on is some specifics on the options that we're going to bring back to you in November.

We want to make sure that the options that we bring to you in November are things that you would legitimately consider enacting. We want to bring things that you are interested in, and that you are at least open to hearing about. But we also want to keep these options limited, in order to make sure that we have enough time to complete this work going forward.

Question one, I guess actually 3A, let's say, is how should the reduction be split among the commercial and the recreational sectors? Prior to the last addendum each sector had taken the same percent reduction, so if we needed an 18 percent reduction, we would take that 18 percent reduction on the commercial side and on the recreational side.

With Addendum VI, some states chose to go down a conservation equivalency plan where that split was different. The commercial sector took a smaller cut, and the recreational sector took a larger percent cut, and together they gave you the 18 percent reduction in total removals overall. We want to know from the Board what options are you considering for this question this time around. Do you want the split to be the same for both sectors? Do you want one sector to take a different percent cut than the other?

That is one question. What recreational measures are you interested in seeing for the ocean and the Bay? I guess this would be more, also you could think

of it as what kinds of things do you not want to see. Again, we don't want to bring you back things that you're not interested in. Are you interested in a minimum size limit?

Basically, do you want to get rid of a slot and go to a different minimum size? Do you want to adjust the slot? Are you interested in trying to get seasonal closures to make up some of these reductions? Are there other things that you would like us to look at and bring back to you as options? If you are interested in the seasonal closures, do you want a consistent coastwide closure, or do you want more flexibility for states to pick their own closure dates, say within a particular wave, in order to achieve that overall reduction?

These are the kinds of question we need specifically on the options as we are prepared to develop them if necessary. Again, in conclusion, the Board discussion today has sort of three parts that we need information on. What is the timing for when you will actually vote on these measures, if necessary?

Are you going to be ready to take this vote in November, or do you need more time? Do we need a special webinar? Do we want to have the February meeting be the next time that we vote on this, as well as guidance for us on what are reasonable implementation timelines for a 2023 season, which I think obviously would inform that first question on timing?

Second of all, what do we do with those existing CE measures when we develop the new plans? Do we start from where we are now, or do we revert to the FMP standard, clear the slate completely, and build from there? Recognizing that that second option will increase the uncertainty in any reduction calculations.

Then Number 3, guidance on the preferred measures, so that we can bring you back a curated set of options that you are actually interested in looking at further. We don't need consensus on, we want Option A at this point. You know if there is division amongst the Board about things you would like to see, you know definitely we can look at things

that don't have 100 percent consensus.

But the key is to bring back a limited number of options that are something you would legitimately consider. That's it. We can leave this slide up to guide the discussion, and if you have any questions, I'm happy to answer them, as well as Emilie can provide guidance on how all this is going to play out from an FMP standard.

CHAIR GARY: All right, thank you, Katie for your presentation. That was a lot of information to process. We're going to be lighting a pretty short fuse, depending on the timing, as Katie mentioned, so we'll start with questions for Katie. We'll go with Bill Hyatt.

MR. WILLIAM HYATT: Just a quick question in regards to conservation equivalency. If the stock assessment indicates that adjustments need to be made, and I think one of the items that you mentioned was that under certain circumstances, existing CE measures could be carried forward. Under that circumstance, do the requirements for conservation equivalency that are in Amendment 7, for example the buffer requirement. Do those get layered on top, even if it's the existing measure being carried forward?

MS. FRANKE: The answer is no. The Amendment 7 provision, not allowing CE, is for any new CE plans resulting from any changes to the measures. The existing components of past CE plans aren't affected by the new provision.

MR. HYATT: Just a follow up. Does that prohibit, however, us taking and making a decision that if changes are necessary any existing CE should incorporate those changes, or does it prohibit us from that option?

MS. FRANKE: Toni can jump in here if needed, but because the Amendment 7 provision applies to any new CE plans that doesn't affect how this question of where do we start the reduction calculations from? Are we starting from just where we are in 2021, which includes some past CE measures, or are we starting from sort of the blank slate.

You know starting that calculation assuming everyone had implemented the past FMP standard. No, I think the Board can make the choice here of providing guidance to the TC of where to start that reduction from, either that TC recommendation of start from where we are, or revert back and then calculate down.

CHAIR GARY: Dave Sikorski.

MR. DAVID SIKORSKI: I'm uncertain in what I'm even asking here, because it's a lot of uncertainty. I'm thinking back to the Addendum VI measures that my state implemented, and some of the uncertainty in doing those. Those were measures that like short closures were not recommended by the Technical and Law Enforcement advisors at that time because of uncertainty.

If you think about just the technical side of things. We had uncertainty in implementing Addendum VI CE plans. Now we're being asked to potentially carry them forward as our baseline. But being told that to go back to what's in the plan, one at 18 for the Chesapeake Bay that that would be uncertain. I'm trying to balance the two levels of uncertainty. Can you provide any clarity there? I may have a follow up or a question later on here.

DR. DREW: I think the issue is, what's uncertain, we know what happened in the past, and so what's uncertain is what's going to happen in the future. You know we had concerns about, or the TC had concerns about how well you can predict those removals based on a short amount of time, a short seasonal closure.

Going forward, we know what happened under that plan. We have more certainty in knowing what happened in the past with those measures. Going forward, if you want us to say okay, you would not have had those closures, or you would have done something differently, and trying to predict what would have happened in the past, and then what's going to happen in the future from that? It's essentially adding on two layers of uncertainty. If you say go back to the FMP standard, we need to predict then what would have happened in the past,

and what will happen in the future.

Whereas, if you sort of start from where we are right now, we're only predicting what's going to happen in the future. You're sort of only putting on one layer of that. Obviously, you still do have, we always have this uncertainty from year to year of, just because it happened this way in the past doesn't mean that's the way it's going to play out in the future.

You know we see catch goes up and down, even though regulations stay the same. But I think the TCs concern is that you know we're trying to predict what would have happened, as well as what will happen. Why add that extra layer of uncertainty, when we can just start from, well this is what we actually observed?

CHAIR GARY: Okay, I have Jason McNamee and then Dennis Abbott.

DR. JASON McNAMEE: Nice job getting through all of this. That's a lot of stuff. I do have a question. On the first bullet up there, you know thinking about. I would love for there to be some way to have a single iteration not multiple. But to be able to kind of you know, we'll provide some guidance, you guys go sharpen your pencils, create a suite of options, and then an opportunity to see those with still a little time left to make any last-minute modifications.

You can never kind of judge exactly what might come up when you see the options and go from there. That's my kind of lead in to the question is, if we were to delay into early 2023, clearly the intent is to have. The whole point of this motion was to not delay it, to get some action done for the next possible fishing year.

Does early 2023 allow for that? Is there a mechanism to get, so like for Rhode Island it's possible. Fish don't show up until you know May, so we would have time to get a regulatory process in time. But I wonder, maybe it's a question to other states and not to you guys, now that I think about it. But I wonder if there is any, I think folks should speak up if an early 2023 action would be problematic for them to be able to take action in time for that fishing

year.

CHAIR GARY: Go ahead, Emilie.

MS. FRANKE: Yes, thanks, Jay. That is exactly why we're asking this question. There were a couple questions, both at the last board meeting in May, and at the January board meeting of how exactly this fast-tracks response would work. Some folks had mentioned, you know concerned about voting at the November meeting.

When they receive the assessment results, wanting at least a couple weeks to sort of process the options. That is exactly why we're bringing it back, to hear from folks as to when they would be comfortable taking that vote, and what that would mean for how quickly each state could implement new regulations.

CHAIR GARY: Okay, I have Dennis and then Jim Gilmore and Mike Luisi. Go ahead, Dennis.

MR. DENNIS ABBOTT: Thank you, Katie, for the presentation. You're always on top of things way ahead of us. On the first bullet, the first question I have is, are we making the assumption that we're going to need a reduction next year? That seems to be.

DR. DREW: I think we're in a situation of, plan for the worst but hope for the best. The TC has not seen any model results yet, so I think we can't say what we're going to actually see. But I think we also don't want to be just hoping that we don't need to do anything, and not have any of this in place. None of this is guaranteed. But again, we want to sort of plan for the worst and be prepared.

MR. ABBOTT: Yes, and I do like that approach. I think that was a requirement of Amendment 7, to make us do this. I'm all in favor of whatever we have to do that we do it to be implemented in the 2023 season, as we've committed ourselves to do whatever that may be. That is my question and my comment on the matter.

CHAIR GARY: Thank you, Dennis, and one correction

to the queue. John, I think you were up next, and then we'll go to Jim, and then Mike Luisi.

MR. CLARK: I was just going to respond when Jay asked about an early 2023 decision being made that I know our season starts in February, so yeah that would be really difficult to change things from a regulation standpoint. I mean even November would be pretty aggressive, to get some of these things done. I'm sure other states with early seasons might be facing the same difficulties.

CHAIR GARY: Jim.

MR. JAMES J. GILMORE: Just a suggestion. First off, if this works out, remember in terms that we have the November meeting, which is the beginning of November, and then we have the joint meeting with the Commission the second week of December, and it's becoming a regular occurrence now.

Where we used to have only one a year, now we have like four or five. We could possibly add on a striped bass thing to that meeting, which is in Annapolis, so I don't know if that helps us or not. But at least we're not to the end of the year, we're in the middle of November at that point. Mike, you would love to host another ASMFC joint meeting too, right?

MR. LUISI: We can have every Striped Bass meeting from here on out in Annapolis if you would like.

MR. GILMORE: Again, so we back to our plug. Even if it was delayed until February, New York could get its rules in place. But that scares the hell out of me, because if we get there and we're suddenly down the rabbit's hole, and we don't have a lot of answers, then we're all going to be in a lot of trouble. I think either if we can't get it resolved by that November meeting, we've got that other Council meeting in December that we might be able to piggyback on. I'm not even going to touch CE, because that one, Katie, you said it really good, and I think you're in New York. The speed you went through that. That was pretty impressive. You're an honorary New Yorker now, in terms of talking fast. Just on the sector split though, the question I had. It really comes down to two. It was either going to be a 50/50

or it was based upon the recreational versus commercial, if you went 85/15, so it would only be two options at that point.

Then you would calculate size limit, seasons, essentially based upon those two options, or does it get to be you put more options in there, is it linear any longer? It's like rhythmic, in terms of the amount of work you have to do. How much work does adding a third option in actually going to cost you guys.

DR. DREW: It depends on what kind of an option you're talking about. Obviously, if you want different splits for a commercial versus recreational, or different reductions for each sector, then we basically start multiplying out from there, because we'll need the recreational options. You know if you want to add an extra size limit that is just one extra option.

If you want to add an extra percent split that is two extra options you have to add on top. You start having to multiply that through, because then you need the different size limits for the ocean and the Bay under one split, the different size limits for the other, et cetera. Yes, it depends on basically choosing different splits or different sector reductions is a multiplicative effect. Adding an extra size limit consideration is more of an additive process.

CHAIR GARY: All right, next we'll go to Mike Luisi, and then we have Nichola Meserve.

MR. LUISI: I'm trying to figure out what we're actually going to see in November. The way I'm thinking it through, the suggestions we make today on guidance to the Technical Committee will produce something that we'll have a first look at based on the updated assessment information that is used in calculating whatever it is we're looking at in November.

I would agree with Jim that I think there are two possible ways to get to a reduction if it's needed, if it's the worst-case scenario that we're planning for. One would be an equal sector split so the reduction is taken equally, and the other is the one that was

presented where it's like an 85/15 based on the proportion of removals.

What I envision seeing in November is not just one selected result of the guidance that we're giving. We may have two or three different views at ocean and Chesapeake Bay, and maybe within some of the other systems, options to consider for implementation in 2023. To the first point.

If that is accurate as to what we're going to be looking at for the first time, I would have a very difficult time supporting making a decision at that November meeting as to what we're going to implement, without spending some time, taking what we get that is supported and approved by the Board out to the public.

Even if it's a state-run hearing a couple weeks after the board meeting so we can generate some public feedback and comment in making our final decision, sometime either right before the turn of the year, or early into the next year. I would be very uncomfortable going into November thinking I'm going to have to decide on what option I'm going to select, having seen it for the first time and not having had an opportunity to talk to any of my stakeholders in Maryland.

I'll stop there, Mr. Chairman, I do have comments as we go through the questions, so hopefully I'll have a second chance to provide those thoughts.

CHAIR GARY: We're going to go with two more, and then I'm going to bring the Board back to the timing issues, and we'll go through those sequentially. Max, I'll let you, so we'll have three, Max will be last-say. We're going to bring it back to each of these incrementally. We'll start with the timing. I do want to hear from the public as well, both in-person and online. You'll have an opportunity, some limited comment. We'll go to Nichola first.

MS. NICHOLA MESERVE: Even for a state that has a later season start than many others, I think a February decision point is problematic from an implementation rulemaking process and getting the word out to stakeholders. November would be ideal, but I do agree with Mike about a need to provide a

little bit of time for states to get some input on measures that we may see for the first time in November.

My viewpoint would be to hopefully plan on a December meeting as Jim suggested, for decision making at that point. Even that timeline I think hinges on the guidance that we give to the Technical Committee today, and being pretty narrow in the range of options that we're requesting.

To I guess, begin to delve into that discussion a little bit, you know I would be looking for equal cuts between the two sectors and a limited range of options, commercial quota cuts and on the recreational side looking at the size limits. I think seasons is a much thornier issue to get done quickly.

Then kind of our standard measures, something that is already in the FMP with minimum sizes and maximum sizes, and just looking at perhaps narrowing the spot on the coast, perhaps implementing a slot in the Bay, those types of measures that the Technical Committee can likely turnaround more quickly and with less initial thorns in them than looking at something like seasons.

CHAIR GARY: Emerson.

MR. EMERSON C. HASBROUCK: I agree with what Mike said a few minutes ago on timing. I also think that timing in our decision in reaction to the assessment, is going to be based on what the reduction is going to be. If after the assessment we see that it's a relatively minor reduction, we can probably make that decision a little bit quicker and easier than if it's a larger reduction that has to be taken. I think we need to leave ourselves the opportunity there to have more time if there is a larger reduction.

CHAIR GARY: Max, you have the last word before we move on to timing.

MR. MAX APPELMAN: I appreciate that. Thank you. I was going down the same line of thinking as Dave Sikorski over there with uncertainty, and was trying to reconcile all the information that I'm hearing. With the CE measures, you know if the intent of

Amendment 7 is to not allow CE moving forward, while we're still in an overfished scenario.

But the TC is also saying we need to sort of grandfather in these CE programs, or else we're adding uncertainty. I'm just wondering how the Board can get out and clear the slate without having to deal with all this uncertainty. Is there a way for the Board to do that or is this just, you know at some point we're going to have to accept what we decided and accept that uncertainty at some point. Anything to just help me understand that a little bit better?

MS. FRANKE: Yes, I'll just start off there. I think, you know as Katie mentioned from a technical standpoint. Starting where we are, you know those 2021 measures, no matter if they were the result of CE or not, is what resulted in the 2021 removals. That is just kind of where we are in terms of what led to the level of removals we saw, and what we're basing that percent reduction calculation off of.

I think what you're saying is, you know the Board is having to reconcile with, how do we move forward from what was implemented through Addendum VI CE? And, this is a question to the Board as we have all of these CE programs in place. It's now the time, if we're thinking about a potential reduction, the Board is having to address what happened with the last management action when trying to figure out how to move forward.

DR. DREW: Yes, I don't think there is anything technically we can do about it. I think it's more like when and where is the Board willing to accept some uncertainty going forward, in order to get to clear the slate or get back to where you want to go. You'll have to accept some degree of uncertainty in that if that is what you want.

CHAIR GARY: Does that help, Max? Good, okay. All right, what I would like to do now is go to the public for some comment on the timing component, and if we could do a show of hands for the public that's here in Arlington in the room, and also a show of hands. I think there is a hand raise feature.

Emilie is indicating yes, so those of you that are

listening online, raise your hands if you would like to comment. Let's see what kind of feedback we get and we'll determine the time allotment. We have one hand here in person and two on the webinar. Let's see if we can do this in five minutes, so Mike, do you want to come up first? A minute or two, Mike, if you can.

MR. MIKE WAINE: Thank you, Mr. Chairman, Mike Waine with the American Sport Fishing Association. Are you just looking for comments on the timing, or can I comment on some of the other topics discussed by the Board?

CHAIR GARY: We would like to do the timing if possible. Yes, go ahead.

MR. WAINE: Are we going to get another shot at the other topics?

CHAIR GARY: Yes.

MR. WAINE: Okay, well for the timing I think the Plan Amendment 7 is pretty clear that the Board has to act quickly. I guess if that is the Board needs a little bit more time administratively, as long as the implementation stays 2023, I think that is to the Board's purview. But I think the Plan is pretty clear that the Action needs to happen quickly if the assessment says something needs to be done. Thanks.

CHAIR GARY: Thank you, Mike, and so who do we have online? All right, Dale Kirkendall. Captain Kirkendall. A minute or two if you could, please.

MS. FRANKE: Dale, if you're speaking, we can't hear you. We'll come back to you in a moment.

CHAIR GARY: All right, Patrick Paquette, you have the floor.

MS. KERNS: Patrick, you need to unmute yourself.

MR. PATRICK PAQUETTE: I believe I am unmuted now. Thank you, Patrick Paquette, Massachusetts Striped Bass Association. Specific to the timing, I believe that a large number of the public here in

Massachusetts would prefer a decision made closer to the scenarios that were described regarding special meetings prior to the end of the year, as opposed to February.

I would just give for some reasoning for that. I would ask you to remember that February is the middle of what I will call sportsmen show season, when charter captains and the public are both booking charters and selling charters for the upcoming season. I live on Cape Cod. Striped bass is a major tourism draw, and striped bass charters are a major tourism draw.

It would be much more convenient to the public, although I believe the public absolutely supports getting this done this year as opposed to next. It would be regulations that come out in February for this fishery for the immediate upcoming season, would be made much easier if they came out just a few months before, and it would make the industry and the general members of the public trying to book with the industry. It would put them in a much better place.

CHAIR GARY: Thank you, Patrick, we're going to go back to Captain Kirkendall, if you are able to unmute yourself.

MS. FRANKE: Dale, it looks like we still can't hear you. We'll try to come back to you perhaps later in the meeting. But otherwise, I can follow up with you after the meeting.

CHAIR GARY: All right, thank you. We're going to bring this back to the Board. I would like to conclude our feedback for general guidance to the TC on timing. You've already had significant input, so we'll come back. Ritchie.

MR. G. RITCHIE WHITE: I think we pretty clearly told the public that we were going to act in November, when we passed this. The purpose was to act in November, and we asked all the states, if we do that can you implement for 2023? The answer was yes. We've already told the public what the intent is, and I think we must do this in November. Therefore, I think with that. If we decide that first then the rest, we have to back into it. Then we can't have options

that are so complicated that we can't make the decision in November. That is the way I would look at this process.

CHAIR GARY: I know Mike had his hand up, but I'm looking for folks that haven't commented. Justin, we'll go to you and then over to Tom, and then to Mike.

DR. JUSTIN DAVIS: From my standpoint, I think I've been pretty clear about this on the record every time we've had this discussion. I was only comfortable with this new approach that we adopted in Amendment 7 of allowing Board action, if there was going to be enough time between when the Board received the candidate set of regulation options and when we had to make the decision, such that states had a time to do their own state-specific abbreviated, but state-specific outreach.

In good conscience I can't sit here and say that I would look at a set of options one week and make a decision the next week at a meeting about what we would be willing to adopt in Connecticut. From my standpoint, I'm liking the consensus that I think is emerging here around doing a meeting in December to take action, which to me doesn't at all I think jeopardize 2023 implementation.

CHAIR GARY: Tom Fote, and then Mike Luisi.

MR. FOTE: Yes, I agree with Justin, just the same, we have a problem. I mean we have a fishery now in January that we never had before, and into February people are still fishing, because the water is still warm so it's going right through the season. Party and charter boats are still going out fishing for striped bass in January. I'm not, because I'm in Hawaii then.

But anyway, that is what is going on. The other problem I have here, because I'm not sure what the public wants us to do at that point with the information we get. One of the concerns I have, and I don't know if Katie, we have a bunch of catch and release studies on warm water, on how you basically handle fish and things like that.

I don't remember, and I'm wondering if in our files we have a catch and release study on older fish versus younger fish. Now I know, because I've done a lot of striped bass fishing over the years. When you're basically bring in young fish, because you're fishing with heavy tackle now, you don't want to stress anybody out. You get them in right away and you release them, they just go swimming off.

When you get the big females and they come in there, 41 inches, 51 inches or 52 inches, which has been a lot of fish this year. You've got to spend a lot of time reviving them, and they move away very slowly. If we shorten the size limit again and we don't raise it up, say go from 28 inches to a 30 inch, and make the size limit that. We're going to begin targeting bigger fish to basically get back to catch and release, if you start narrowing the slot even more than 35 inches. You're basically going to kill more fish. Again, with catch and release, because that is what you're doing. I don't know what the answer is, but I just have that question. Are there any studies that basically tell us what happens, so I can help my decision-making process?

CHAIR GARY: All right, thanks Tom. We're going to go to Mike, and then I would like to kind of wrap this up if somebody else hasn't spoken we'll entertain that. Otherwise, we're going to try to see if we can get some consensus here, and I think Dr. Davis indicated that is at least what I'm hearing and what my notes reflect. But hopefully we'll find out. Mike, you may or may not have the last word. Go ahead.

MR. LUISI: I'll be really quick. I just want to remind the public that the traditional way that we would handle this type of action would be to hear the assessment results in November, and depending on whether or not we agreed with those results, we may or may not initiate an addendum, which would start a process that could take up to a half a year or longer to put new management actions in place, which would take us to 2024 at the earliest.

Now this Board made every attempt during the Amendment 7 discussions to make the appropriate decisions and comments on the record that we feel that we need to take action more quickly than that.

This concession that we're making here to speed up the train, I still believe we are going to meet those expectations of the public to have measures in place early in 2023.

But there is a public process that I still feel very strongly that I certainly need some time with my stakeholders, as Justin mentioned, before I make a final decision on measures. I just want the public to be aware that it's not that we're moving any more slowly than we normally would. This could take a very long time, but we're making the attempts in the manner that we're discussing today to get this done very quickly.

CHAIR GARY: Nichola.

MS. MESERVE: I just wanted to double check that the timeline, I think Katie presented it earlier. But it doesn't allow for the stock assessment results, the projections and options, provided we give guidance today, to be provided, you know a month before the annual meeting, such that states could kind of front load public input before the annual meeting. What is the soonest all of that could be ready?

DR. DREW: I think it depends a little bit on the results and how much additional work we would need. We do intend to present the results to the TC next week. Then depending on how much feedback there is from the TC about, is this the right base run, do we need to see additional sensitivity runs?

Are there concerns with some of the data, et cetera? That could propagate through, and similarly with the calculating any necessary reductions, how much back and forth does the TC need amongst itself to get some of this stuff done? We sort of planned it out so that we would have it to you guys no later than those two weeks ahead of time.

But there is the potential for, if things go well and we don't have a lot of technical back and forth on these issues, we could compress that timeline and release it sooner than Board materials. If that is something the Board is very interested in, I think we could look at compressing that timeline. But I also don't want to offer that up as something that we can definitely

do, if it turns out there is more complicated technical questions with how the assessment and the projections play out.

CHAIR GARY: Justin.

DR. DAVIS: I appreciate the second opportunity. I think I would like to return back to, I think a question or a comment Jason McNamee brought out earlier. Is there any state around the table that feels like if we made a decision in December that that would pose a real problem for implementing rules ahead of the 2023 fishing season?

CHAIR GARY: It's a good question. Anybody have an issue with that? You've got your answer, Justin. We'll go ahead and bring this back now. Are there any Commissioners that haven't had a chance to weigh in that would like to, if you haven't spoken? I think we're ready. My notes indicate, and it looks like it's pretty clear.

There has been a coalescing around having a meeting sometime in December. Emilie and Katie, does that match up with what you all are seeing in your assimilation of feedback? We're looking for guidance through consent, without a motion if possible. I'll go ahead and reach out to the Board. Is there any objection to going ahead with the idea of a December meeting for our timing? No objection to that? Go ahead, Eric.

MR. ERIC REID: Is this going to be a standalone meeting, or is it going to be essentially a standalone meeting in conjunction with the Mid-Atlantic Council, because it would be a Striped Bass only meeting, so it's a standalone meeting in conjunction with the Mid-Atlantic? I'm getting noes over there, so I just want some clarification on what we're thinking about this.

CHAIR GARY: Thanks, Eric, I'll go to Toni.

MS. KERNS: I think we would have a virtual meeting. We would poll the states, well the Board to see what day works best for the Board. My guess is that it will have to be outside of the two Council meetings that occur. New England is the first week in December, and the Mid-Atlantic Council is usually the second

week in December, so likely it would be sometime in the third week, unless we did it on a Friday or a Monday. But it would be virtual.

CHAIR GARY: Go ahead, Emerson.

MR. HASBROUCK: I had a question for the TC. Can we put that calendar back up again? It was just up a couple minutes ago? I'm guessing then that the week of September 19th the final assessment report is going to be available. Is that correct?

DR. DREW: That's the assessment goes to the TC and the TC, so basically in August 10, the TC may or may not ask for additional runs, additional things like that. We would do those; we would put that in the report. Then the TC is going to see the report. There is the possibility that the TC is going to want to make adjustments to the report on the basis of whatever came out of those additional runs, or however it is. In theory, yes, we would love it to be like check we're done. But we always do build in a little extra time, in case people have concerns about the results or the way they are presented in the assessment report.

MR. HASBROUCK: Okay, thank you for that. Then on the week of October 10, a TC call to approve final proposed measures if necessary. Is that where the TC is going to review whatever guidance we give you today against the results of the assessment? Is that what's going to happen that week?

DR. DREW: Essentially, basically we will come to that September 19 meeting with projections that they either everything is great, we don't need a reduction, or our base run says we need a 5 plus percent reduction. In which case, we'll need to set, the TC will assign people to work on what kind of measures will get you that reduction for the ocean, what kind of measures will get you that reduction for the Bay.

We need to know what the approved base run of the model is, which is that September 17, in order to then know what percent reduction we need to take. The TC will run all the measures and figure out what will get you to that listening to the guidance of the Board.

MR. HASBROUCK: Thanks. That is what I thought the timeline was going to be, and the steps. What I'm wondering here is, will that assessment be shared with the Board before you go through the activities of the week of October 10? If the answer is yes, great. If the answer is no, I would ask that you share the assessment with the Board, so we have some sense of where we're going with this as soon as possible.

CHAIR GARY: Last call for any feedback. I think staff is agreeing that they've got the feedback that they need, and we have the consent for a December meeting. Is there any resolution? I know we have the Council meeting, I guess in December. We'll try to work around that.

But, any other thoughts about when that might occur, or is not that important to drill down to specifics?

MS. KERNS: Like I said before, Marty, it would either be sometime the third week in December, or we'll put in the doodle poll the Mondays and Fridays of the Council meetings, knowing that the Councils typically do not meet on those days. If they extend their meetings for some reason, we will avoid those.

CHAIR GARY: Thanks, Toni. All right, Jim, you have the last word.

MR. GILMORE: Just quick. The only reason I suggested tagging it on is because that following week is Christmas week. You know trying to do a meeting Christmas week is going to be a nightmare. If we could tag it onto the Council week would be, I think ideal.

CHAIR GARY: Emilie and Katie, we have what we need on timing, right? All right, so I would like to next go to the other two items and bundle those two together. This is how to handle existing Addendum VI conservation equivalency measures when developing new options. Remember the two choices were to use the TC recommendation, use 21 measures as a starting point, or use the FMP standard as a starting point. Then we're going to bundle that also in this discussion with the other option, which is preferred management options to achieve the new reduction. For instance, looking at things like sector split, size limit changes, season changes in the Chesapeake and coastal options.

What I would like to do is go to the public first, because we had a little bit of discussion already at the Board level on this, and get again a show of hands both in the room here in Arlington, and online, as to who would like to comment. Go ahead and raise your hand online, and I see Mike you want to comment. We have one person here in Arlington that would like to comment, and we have two online. Mike, go ahead and take the podium.

MR. WAINE: Thank you, Mr. Chairman. Mike Waine,

with American Sport Fishing Association. I'm trying to kind of understand how the Board is going to navigate this with some of those preferred management options listed on the slide. The reason I say that is, I'll just take the sector split one for example.

To my knowledge that is part of one of the conservation-equivalency plans from one of the states. What I'm trying to reconcile here is, it was clear in Amendment 7 that the Board needs to act quickly to address a mortality issue if there is one from the assessment. But I think there was some understanding by the public that you would likely use management measures that you've used in previous plans, or technically in Amendment 7 right now, which was both Bay wide and coastwide measures as the baseline.

You know I think that it is somewhat of a disservice to use some of these less used CE specific regulations as a coastwide or Bay wide management response if you're going to act quickly. If you were to do that, use some of those CE proposal regs, I think you should do that through a longer public comment process in a management document, personally.

To just kind of summarize my input here. I think the goals and objectives of the FMP were to bring some uniformity to the regulations. The data suggests that when you use it across a broader geographic region it is more reliable. My suggestion would be to use Bay wide and coastwide measures as part of the management response. That would be essentially bag and size limits for the recreational sector. I guess my time is up.

CHAIR GARY: Go ahead, Mike, I'll give you another minute.

MR. WAINE: The other thing that I wanted to address was this decision to take the reduction between the recreational sector and the commercial sector. I'll just remind everybody that this was discussed in Addendum VI at the New Hampshire annual meeting in 2019. Specifically, this was a question, should the reductions be taken equally between the sectors. There was a vote on that. The

ultimate decision was to do equal reductions.

There were some states that used conservation equivalency to not follow the decision of the Board.

I guess seeing the presentation this morning from Emilie with an FMP review, and seeing that that commercial quota is being more utilized in recent years. I think it's reasonable to not revisit the decision about equal percent reductions. Leave it at equal percent reductions, and take that as a way forward right now. I appreciate the extra time, Mr. Chairman.

CHAIR GARY: Thank you, Mike, so we're going to go online now and we only have two other commenters from the public, so approximately I'll give you three minutes. It's Ross Squire, you'll go first. Ross, if you could unmute yourself.

MR. ROSS SQUIRE: All right, can you hear me? MS.

FRANKE: Yes, we can.

MR. SQUIRE: Okay, great, thanks. My name is Ross Squire. I'm with the New York Coalition for Recreational Fishing, and my comment is in regard to going with either the existing CE options or considering new management measures. I'm wondering if a third option should be added, and that is to only consider continuing CE measures if they are meeting or coming close to meeting the goals and reductions that they were intended.

I don't know if the Board has been provided with that information, but it seems inconsistent that the Board would approve CE measures going forward, if they've shown that they haven't met the original objective that they were supposed to. I think back on earlier addendums where CE proposals were approved by the Technical Committee, and they grossly underperformed. It just seems inconsistent that the Board would permit that to happen going forward. Thank you for allowing me to speak.

CHAIR GARY: All right, Ross, I appreciate your comments. Next, we'll go to Dale Kirkendall. Dale, I'm hoping you've solved your mute on the

microphone.

MR. DALE KIRKENDALL: I am too. Yes, I had to switch devices. The last comments made by the fellow from New York on the recreational side. That makes sense to me. When we have conservation equivalency in place that demonstrates that it is meeting the objective, I think it should remain, especially if it reduces the uncertainty of going back to the original FMP plan to make the reductions.

Additionally, I do have an issue with the CE not being able to use it to distribute within a state. I believe each state has the right to whatever number of fish the Atlantic States Marine Fisheries is giving them to catch. However, they want to catch them and preserve them, they should have that right. If New Jersey wants to use its commercial fish as recreational fish, or if a state wants to split their fish differently between their commercial and recreational sectors, they should be allowed to use CE as a states' rights issue to come to that conclusion.

The Board, I understand they have some penalty process in place, but I'm not sure that that is legal, number one, to have that when it is the fish within the state and how they are being split. Additionally, I didn't get to comment on the timing thing. But in Maryland we are issued our tags prior to the upcoming season for commercial fishing. That starts in January 1. I'm not sure with a December timeline that we could be issued the appropriate number of tags if there were reductions or not, or how it would be managed as they're returning tags and such, so that we get the right number. As well as, the commercial fishermen have a card that is issued to them just prior to the season, there is no way that that window can be completed, if we're not making decisions until December, and unlikely it could be completed if we were making a decision in November. The fishermen of course, they want to fish when the fish are there, which is likely the first week or two of January for our gillnet season. Those are my comments.

CHAIR GARY: Thank you, Dale, I appreciate that. All right, we'll bring the conversation, the discussion back to the Board, and we'll go ahead and tackle

these one at a time. We had a bundle from the public, comments. Katie.

DR. DREW: I think just to clarify. I think on the existing CE measures or CE plans, we would not be retaining an entire plan from a state. It would be more like there would be certain measures in place that if the final options didn't affect them, they would stay in place. For example, in the Bay.

The Bay used seasonal closures in some places to get to that reduction. If for this Board action the Bay put in, for example let's say a slot limit, and that slot limit got you the reduction with the existing seasonal closures they wouldn't have to change those seasonal closures in the approach that the TC is proposing.

The other option would be to take those closures away, and go back to whatever seasons were in place before that CE plan, and then put new measure in. We're not proposing that we keep entire plans, we are saying that it would be easier to keep sort of the little leftover bits of CE that are not affected by the final measures that the Board approved.

That includes for example on the commercial side, several states took a smaller reduction in quota, and offset it with a change on the recreational side. If we got rid of those CE plans, they would have to take that full 18 percent cut to their quota that was specified by Addendum VI, and then what do you do?

They've taken an 18 percent reduction on that side, do they get to go back up in order to balance it out, if we don't need a full 18 percent reduction? That is kind of like what we're talking about with these little leftover bits of CE, or just wipe the board clean and then go back? We're not talking about keeping full existing CE plans, it's just little leftover regulations.

CHAIR GARY: John, did you have a question about that?

MR. CLARK: Yes, I'm just a little confused there, Katie. We're one of the states that did that. You're saying that even if we, and I'm strongly in favor of

keeping the CE measure, just working off of that. But you're saying that if we did that our sector split that resulted in, if there is a different sector split that is voted on by the Board, then we would have to change pretty much everything?

DR. DREW: No. That would be if the Board decides on a different sector split, then we would take that so under the TCs approach, you know you would take it from whatever your quota is now, and then you would just take the whatever split you need, whatever split the Board decides on, and whatever reduction you need from what your quota is now. The other approach, which is to wipe the slate clean, means we have to go back and take away those CE adjustments to the commercial quota, and basically go back to the FMP standard of everybody takes the same cut, and that is that 18 percent from the commercial and the 18 percent from the recreational, if you wipe the slate clean of the CE.

MR. CLARK: Do not want to do that. Thank you.

CHAIR GARY: If it's all right, we have a ton of hands that are going up, but could we go ahead and tackle these one at a time and try to achieve consent from the Board to give guidance to Katie to take back to the TC. We're now going to try to focus on how to handle the existing Addendum VI conservation equivalency measures. If everybody could focus on that. Jason. Let's see, let's queue this up. Jason, Megan, Emerson.

DR. McNAMEE: I think I'm going to be brief here. I'm in complete agreement with the Technical Committee, I think that's who said it, who recommended it. It would be, I think, extremely difficult. I guess you would have to perform a bunch of simulations or something to reinvent what might have been.

It makes perfect sense to me that the baseline is 2021 or whatever year we're talking about, it was 2021. I'm in complete agreement with their recommendation from the Technical Committee, and think we would be injecting a bunch of unnecessary uncertainty as was discussed earlier, if we did anything different.

CHAIR GARY: Megan.

MS. MEGAN WARE: You just want the second bullet, comments on that? Okay, I'll agree. I think the TC has strong rationale for using the existing measures as the basis for the 2021 removals. As Katie has explained it, my understanding is that means there may be some elements of CE proposals that move forward into whatever our next set of regulations are, but that the measures that are changed, those will be uniform in whatever region we're talking about.

I'll go back to our discussion on Amendment 7. I think the underlying reason that the Board voted not to have CE when the stock is overfished is there was concern that the disparate measures are undermining our ability to rebuild the stock. I think this gets at kind of an aligning of measures down the road here, so that as we're making changes, we start to see greater alignment of measures between states.

I think that is achieving one of the goals that we heard from the public out of Amendment 7. I do want to be clear though what I'm not comfortable with is a situation in which each state, I'll make up numbers here. Let's say it's a 10 percent reduction we need. Each state gets a 10 percent reduction, and kind of has the freedom to make up its own package of measures. To me that is CE, so that is something I would not be comfortable with.

CHAIR GARY: We're going to go to Emerson Hasbrouck, Dave Sikorski, and Justin Davis.

MR. HASBROUCK: Jason said exactly what I was going to say, so I have nothing further to add. When I was leaning forward with my hand up, I blocked Joe, who also had his hand up. I'll yield my time to my colleague from New Jersey.

CHAIR GARY: Go ahead, Joe, take advantage of that.

MR. JOE CIMINO: I will, thanks, Mr. Chair. I agree with Jay also that I don't see how the TC would even come up with a different option. But it was something that Emilie said that concerns me, and it

makes me feel like striped bass is once again moving towards our black sea bass management.

That is the assumption that we're going to have to make, all of us, that the measures that were put in place are the reason why the harvest estimates were what they were. As if we had those same measures in place in a different year, and we wouldn't see incredibly different harvest estimates. I just want everyone to keep that in mind as we move forward.

CHAIR GARY: Go ahead, Dave.

MR. SIKORSKI: I appreciate all this conversation around the uncertainty in the CE measures, and I think Megan just hit the nail on the head. I agree with what she just stated. We're trying to align consistency amongst our regulations that hit the water for the recreational sector or for commercial is different of course. But I think that consistency is key.

That is why, not only did this Board decide in Addendum VI that reductions should be equal, even though they weren't in many states. Back in Amendment 7 there is consistent measures for coast and for Bay, and I think that is key moving forward. Without that we're ignoring the public, and the desire to find some more consistency. When we're on the third bullet point, I would like to offer one concept in regard to that down the road. But thank you, I agree with Megan.

CHAIR GARY: Justin.

DR. DAVIS: Quickly, I'll just echo the comments around the table that I think the only workable solution is to use 2021 as the baseline going forward to develop new measures. To put a finer point on the discussion about how interjurisdictional inconsistencies in measures that were brought about through CE could potentially perpetuate forward here.

For the ocean fishery, the only way we could have an inconsistent length limit as a result of this process would be, is if we chose to achieve reductions only through season. As soon as we decide that we're

going to use length limits as a tool for achieving reductions on the ocean fishery that means we're going to have a consistent length limit for all states in the ocean fishery, correct?

DR. DREW: Yes, that would be unless the Board decided to go some other kind of regional approach or what have you. Once we decide on a length limit for the ocean, and we do not permit conservation equivalency for the ocean, then that is it you're set.
CHAIR GARY: John.

MR. CLARK: Just to clarify this. I'm sorry I'm just not really grasping exactly what you're getting at here. Take a state, using a concrete example of Delaware, where we have a slot season on resident fish in the summertime. We've taken two reductions on that already in Addendum IV and Addendum VI. Under Addendum VI, we partitioned the cutback between the recreational and the commercial. We gave commercial only about a 2 percent cut.

As the results show, we've hit the marks perfectly both years, we've exceeded them in the past year. I'm just still not grasping exactly what you're saying here now. Whatever the cut is, we're going to keep the slot season on resident fish in July and August in Delaware, and the commercial side though, depending on what that works out to, will that let us know how much we need to reduce the commercial side, or how will this work?

DR. DREW: The Delaware Bay is one of the special cases for CE, where CE is still permitted under Amendment 7. In order to accommodate those smaller, resident fish, similar to the way the Bay is explicitly accommodated. I think if the Board decides to revert to the FMP standard, which is seems like the Board is not going that direction.

But if the Board were to do that what would happen is all of those CE plans would be wiped out, everybody's quota would go to the 18 percent reduction from Addendum IV, and then that would be our starting point. I think it's extremely unclear how you would adjust that quota if you needed to take a reduction from there, when you've already taken an 18 percent reduction.

But in theory, everybody would take the 18 percent reduction from Addendum IV, and then that 5 percent, 10 percent, whatever reduction would be applied to the commercial quota and to the recreational fishery, with whatever set of measures for the ocean, and just the reduction on the commercial side.

Because the Delaware Bay is explicitly exempted under Amendment 7, as is the Hudson River and the Delaware River in Pennsylvania. You could then do a CE plan for that specific region to achieve the same measures. But it would not affect ocean measures. If the Board were to go with the TCs recommendation, everybody would keep their commercial quotas as they are now.

Everybody would adjust the ocean measures to match whatever option gives you the necessary reduction. Then Delaware Bay and Hudson River and the Delaware River would be permitted to provide conservation equivalency plans to make that same reduction, if that is the will of the Board.

MR. CLARK: Thanks, okay, so it is more of what we have now going forward if we continue with CE.

DR. DREW: Yes, it's more like we're going to start from what we have now, and adjust it as opposed to trying to roll back and go in a different direction.

CHAIR GARY: Thank you, John, thank you, Katie. If I could be so bold, I think what we're hearing, and staff concurs, we have it highlighted. I seek to find if there is any objection to the TC recommendation.

Hearing none, then that is what we'll go with. All right, so we're ready to move on to the last piece of this puzzle, not the last part of the agenda but the last piece of this puzzle.

This is the preferred management options to achieve the new reduction, which include options like sector split, size limit changes, season changes and the ocean and Chesapeake Bay specific options. We'll open this up to discussion, and hopefully we can form a consensus on this. We'll go ahead, I've got Justin, Mike, and Megan. Let's start there. Go ahead,

Justin.

DR. DAVIS: I think I would like to invite a conversation for states around the table about the potential size limits to look at for the ocean fishery, and whether there is any interest around the table in taking a minimum size limit off the board at this point. I've been a big proponent of the slot limit from the start.

I think there is really good reasons to believe that is a great regulation and a great management approach for striped bass. I've heard nothing but support really from stakeholders in our state, including from the for-hire fishery that were really reticent about it at first, but now feel like for a couple years here they've really been able to talk to their customers about the benefits of releasing these older, larger fish.

I just think it's a regulation that is working well, and I also view that regulation as a long-term investment. We've had it in place for a few years. We're starting to get some size classes through that slot and into the protected portion of the regulation. I just think it will be a poor choice at this point, a few years into it, to reverse course and adopt a minimum size limit, and go back to that and sort of expose those year classes we just got through the slot to exploitation again.

You know in the interest of potentially saving the Technical Committee some work, if there is consensus around the table that we should stick with the slot limit. I would just throw that out there that maybe that is a decision we can make today that we don't want to take a look at minimum size options for the ocean fishery.

CHAIR GARY: Next we'll go to Mike Luisi, then Megan, then Dave Sikorski.

MR. LUISI: I'm going to defer my comment on the question that Justin asked to Dave Sikorski. But I thought before I do that, I thought I would at least provide you some thoughts about where I stand regarding the question before us here. It's been said a few times around the table this consideration of a

sector split with potential reductions that would come from an analysis of the assessment update is an unknown.

We're planning for the worst but we're not sure what it's going to look like, and we don't have any idea today what that looks like moving forward. With that known, I would like to see the Technical Committee move forward and prepare options for consideration by the states, which looks at the commercial and the recreational fishery, and if reductions are needed to take each sector and assign a certain percent reduction to that sector, based on the overall removals of that sector, based on the most recent update of the assessment. It gets back to that table we discussed an hour ago, an hour and a half ago, related to removals. Because there comes a point with a commercial fishery, and I know not every state here has one.

But there is a point with a commercial fishery where it's almost not even worth operating any more. If this reduction that we're facing, this potential reduction is large, the state of Maryland may want to consider how to assign that reduction in fishing mortality based on the commercial and recreational fisheries, as an impact to those different fisheries.

I would like that to be analyzed. I think that's the information that you're looking for, Mr. Chairman, as far as not just a 50/50 split, but a disproportionate split of reductions based on the overall removal percentage. As far as size limits and seasons, in the Chesapeake Bay, I won't speak for the ocean, but for Chesapeake Bay I don't think an increase in size limits should be considered. That's just my opinion.

I think if we are to try to attempt reductions we should focus on effort to some degree, which would include seasonal modifications on harvest. I think by increasing size limits in Chesapeake Bay, we're only exacerbating the issue that we've been working for five or six years to try to reduce, which are the dead discards associated with a larger size limit. That is just some feedback, Mr. Chairman, from what is presented before us. If Dave, I don't know if you want to go to Dave on Justin's question, but I was going to ask him to respond.

CHAIR GARY: Dave is on deck. He can comment on it then, but I would say we're taking some notes, staff and myself, so we have a couple concepts that are formed. Justin put out the idea of maintaining the slots, and taking off the books the minimum size shift. Then yours is the sector split, right, Mike. We'll come back to those two and see if there is any more support for either one of those. Next, I think we have Megan and then Dave Sikorski.

MS. WARE: I guess I'll start with the measures. Justin, I think what you said makes a lot of sense about maintaining the slot, so I would be open to that in considering adjustments to the slot, as opposed to just a higher minimum size. I think we need to think about where that 2015-year class is within that slot, so that might be something helpful for the TC to bring back to the Board to help us figure out the best way to go there.

But I think that makes sense, and I would prioritize a change in the slot over closures. I think it was previously mentioned, but I think closures you get into some questions about is it a harvest closure or a no-targeting closure. My understanding is I don't think we yet have TC analysis looking at the removals from no targeting closures.

I don't think we've tasked you guys with that, so that is kind of another component there. I just think we start to get down a rabbit hole pretty quick with that. In terms of the sector split, for the ocean I would be interested in the 50/50 split between the recreational and the commercial. Mike, if I'm understanding your suggestion, it was that each state would select its split in sectors, and you can let me know if that I'm understanding that correctly. But I think that inherently results in measures that are going to be different in each state. I don't see how that is not resulting in something that looks pretty similar to CE. But if I've misunderstood you, please speak up.

CHAIR GARY: All right, thanks, Megan. We'll go to Dave Sikorski.

MR. SIKORSKI: First to Justin's question. I think it's a

great idea. I think I've heard from a lot of stakeholders in Maryland that question why we have a trophy season any longer, and that has kind of lived on under this minimum size of, I think 35 inches. But I think our impact on the coastal stock being consistent with the other states is a great idea.

Frankly, I think it's time we talk about a max size limit across the board in all fisheries. I would like to see that option for both ocean and Chesapeake Bay, and when I say all fisheries, I mean commercial and recreational. This has been something that the public has called for a long time, it relates to the consistency and our ultimate goal of rebuilding, right.

Fish above a certain size are all SSB, and we want to maintain them. At a later date we'll talk about at what level, but we want to maintain them and grow them. I think that max size piece also brings some parity amongst the differing harvest that occurs in the Chesapeake Bay. Our Maryland commercial fishery has a 36-inch maximum, and has had that in place for quite some time, so I think matching that with the recreational fishery makes some sense.

I think it makes a lot of sense for our friends to the south to stop harvesting fish above a certain size in any fishery. Again, that's planning for the future, and it meets a lot of our goals and objectives of our management plan. When it comes to these percent reductions, God, this is bringing up all sorts of memories and hair falling out onto my keyboard throughout the Addendum VI process, because it reminded me why so many people find statistics so difficult in school.

You take a percentage of a whole, and that is the percentage right, and that accounts for the balance between two sectors. We had a lot of trouble with that in Maryland, and a lot of the other states you can see that chose to place their reductions unequally, reductions that are actually reallocation. I sat through enough fisheries meetings to hear; oh, allocation is tough. We don't like allocation. We do it all the time, and actually we're doing it right now. I think in order to conserve a fishery, you must reduce removals where they exist. I think the only fair and equitable way to approach any allocation in

this fishery is to reduce somebody who is harvesting them.

I think unfortunately we've been going down these worm holes for the last many years, especially because of what my state has done with ad hoc reallocation. I do respect the idea that there is a certain level of harvest which, once you go below it maybe it's not economically viable to operate a fishery.

But that conversation has to be done more holistically, and it of course should be done back in Annapolis, where all of us can maybe be accountable to the people we serve. I'm a little stuck on that, but ultimately, I think the split based on a proportion of removals is all that we should be moving forward with. Otherwise, you're reallocating within this body, which should not happen.

MS. FRANKE: I just wanted to clarify here for the sector split question. I've heard a couple folks say that they are looking for the equal split, so commercial and recreational share the split evenly, and then based on Dave, what you and Mike have said, you are potentially interested in options that would split the reduction based on the proportion of removals, and so that would mean that the recreational sector would take more of a burden of the reduction. Is that what you're saying?

MR. SIKORSKI: No. If the reduction is let's say 10 percent, and both sectors take a million fish. Then both sectors were taking 100,000 less fish, right?

MS. FRANKE: You're saying equal split.

MR. SIKORSKI: The 50/50 is what throws me off here. It's not 50/50, because you have to know the number that we're multiplying 50 by, or 0.5 by.

DR. DREW: Right, are we talking equal in terms of percentages, in term so both sectors take the same percent removal or like in my mind 50/50 would imply that if we need to reduce by a million fish, then each sector takes 500,000, which would be different proportions.

MR. SIKORSKI: Very different.

DR. DREW: I just to be clear, and we struggled with this last time. The options are equal percentages, so both sectors take the same percent reduction versus each sector takes a different percent reduction. Last time it was based on sort of the proportion of removals, and so we could do something different or the same in this case.

But yes, the recreational would take essentially, I mean I don't think we're proposing that the commercial side would take a higher split, but if that is the prerogative of the Board. But essentially one sector would take a higher reduction and one sector would take a lower percent reduction on paper. Obviously, that carries through to different numbers of fish total, but the question is really about what percent we're applying here.

MR. SIKORSKI: My preference would be to take the total removals, decide upon the reduction necessary to meet our rebuilding plan, and then take that percent reduction and apply it to the total removals, and not move any across sectors in any way, shape or form. Last time, like the Board wanted in Addendum VI, but then states were able to use through this process.

The Board agreed that there would be equal split among sectors, and then some states chose to change that through the CE process. My preference is that moving forward, states could not change that through any process, and that all removals are reduced at the level that we decide is necessary. Therefore, we're not reallocating.

CHAIR GARY: Staff and I are compiling these concepts that everyone is advocating for. Next is Jason, so please continue to add to the existing or new ones, and then we'll try to come back to staff and summarize if that's okay. Are you all good with that? We've got Jason and then Joe and Jim. Go ahead, Jason.

DR. McNAMEE: Just right up front. I'm in agreement with Justin's comment as well, so just to add a little more support for that. I have a question. I recall the

Technical Committee did an analysis where, so one of the ideas with a slot limit is you're trying to protect a particular cohort or a couple of cohorts.

By its nature, you have to chase it, and so you would potentially have to move it up over time. I thought the Technical Committee looked at doing that. I think it was with the 2015-year class, and found that there really wasn't a need to kind of shift the slot. I could be misremembering or whatever the right word is for that.

What I'm trying to get to is, if that is not, you know shifting the slot, kind of keeping the slot the same size and shifting it. If that is not a worthwhile exercise, then maybe we should focus on shrinking the slot limit from either one side or the other, just to kind of limit the number of the sort of continuum of possible slot limits that you could look at.

Just to summarize. Curious as to whether that memory is correct, where an analysis was done and it was found to not have a lot of efficacies, as far as getting reductions or protecting that cohort, and if so then my contingency comment would be shrinking the slot limit would be an area to focus.

DR. DREW: The TC didn't actually look at shifting it, we only looked at constant measures and compared the slot and some different minimum sizes.

Essentially what we found is, if you keep everything static, we rebuilt in about the same amount of time, like you protected different components of those cohorts under the different situations for sure.

But keeping everything the same the question was basically, did you take a chunk out of that SSB early or late, and it didn't really have an effect on the rebuilding trajectory. But we did not actually look at could you move that slot or that size limit along with those cohorts, and get a different answer, which was I think the key to the original success of rebuilding striped bass was that minimum size moved up and up with that cohort.

I don't think we'll have time to redo that analysis for this exercise, but we could definitely look at, you

know we could do a version where we shrink the slot, we could do a version where we move the slot up, and see which one gives us the reduction that we need. If they are the same, then the Board can discuss which one of those they prefer.

CHAIR GARY: Go to Joe Cimino next, and then followed by Jim.

MR. CIMINO: Thank you, and I'll start by answering Justin's question. I agree, I think it's just too early to pivot away from a slot limit, so I'm comfortable removing an option for a minimum size. Seasonal closures, I think especially if there hasn't been an analysis on what regional possibilities are for seasonal closures. I think just in the timeframe we have, and trying to take this out to the public on our own and come back in December. I don't really think we have the time to do that justice. Then last on the sector separation. In general, I like the idea of states being able to address where these issues are within their fisheries.

But I have two problems with it here. One, I think it would fall under CE. I'm under that same confusion of how it would work as Megan is, and we're under the assumption that CE isn't going to be allowed. I don't see it working here. Second, when you have fisheries like this, you know the possibility of a state needing to cut their quota by say 20,000 pounds, or shift that into the recreational fishery, where it's an additional day or two of a closure.

I don't really think the stock benefits from that type of protection, because I think that effort could easily be shifted in the recreational fishery. I don't think we're seeing that protection by saying on paper we're closing the recreational fishery an extra two days to cover for the commercial fishery. I think we do, unfortunately, need to do equal reductions here, and I would just leave it at that.

CHAIR GARY: Thank you, Joe. We're going to go to Jim, then Robert T. Brown, and then Nichola. Jim.

MR. GILMORE: Just, I agree on looking at adjusting the slot limit. I think that's something we should consider, because we're going to have new data, and

it's something we should hang around a bit. On the sector reduction, on the sector split. I'm going to be more simple on this. It's like I want to see the data.

I mean we're prejudging this right now, essentially saying should it be 50/50, should it be 80, you know whatever, 20, 15. I want to see the data, because if we determine today or make a decision that we're just going to leave it 50/50, and then we get into some difficulty in November. We have another option to look at, maybe some other ways of managing this thing.

At this point, I think it's important that we leave as Mike suggested, leave in the 50/50, but do the reduction based upon how the fishery is being prosecuted. I think that is the smart thing at this point. We can fight about it later on. I'm not going to say whether I like one or the other, but in November or a special December meeting, yes, we can really roll up our sleeves and get into it at that point. But right now, I want the data, so I think we should leave it in.

CHAIR GARY: Robert T. Brown.

MR. ROBERT T. BROWN: Yes, I'm going to agree with Jim over there. Also, the maximum size limit is what we need to protect our spawning stock, because that is our future. When it comes to these sector splits, we need a split. Our commercial fishery is really hurting in Maryland. If we get more of a cut, I think cut as many as we've had, it's hard for us to stay in business, and we are a food producer. We need to have the state have the authority to make adjustments as necessary. Thank you.

CHAIR GARY: Thank you, Robert T. Go to Nichola. MS. MESERVE: I do agree with the equal percent reductions, particularly when it comes to the coastal fisheries. I still may be open to this idea of the Bay as a region deciding upon something different, so that this idea of a state-by-state CE approach to different percentages seems out of line to me with Amendment 7. But I do think we need to make some decisions today that help the TC on that. I do like sticking with the slot on the ocean recreational fishery.

When it comes to the Chesapeake Bay recreational fishery, one point that I wanted to make about seasonal closures, which I know there is support for reducing you know predator harvest closures during the heat of the summer, reducing the release mortality. I just want to make sure that the closures that were implemented as part of a CE proposal for Addendum VI would not count as credit towards a seasonal closure that would be this additional reduction point here.

MS. FRANKE: Yes, that is correct. We wouldn't back calculate, add any reduction from previous measures that were implemented.

CHAIR GARY: We're going to take three more, and then I'm going to turn to staff who have been feverishly summarizing everybody's comments to see how we can pare this down. We'll go, all right, John, we'll give you four. It's going to be Mike, Dave Sikorski, Tom Fote and John Clark, and then we'll stop there. Mike.

MR. LUISI: A couple of people have raised the question about the comments that I made regarding the sector split being like a CE. The way that I look at it, and I'm kind of on the same lines where Jim Gilmore was going, was that once we have an opportunity to see what is analyzed and what is in front of us.

If the entire Board decides to use one option over the other, not trying to predetermine what the Board is going to decide on. But after you see the results of the analysis, if everybody goes in one direction that is not conservation equivalency that is an option for all of the states to fold into their fishery management for 2023.

I'm not suggesting that every state get to choose between one or the other. But let's at least have an opportunity to see what it looks like, and to gauge the severity of the potential reduction, to determine whether or not those states that have a commercial fishery are willing to reduce it by a number that could be enormous. We just don't know yet. I wanted to, Mr. Chairman, just address Megan and Joe's

questions on CE.

CHAIR GARY: Go to Dave Sikorski, Tom Fote and John Clark, you will have the last word before we go to staff.

MR. SIKORSKI: I've said enough about what I think. I just want to offer some clarifications. One, when I referenced a max size limit it's across all fisheries, so just for the record I would like to make sure that is noted, commercial as well. I'm perfectly fine with that being Chesapeake Bay focused, so the Bay fishery all fisheries would have a max size limit, and I would propose that a 36 would be a good starting point for calculation.

MS. FRANKE: Just to address that point. As far as reduction. For the commercial fishery we were assuming we would just move forward with quota reductions as the reduction mechanism, and not changing the size limit. I'll turn to Katie if she can say if that is possible, in terms of commercial side.

DR. DREW: I think it is possible, I'm not sure. It would be a different type of calculation than we normally do for these reductions, and it would be a little more complicated. If there is strong interest in pursuing that I think we can look into that.

But, generally speaking, the big change on the commercial side is going to come from adjusting the quota. But if there is interest from the Board about having uniform size limits across all sectors, within a region or across regions, we can look into that as a TC.

MR. SIKORSKI: Thank you. Equal percent reduction for both commercial and recreational takes into account the proportion of removals which occur in the commercial and recreational fisheries. Different percent reduction would further weight those reductions based on the proportion of removals. I would like to see it considered as a weighted reduction. I think that helps clarify the kind of general use of the term proportion we've been using today, because it is easy to get confused.

CHAIR GARY: Tom.

MR. FOTE: We talk about season closures. I brought this up the last time we started talking about season closures. It makes no real sense to basically do a season closure like Wave 3, 4, when the water temperature in the ocean is something like 49 to 53 or cold, and the hook and release mortality is basically about 3 percent or 4 percent.

We should do the season closures when it has the greatest good, is basically when the hook and release mortality is up to 25 or 30 percent, and that is during the heat. That is when the water warms up and the air temperature warms up. Let's do it, and common sense actually would do that.

Now the other thing, I know Katie was going to try and answer my question about the big fish about the hook and release, and, Marty, you kind of didn't let her. I know she was moving to answer my question, and we do have a study on the bigger fish on the hook and release mortality.

DR. DREW: The data is very limited. I think we do have a little bit of work in the Bay that says that older fish or larger fish have a higher release mortality. But I think the numbers are very limited, and I think it would be very hard to kind of extrapolate, you know 35 versus 36 or 28 to 32, type of a situation. The data do suggest that but it's very limited and would be hard to incorporate into a TC analysis.

MR. FOTE: Marty, if I can follow up on that. I think it's important we answer that question, so we know what the results are we're getting. You think you're protecting the bigger fish by hook and release, yet you may be causing more damage, because people are targeting them. The second thing I've always talked about is, when you look at the thing, is it the big fish or the small fish which produce the greatest young of the year? I mean 95 percent of the females are sexually mature by the time they reach 34 inches. I mean that was the old standard, that is why you raised the size limit back in the eighties, basically to protect that '82-year class until it reached 34 inches, so 95 percent of the females. Do we know if those females, because I know when we did the data back then it was mostly young females showing up on the spawning grounds in Maryland, because we had to

fight with the ones where we could basically test them, and actually a lot of them were hatchery raised fish, both male and female.

It is one of the questions we should answer, whether the viability of the eggs depend on the size of the fish. Older fish, because they have been able to produce more eggs, are they more viable, or the older fish eggs are not as viable as the young fish? We know that the older fish don't go up as often to spawn as the younger fish. Maybe we should clarify that at one time too.

CHAIR GARY: John.

MR. CLARK: Real briefly, I just want to support the idea of the slot and to reiterate what Jim and Mike said about making sure we keep both the equal, and take a look at what Dave has now reworded as the weighted reduction. But I would like to see that too. I want to see them both kept, thanks.

CHAIR GARY: Okay thanks, John, thanks Board. We're going to turn to staff now. I know I have my notes, and they've been taking them, so Emilie, can you bring us up to speed. Certainly, some things we've really coalesced around. A few others might need a little work.

MS. FRANKE: As far as the question of sector split, and what types of options for the TC to look at. It sounds like there is support for looking at options that would be an equal percent reduction for both the commercial and recreational sectors, and there is also support for looking at some options that would be a different percent reduction for each sector that would weigh the reductions.

For example, based on proportion of removals, which would mean the recreational sector would take a higher reduction. I think the TC can look at options under both categories. Does that accurately capture what was said? Did we miss anything? We'll take both of those sector splits to the TC. I'm seeing some head nods.

DR. DAVIS: Just really quickly. If I remember right, in

Draft Addendum VI we had something like this, right? There were two different categories of options. Is the idea we would use the same approach we used for Draft Addendum VI, just perhaps update the weights for the recreational versus commercial with the most up to date data?

DR. DREW: Yes, I think that would be, unless the Board has different specific guidance that they would like to say now, yes, we would use that approach for these two options.

MS. FRANKE: All right, so moving on to the commercial fishery. As I mentioned, typically the reduction has been achieved through quota reductions. We had a suggestion to also explore commercial size limit changes, that I think from the staff side is still a question. If there is more specific guidance on size limits for the commercial fishery, again, I'll turn to Katie. That's a new approach.

DR. DREW: Yes, I think part of the issue is that we don't have separate commercial selectivity curves, and we don't have a separate recreational curve. I think it's unclear to me how informative, or how much of an impact adjusting the commercial size limits would be, in terms of again, it wouldn't help us achieve.

It wouldn't change the reduction that we would need, but I think we could loop back and see if it would impact the rebuilding timeline in any way. But I'm not sure we would see a significant difference with looking at a commercial size limit. I guess we would definitely turn to the Board and see if this is something the Board is interested in pursuing. It would be more complicated, but we could try.

CHAIR GARY: Go with Jason and Roy.

DR. McNAMEE: On this topic. I think what you would need to do is like an SPR type of analysis. While your short term, you know the sort of currency we're using of reductions wouldn't, I think it would be difficult to factor in there. You could look at the rebuilding. I think it could be done.

I'm going to recommend against it, because you're

introducing again a much more indirect type of analysis, and one of the things we're talking about with striped bass is this kind of loss of productivity potentially, which plays into that type of analysis where you sort of make assumptions about productivity.

While I know it can be done, I would not recommend that, in particular for, it's something we could look at for some subsequent step here. But in this idea of trying to get something in place in a short term, to be protective of the stock, I don't think this would be the right approach.

CHAIR GARY: Roy.

MR. ROY W. MILLER: With regard to commercial reductions. I'm not a fan of commercial size limit changes in this particular case for a couple of reasons. I think it might create the need for use of different mesh size gear. That would be an unanticipated expense for the commercial fishery. There might be market consequences. I think a straight quota reduction is pretty straightforward. I think that can be easily accommodated. I think the commercial size limit change would have a more unpredictable effect on the commercial industry.

CHAIR GARY: Ritchie White.

MR. WHITE: I agree with Jay and Roy.

CHAIR GARY: All right, I would like to go back to Emilie. Do we have a little bit better resolution after that feedback? Do we still have some gray areas that we think we need to clear up?

MS. FRANKE: I guess I would turn back to Mr. Sikorski, as far as, Katie mentioned they could do some exploratory analysis to sort of get a read on how this would impact rebuilding the stock, if that would address your suggestion.

MR. SIKORSKI: Yes, I think that would be helpful, and that would be in lieu of a specific percent reduction, is that correct? That's my expectation.

DR. DREW: Well, I mean I guess that would be the question about how would it be. Are you proposing

a commercial size limit change in addition to a quota reduction, or instead of a quota reduction?

MR. SIKORSKI: I would say separate from, so not one or the other. In general, I think this is a good concept for this Board to bounce around, protecting fish above a certain level. If it means you can provide some more information about it in this current context that would be great. But I've heard the opposition as well, and I think this will definitely take more time.

But, my thought process on this goes all the way back to the working group which led to Amendment 7, and how protection of striped bass and then spawning closure protections have not been taken up in a substantive way by this Board yet. I think those two pieces of the puzzle should be, so I'm just taking this opportunity to continue to bring that up. I would look to your best judgment on this. I understand it's not a priority for affecting removals at this time.

DR. DREW: Yes, so we can look into that. If time and the TCs workload permits we can report back on what that would potentially look like. If not, maybe we can bring it back at a future Board meeting down the road.

CHAIR GARY: Emerson.

MR. HASBROUCK: I was just going to suggest relative to this size increase, or change of size, rather on the commercial fishery. It was just mentioned that that would be in addition to a quota reduction. I think the TC is going to have an awful lot to do, once the assessment is finalized.

If this is kind of an exercise to look at what the impact might be, to change the size limit in the commercial fishery. If we're going to get a reduction, and either of the two bullets there under the first item, then I don't know why at this time we're going to explore size change, what the impact is going to be there. It seems to me we've got enough to do.

CHAIR GARY: Robert T. Brown.

MR. BROWN: This is unnecessary changing the size

limit on us, as we've got different sized markets for different sized fish. You know some restaurants want pan size fish, a smaller fish, some want a large fish for baking and stuff. It's not a good idea to adjust this at this time. I think we've got enough on our plate.

CHAIR GARY: Any other comments before I turn back to staff and we take another look at what we've got up on the screen? Anything we missed, any comments you would like to add? Mike Luisi, I was wondering, could you clarify? I'm just curious. I know trying to hear you. The bottom of the screen, what we put up there. I'm not sure we completely captured it, but can you further expand on what we have up there, and what exactly you had in mind, to make sure we have it either stays or it goes.

MR. LUISI: You're referring to the Chesapeake Bay recreational? Yes, I think it was Dave who recommended some exploration with a slot limit, which I think is something I certainly would support. I also, so where we are in Chesapeake Bay is that unlike the coast, Virginia, Maryland and Potomac River have very different rules and

regulations that have evolved over time with the use of conservation equivalency.

As was stated earlier, you know one of the goals here is to potentially find some likeness amongst the jurisdictions within the Bay. But given where we are, I don't see us coming together in any way, shape or form in one step, in one hop. What I would like to see. I mean if you're asking me what I would prefer to see in November, I would like to be able to look at recreational measures by jurisdiction in Chesapeake Bay, if reductions are necessary, where the states can add to their already frozen rules that we have now.

If we have summer closures in place, we could extend those summer closures. But because Maryland and Virginia have such different closure periods for striped bass, where Virginia is closed, I think from the middle of June through September, and fourth of October. Maryland has a two-week closure in July.

Trying to find something that we can both agree on is not going to happen overnight. But if we could add to that as a way of reducing our mortality, I would like to see it by state. Maybe that is what you're getting at, Mr. Chairman. There is not going to be one rule that all the jurisdictions in Chesapeake Bay are going to be able to say, oh that works for us.

But it would be nice to have the TC kind of stack those three states to the side, and give us some options to pursue, whether it's slot limits or additional seasonal closures on top of what we currently have, so that we can implement those, with the mindset that we're trying to find something that is more alike between the jurisdictions. It would be incredibly difficult to do it in one step.

CHAIR GARY: It was the season closures, I just needed some expansion on what that meant, so I appreciate that. Bill Hyatt.

MR. HYATT: Just a quick question for clarification. I'm looking at what's on the screen, and seasonal closures are only listed under Chesapeake Bay recreational. I just want to make certain that that is where we're going with that. It's limited to that geographic area for the purposes we're planning. I think I'll preface that with, that's what I'm hoping is the case.

Given that we've heard many, many, times the problems with enforcement associated with seasonal closures, the problems with uncertainty around angler behavior. As a result, I have very little confidence that they could be used and applied broadly, and modeled effectively. Just asking for that clarification based on what I see on the screen.

MS. FRANKE: Yes, for the ocean recreational measure it sounded like there was pretty much consensus to focus on just adjusting the slot limit. Sticking to that either shrinking the slot or shifting it, and then what I just heard as far as Chesapeake Bay. We heard before, looking at seasonal closures, potentially looking at a slot with some sort of maximum size limit. Then I just heard a suggestion, I guess in addition to one default measure looking at

state-specific options in the Chesapeake Bay.

CHAIR GARY: Yes, I think I heard the same thing, Bill. Megan Ware actually started that point about the closures. You mentioned that before, Megan, I think. Did you want to pick up on that? Did you want to respond to Bill's point about that? Is that what you're thinking?

MS. WARE: I was going to respond to Mike's comments, but I'm happy to just get in the queue.

CHAIR GARY: Okay, that will be fine. Let's go with Justin, and then Megan, back to you.

DR. DAVIS: I don't want to move away from what Mike brought up, because I think it's important, but quickly. I didn't think we had much discussion about season closures in the ocean recreational fishery, and from my standpoint, I don't like the idea of season closures, but I feel like I'm uneasy about taking them off the table at this point. I view

them as kind of an, in case of emergency break glass, kind of thing.

If we end up needing a really large reduction, such that a slot is going to become just too narrow and unworkable. It seems to me as season closures might be the relief valve there. I'll preface that by saying, I think it should be harvest closures, not no targeting closures, because as Bill was alluding to, I don't think not targeting closures are workable from a regulatory standpoint.

But I would be in favor of leaving no harvest season closures in the tool box for ocean recreational fishery, with the idea that it's a non-preferred option that we would only look to if we were looking at a pretty substantial harvest reduction, and accordingly a very narrow slot without season closure.

MS. FRANKE: Just to respond to that. I think that is a reasonable guidance to the TC that could be to consider season closures if the slot limit is unworkable.

DR. DREW: Would you be looking for a single season

closure along the coast, or would you allow states to have some flexibility in adjusting that seasonal closure?

CHAIR GARY: Go ahead and answer, Justin.

DR. DAVIS: My preference would be to allow states flexibility to adjust the seasonal closure state by state, because I just don't think one blanket closure for the entire coast makes sense, given how the fish move up and down the coast.

CHAIR GARY: We'll go to Megan, then Jason McNamee, then Emerson.

MS. WARE: Mike, I think this is a question for you, but in the bullet about state-specific measures, are you thinking about that specific to additional seasonal closures, or also about bag limits and size limits? I guess I'm thinking back to Amendment 7, where there were options for two-week closures based on different wave criteria, I'll say. Is that kind of what you're thinking about, or are you thinking about that outside of season closures?

MR. LUISI: I'm sorry, Megan. I'm having a hard time just understanding the question. Can you restate it?

MS. WARE: That's okay, I'll try again. Are the state-specific measures you're thinking about just state-specific seasonal closures, or is it state-specific bag limits and size limits, different from what you have in current CEs?

MR. LUISI: In the current CE plans that we have, both Maryland, Potomac River and Virginia all have different minimum size limits. We also all have different seasonal closure periods of time, and in Maryland we have a private angler 1-fish bag limit, and a charter boat 2-fish bag limit at the 19 inches.

Based on the previous discussions, where we have kind of, I guess the Board has selected the conservation equivalency measures as being the starting point for change. My vision would be that Maryland, Virginia, Potomac River have those CE measures kind of frozen in time. Then when reductions are necessary, if it's 15 percent that's

needed, each state would see under itself certain things.

You could take an additional closure with the flexibility. A Maryland closure is going to be different than a Virginia closures, as far as when it's taken and how much credit you get for it, just based on when the catch happens. I kind of envisioned each state kind of being given by the TC a reasonable measure to implement based on that frozen measure to start with.

That could be something we move forward with, rather than one measure across the board that everybody just puts in place. That would be how I would prefer to see it. Now, if the Technical Committee can also come up with that one, you want to call it the default measure that all of us could agree to, then I would be happy to entertain that. It's just I'm not sure that's going to be as easy to accomplish as some might think.

MS. WARE: Okay, that is helpful. I'm really not trying to be a stick in the mud, but what it sounds like is that each state would have a percent reduction, and then different suites of measures would be crafted, I'll say, for each state to achieve that percent reduction. In my opinion, that is CE. What I would be comfortable with, because I recognize that you guys are all starting in very different places, and that there is going to need to be some flexibility there.

But I think you know something, I would be okay considering, at least in these measures is, you know we just had a comment about seasonal closures on the ocean side. Let's say we had to take a 10 percent reduction with the seasonal closure, and each state would determine that. I think to be fair; we would have to offer that same opportunity to the Chesapeake Bay states, but that is very specific to the seasonal closure that is in maybe a specific wave that is you know 25 percent of your catch, or whatever it was in Amendment 7. What I'm not comfortable with is each state saying, you have a 10 percent reduction and you come up with the suite of measures that achieve that, because I think that is CE.

CHAIR GARY: Thank you, Megan and Mike, it was

informative. I think we're close. We have two more folks that would like to comment, and maybe a little bit of time more, but I would like to wrap this up if we could. We still have one more issue on the agenda to go through. Jason McNamee, and then Emerson.

DR. McNAMEE: I won't weigh in on the discussion that just occurred, and in fact I'll be super brief and just say. You know the discussion on the ocean recreational fishery, and seeing that seasonal closures wasn't there was something that is making me a little itchy as well, simply because it's a tool. Just to reemphasize what Justin said. Having it as a potential option, but a lower priority option if it's needed. I'm in support of that. If we cannot use it that's great.

CHAIR GARY: Emerson, we're going to go to you, and then hopefully can come back to Emilie, summarize it, and I'm keeping my fingers crossed we have a suite of items that we can achieve consensus on. Go ahead, Emerson, bring us home.

MR. HASBROUCK: Yes, I want to agree with Justin and Jason. In the ocean fishery we need to have that option to consider seasonal closures. You know if the slot doesn't work for us, and that those seasonal closures should be flexible.

CHAIR GARY: Emilie, are you able to go ahead and summarize what you've got on the screen, and see if we can't get Board consent?

MS. FRANKE: Sure, so I will, I think we covered the sector split and the commercial reductions already. Again, I'll review the recreational measures. I'm still a little bit unclear on moving forward with the state-specific options that Mike brought up, but I will start with the ocean recreational.

Again, it sounded like there was consensus to first look at adjusting the slot, either shrinking it or shifting it. Then considering seasonal closures if adjusting that slot limit is unworkable. Sort of a lower priority than the slot limit, but if needed consider seasonal closures that would be flexible among the states.

On the Chesapeake Bay side, we heard adjusting seasonal closures, considering a slot limit, or implementing some sort of maximum size. Then also, in addition to one Chesapeake Bay default measure, looking at state-specific measures, and I'm still unclear as to whether the TC would only be doing that state-specific closures or if we're looking at other types of state-specific measures as well. We might need a little bit more guidance on that.

CHAIR GARY: Dave.

MR. SIKORSKI: Yes, that is exactly where I was confused as well, and I think in the conversation that unfolded it opened up as a seasonal closure's clarification, and that is where Mike provided it. I would offer that that third bullet point actually fall under seasonal closures, as a further refinement for the Chesapeake Bay states, state by state. The only thing that we're looking at is a seasonal closure, because of the reasons Mike provided, and they are how far apart the jurisdictions are with their seasons, based on availability of stock to the fishery.

I think that change you've just made is consistent with the discussion we've had as well as the point Megan raised earlier, regarding the clear focus on consistent measures in the regions in the Amendment 7. If a reduction is necessary, we're operating under Amendment 7, with only bits and pieces left of CE. I think what's on the board there is what we'll be able to use moving forward, if that reduction is necessary. Let me just say consistent measures in the regions.

CHAIR GARY: Mike.

MR. LUISI: Thanks, Dave, you know I was even confused as I was talking, and that's never good, a few minutes ago. I guess the last point here is just to be clear. The first point is that I don't have any intention of trying to pull one over on the Board and try to get some kind of conservation equivalency plan put forth, you know with help from the Technical Committee. There is no intent there. I'm just looking to make sure that what is produced is something that we'll have an ability to work with.

If we're starting with our baseline measures, and we're folding in possible seasonal closures at a state-specific level in addition to a consideration for a slot size, starting without starting point, which is all of our states have different minimum sizes and bag limits and things, and we move that through. I can live with that. I just want to make sure I'm clear with what I'm hoping for at the end of this process in November, so we have something to take to the public.

CHAIR GARY: Okay, Emilie, are you all comfortable with what you have?

MS. FRANKE: Just to respond. Again, as we've just discussed, we can look at state specific seasonal closures. But although we're starting with a baseline of what was in place in 2021, you know unless the Board says otherwise, you know we're looking for some sort of one default Bay size limit. Right now, we're potentially looking at some sort of slot that would be the same across all states. That is the typical approach unless the Board says otherwise.

MR. LUISI: I'll call on myself, since I had the microphone last. I think yes, a consideration of a Bay-wide slot limit is certainly something for consideration. The bag limits, I think to leave them alone at this point would be what I would prefer, to see the bag limits maintain static throughout the analysis.

CHAIR GARY: All right, thank you, Mike, thank you Emilie and Katie. We have what we have, right? One more hand, oh three more hands, okay. All right, please be brief though. We're going to go, Nichola, Justin and Tom, but please be as brief as you can.

MS. MESERVE: I just wanted to draw a distinction for the Chesapeake Bay measures here, between adopting a maximum size, which would be a new FMP standard, which CE cannot be changed. A state can't use CE versus adopting a new slot that would be 18 to 36, for example, because that would be changing the FMP standard that exists of an 18-inch minimum size, and it would throw that whole CE question back into play for me. If the states want to keep your 18 or 19, a minimum size that they already

have as part of their currency plan, I think the additional measure just needs to be a maximum size. I think there is a distinction to be drawn there, because I am a little bit uncomfortable with the proximity to CE right now, with some of this stuff. I think that some distinctions like that are important to be made.

CHAIR GARY: We'll go to Justin.

DR. DAVIS: I just wanted to offer one clarification under ocean recreational, and I'm hoping folks agree that we should consider season harvest closures, but not no-targeting closures, because again, I think no targeting closures are unworkable from a regulatory standpoint. Also, I don't think we would be able to calculate what savings we would get from a no-targeting closure, so they wouldn't really be helpful in this instance at least, doing the math.

I also wanted to offer the comment. I understand the tension here between wanting to honor the spirit of Amendment 7, and not allowing CE when the stock is overfished, and accordingly wanting to see uniformity in the Bay, where the process we're engaged in here is new, not something we've done before.

It is not going to allow for the typical amount of deliberation and public comment. I think we should avoid trying to make really large changes to any jurisdictions regulations as part of this process, because of the sort of unorthodox nature of it. I think that's two things to keep in mind going forward.

CHAIR GARY: Okay, Tom, make it brief.

MR. FOTE: Real brief. Let's take a five-minute break before we start the next topic, because we've been sitting here for two hours and 50 minutes, and we need to walk around and get our minds clear.

CHAIR GARY: You read my mind. That is going to happen, but it will be a hard five minutes. Okay, Emilie, do we need any more description? We're good with what is on the screen? I'm just going to

ask a simple question. Any objection to what is on the screen? Seeing none that is what we have, and Katie, just one question. Just to be fair in asking the question, is this management for the TC? That is one of the things we wanted to do, right?

DR. DREW: Yes, I think this is manageable.

CHAIR GARY: All right, Tom, Emilie is going to put five minutes on the clock, it's hard five minutes. Everybody be seated and ready to go for our last item, thank you.

(Whereupon a recess was taken.)

**CONSIDER NEXT STEPS FOR DRAFT ADDENDUM I
ON QUOTA TRANSFERS
(FORMERLY DRAFT ADDENDUM VII)**

CHAIR GARY: All right, up next is Number 6 on our agenda. Consider next steps for Draft Addendum I on Quota Transfers (formerly Draft Addendum VII) Possible Action. Motion was from October, 2021, the motion was: *Move to defer until May 2022, consideration by the Atlantic Striped Bass Board of Draft Addendum VII to Amendment 6 to allow further development and review of the transfer options.* I will turn at this time to Emilie to provide background and an update to everyone, and we'll go from there.

MS. FRANKE: I'll provide a brief overview of the Draft Addendum and the Plan Development Team's comments and the potential next steps. Starting with the background on this action. In February, 2021, the Public Information Document for Draft Amendment 7 included the issue of commercial quota allocations. But that issue of commercial quota allocation did not move forward to become part of Draft Amendment 7.

Later that year, last year in August, the Board initiated a separate management action, which was then Draft Addendum VII, which is now Draft Addendum I, to consider allowing voluntary commercial quota transfers between states with commercial quota. This action only applies to quota in the ocean region. The Chesapeake Bay jurisdictions have a separate commercial quota, so this Addendum only applies to ocean commercial quota, and does not consider transferring the quota between the ocean and Chesapeake Bay or vice versa, just ocean only.

Back when the Board initiated this Addendum last year, Board members recognized that this Addendum could be a management option to provide some immediate relief to states, sort of separate from a full reallocation discussion. Based on where we are now, here is the draft timeline for the Draft Addendum. After the Board initiated the Draft Addendum in August, 2021, the Plan Development Team developed the draft document. In October of 2021, the Board deferred

consideration of this Addendum until May 2022. Then it was again postponed until discussion today in August. Today the Board is considering next steps, and if the draft addendum is approved for public comment today, then the public comment period would take place over the next few months, and the Board could consider selecting final measures at the annual meeting in November of this year. Marty just read the motion from October.

The original motion to defer consideration, and again since Amendment 7 is now in place this is now Draft Addendum I to Amendment 7. The Board action for consideration today is the next steps for Draft Addendum I. If the Board wants to move forward, the potential next steps would be to either approve the draft addendum for public comment today, or to provide some additional guidance to the Plan Development Team, and consider a revised draft at a future Board meeting.

The Addendum document includes an introduction, statement of the problem, background, the proposed management options and the compliance schedule. If the draft addendum moves forward, then the background section would of course be updated with 2021 data, since this document was developed last year, and also a summary of what was approved under Amendment 7.

Today I'll just review the proposed management options and the discussion from the PDT memo, which were included in the meeting materials. Option A is the status quo, in which no commercial quota transfers are permitted. Option B is the alternative that would allow voluntary transfers of ocean commercial quota. Under this option transfers between states may occur at any time during the fishing season up to 45 days after the last day of the calendar year. All transfers require a donor state and a receiving state, and the Administrative Commissioner of the two state agencies involved must submit a signed letter to the Commission, identifying the amount of quota to be transferred.

There is no limit on the amount of quota that can be transferred, and the transfer becomes effective upon receipt of a letter from the Commission staff

back to the donor and the receiving state. This does not require the approval of the Board. All transfers are final upon receipt of those letters. These transfers do not permanently affect the state-specific shares of the quota.

Once the quota has been transferred, the receiving state becomes responsible for any overages of the transferred quota. As outlined in the memo from the PDT, there were some concerns with adding commercial transfers to the striped bass FMP. If the Board does approve the draft addendum for public comment, the PDT recommends adding their concerns into the draft addendum document.

The PDT notes that similar concerns were raised by the Technical Committee back in 2014 when transfers were considered as part of Draft Addendum IV. The first concern from the PDT is that transfers could potentially undermine the goals and objectives of the Addendum VI reduction. The PDT Noted that the commercial fishery consistently underutilizes their quota, again due to some states not allowing commercial fisheries, and also due to factors like fish availability.

You know, we assume with reduction calculations that the commercial fishery would perform similarly to how it has in the past, assuming some percent quota utilization. This assumption of a constant quota utilization would be violated if transfers are permitted. That was the first concern of the PDT.

The second PDT concern is that a pound of commercial quota is not equal across all states. Through CE, states have been able to adjust their commercial size limits, and this has resulted in changes over time to state's quotas. For example, for Addendum VI, Massachusetts and New York changed their size limits, which resulted in changes to their commercial quota. Again, these types of changes have been occurring since before Addendum VI.

Given additional time, the PDT noted they might be able to address this issue and consider some analysis of all the different size limit changes that have been made affecting commercial quotas over time. Again,

just to wrap up, the Board action for consideration today is the next step. The potential next steps could be approving for public comment or providing some additional guidance. I'm happy to take questions.

CHAIR GARY: Thank you, Emilie. Before we take questions, I'll just remind the Board we have a hard stop at 5:45, so we have 40 minutes and I would like hopefully not for it to be 40 minutes on the nose to finish our business. Let's have a thoughtful but expedient deliberation and discussion. Questions for Emilie. John.

MR. CLARK: Not so much a question at this point, but just to speed things along. About the PDT concerns. I would just like to point out that yes, there is underutilized commercial quota, but that quota is still there, it's latent quota. Good example would be North Carolina. If the striped bass come back to North Carolina, I communicated with our colleague in North Carolina, Mr. Batsavage, and he confirmed that yes, their fishery could easily catch the striped bass again.

I just want to make clear that, I mean we shouldn't be moving ahead under the assumption that that quota should never be touched. I mean if we want to take quota away there is a better way to do it than just leaving it latent there. I just wanted to make that clear, and also just point out that the scale of things we're talking about of a quota that probably would be transferrable, once again referring to North Carolina.

Sorry, Chris, but as the saying went about why banks get robbed is because that is where the money is, that's where the quota is right now, the unused quota. Anyhow, just wanted to point out that even if that entire quota was taken, based on average removals from the past three years, we're talking about 1 percent of removals. Anyhow, without going further on. Everybody has seen the motion, so you'll know that I'm thinking there are ways the Board could control how much gets transferred anyhow.

But I just wanted to point out, we're not looking at a lot of fish here, and I understand the second concern of the PDT about a pound of quota being different in

certain states is valid, but it does not seem insurmountable, and once again we're not talking about a lot of removals here, even if the entire North Carolina quota had been caught, which once again they could do it, but just wanted to point those things out.

CHAIR GARY: Additional questions? All right, so we'll open it up to Board discussion on the issue. Jason.

DR. McNAMEE: We're in discussion, I just want to support what John just said. I mean I think just to restate what John said. We have these quotas, they are there. I understand the notion of the assumption, and don't dispute that. However, we shouldn't be setting quotas that we aren't comfortable that they might be harvested.

If there is a problem with the current state of the quotas, we should address that directly. I'm in agreement with John there. I thought the second concern was a little more compelling to me, which I think was getting to the point of different selectivity's, potentially, in the different areas, which I'm in agreement with.

That part, I think the concern is a fair one. However, then I was kind of looking at the magnitude of what might be getting transferred, and I can't imagine we would ever actually be able to detect that within the tools that we have available to us. I guess I'll suggest that I would be supportive of, I think part of the process we're in is putting this out for public comment.

Because I think it's something that happens in other fisheries. I know the striped bass fishery is not in good shape, so maybe the timing is not great here. But, maybe that could be addressed during the process, maybe some contingency that it can't be activated until stock status improves, or something like that. But the general concept I don't have a problem with. I don't foresee there being a lot of this trading going on. It looked like in the table we saw earlier; most people's quotas are being maximized most years. If there is a little flexibility that we can put in here that might be helpful to a state or two. I would be supportive of that.

CHAIR GARY: We'll go to Jim Gilmore and Joe Cimino.

MR. GILMORE: Yes, and I agree with most of what Jason had said. John, I think we're talking about small numbers, and I think you hit the nail on the head. The one thing, you know in going to what the PDT said about some of those concerns. You know I think you addressed them pretty well.

The one issue, and Jay just mentioned it, was timing. We go back to this morning. If you go back a few years ago, I think a lot of states, including New York, were not even coming close to harvesting the commercial quota. We'd be creeping up on it, I think that last graphic we saw this morning was most of the states were at 98 percent of their commercial harvest, so we're close to it now. We don't have any buffer left.

Now we're kind of like, I think on the schedule we would be voting on this at the November meeting. But at the November meeting we're also now adding on another meeting in December, because whatever. I think to Jay's point. If we had to do the final approval at the November meeting that might be a little soon.

Unless we did have a deferment as when we would implement it, because it seems to make more sense that we would be approving this at the same time when we're seeing what the assessment comes out to look like. Generally, I agree with all of this. I think the concept makes sense, it's consistent with what we do. It's just that that little mismatch of timing in November and December may be a perception issue we may want to consider, and maybe delay this to that following month when we're doing that big meeting on striped bass.

CHAIR GARY: Joe.

MR. CIMINO: I just agree with everything that Jay and Jim just said. I would be interested in maybe visiting some way to have a deferral of when this would kick in explored, if that is possible. You know it really does bug me, the notion that we walk away

from the table thinking we set a safe harvest level, but that is only under an assumption that it's 100 percent underutilized. There needs to be another way to handle that, if that is really what that concern is saying.

CHAIR GARY: I'm going to go to Ritchie White and then Nichola.

MR. WHITE: I'm certainly in favor of sending it out to the public. I always want to hear what the public has to say. I agree that I think the timing is very difficult, and I think the concept from a public standpoint of increasing mortality, even though it's extremely small, at the same time we're going to possibly reduce mortality substantially. The public, I think it's pretty obvious where the public is going to weigh in on this. I would suggest that it get delayed, but certainly support it going to the public now, if that is what everybody wants.

CHAIR GARY: Nichola.

MS MESERVE: I feel similar that this get the light of day at some point. I'm not comfortable with approving it for public comment today. John has e-mailed us some suggestion options to add, which I think the PDT should see, so they could potentially add to provide support. I think the PDT in their memo suggested that they might have some additional options to add to it as well. It was developed pretty quickly, at the same time as all the priority was put on Amendment 7. I think there is additional development that is needed before letting this go.

CHAIR GARY: Tom Fote, and then Roy Miller and Dennis Abbott.

MR. FOTE: While you get a letter of attendance at meetings. I was going through a box of mine where I have 300 hats in there that I keep throwing hats when I come back, and I found five rollover hats. Remember when we basically tried to do the rollover, carry over quota for the next year. We wound up with, I guess 150 people in the audience wearing no rollover hats.

If you want to get people in attendance at Striped Bass Board meetings, or try to increase the commercial fishery, and you'll see them out in full force. It would nice to see them at meetings for a change and getting involved again in the fishery. But this will do it. It's up to you if you want to do it. I mean go out to public hearings.

It will be interesting. We've done that before, and it really just gets everybody mobilized. They are so bad about letting people take home fish to eat, and they show up in force to make sure it's a catch and release fishery. Wait until you try to open up a larger commercial fishery, and see the response.

They will especially look at the numbers that have been increasing in the commercial fishery. Maryland now is what, 50 percent of the overall commercial quota, or last year they caught 50 percent of the overall commercial quota both in the ocean and Bay combined. I think it would be a lot of interesting things going on there. But it's up to you guys.

CHAIR GARY: Roy Miller.

MR. MILLER: Just to start off I would like to say, this is not a proposal to increase the commercial quota. It's just a shifting of where that quota allocation would come from. Secondly, I think I support the suggestion that there be no further action on this particular request until after our December meeting, and we see what reductions are necessary.

I think it would perhaps send the wrong message to approve it now, prior to getting the word from the TC and the Plan Development Team about what we need to do in December. But I have no problem with advancing the concept now, so that it will be ready for action once we have the results of the December meeting.

CHAIR GARY: We have Dennis Abbott, John Clark and Cheri Patterson.

MR. ABBOTT: Though I understand, you know we're not talking about a quota increase. We are talking about the resulting dead fish increase that we would have. I also think it is bad timing right now to

consider this. I would be in favor of tabling this to a later date. Even if we went ahead with this and enacted it, it would be somewhat like we do with menhaden, it requires two parties. John talked about going where the money is in the bank, that's why they rob them.

You can't rob a bank unless someone else opens the door in this case, so whatever. I do think that we should set this aside, because I don't think it makes us look too good in the public eye on one hand to be going in one direction with reductions, and on the other hand increasing dead fish. I mean that's the bottom line. This would produce dead fish if there were quota transfers.

CHAIR GARY: John Clark.

MR. CLARK: To that end, I mean obviously it hasn't been good timing to bring this up, pretty much at any of these meetings. But particularly over the last couple of years. That is the reason I sent out that motion. I don't know if we want to get to that yet, Mr. Chair, but what I wanted to do, in order to move this along was to put the mechanism in the actual addendum that would allow the Board to decide, you know no matter when the Addendum passes, it would still be up to the Board to decide whether to allow transfers. Just whenever you're ready for that motion, you can come back to me.

CHAIR GARY: We're going to do three more comments and cut it right there. Cheri, you're next and then Megan and Dennis, you have a last comment you want to make, right? Go ahead, that's fine.

MR. ABBOTT: Yes, just quickly. I did want to comment that this whole concept, I was sympathetic in particular to one of our fellow commissioners, Craig Pugh, who I was hoping would be here to advance his case, because he and I had some good conversations about it, and I would like to say I am sympathetic to Delaware's issue.

CHAIR GARY: Go ahead, Cheri.

MS. CHERI PATTERSON: I'm just concerned about

confusing the public, going after them with a couple of these issues back-to-back. As I've heard, you know one is positive, one could be a negative. I just think it should wait until we have some clarity before we move forward with this one.

CHAIR GARY: We'll go to Megan for the last comment, and then I believe John, you have a motion to tee up.

MS. WARE: Actually, I had a question for either Emilie or Katie on the issue of quota, where I think the example given was Massachusetts is a different minimum size than New York, and kind of the lack of the equality, I'll say, in the quota between those two states. Do you foresee the PDT, given time, being able to come up with a solution or a mechanism to equate quota from one state to another?

DR. DREW: Yes, absolutely. I mean we essentially already do that for several of the commercial CE plans. Our removals that we calculate from the assessment model are all in terms of numbers of fish, so I think it would just be a matter of saying, you know X pounds of quota in Massachusetts equals this many fish.

We're going to move it over to Delaware, you can have this many fish, which based on your fishery would account to this amount of weight. I think we would have to do some calculations behind the scenes, but the key would be that we are harvesting the same number of fish, and not necessarily the same weight. But I think that would address the PDT's concerns.

MS. WARE: Okay, I mean I would be in favor or seeing that from the PDT, kind of knowing what John's motion is, and I think that addresses some of the PDT's concerns. If that could be done to address the other concern, I think that would make it a stronger document.

CHAIR GARY: All right, John, do you have a motion to put up?

MR. CLARK: Yes, thank you, Mr. Chair. I sent it in, do you have that, Emilie?

MS. FRANKE: We do, yes. Thank you, Maya. MR.

CLARK: Would you like me to read that? MS. FRANKE:

Yes, please.

MR. CLARK: Move to add the following provisions to Draft Addendum I to Amendment 7 under Option B Commercial quota transfer provision of the coastal commercial quota: The Board will decide by their final meeting of the year, based on the information the Board has available on the status of the striped bass stock and performance of the commercial fishery, whether to allow commercial quota transfers in the next year.

If the Board approves commercial quota transfers, the Board may decide to limit the transferable amount of quota to a set poundage or a set percentage of the total commercial quota. The Board may also choose to specify the following criteria: The eligibility of a state to receive a transfer based on percentage of that state's quota landed (e.g., state may not request quota until it has landed 90% of its annual quota) The allocation of allowed transferable quota among seasonal fisheries (e.g., 50% reserved for states that have spring fisheries, 50% reserved for states with summer or fall fisheries).

CHAIR GARY: We have a motion by John Clark, is there a second to this motion? Eric Reid. Before we go with discussion on the motion, I would like to take just a couple of minutes for public comment on this. Is there anybody in the room or virtually, could you raise your hand? We're going to make this really brief. Is there anybody in the room here in Arlington, Virginia that would like to make comment? Is there anyone online that has an interest in making comment? We have one person, and they are.

MS. KERNS: Patrick Paquette.

CHAIR GARY: All right, one person online that would be Patrick Paquette. Go ahead, Patrick.

MR. PAQUETTE: Thank you, Mr. Chairman, Patrick

Paquette. I would like the Board to consider adding into this document an option that stated that, and it addresses a couple of concerns. But I would like to see an option where the tool is allowed, but only when the stock is not overfished, or only when the stock is at the SSB goal.

Like some status of hey, we can move quota up and down the coast. Because right now the stock, we have availability issues up and down the coast, and that is based obviously on a stock that is borderline, you know flirting with recruitment failure. We're trying to shepherd single year's classes.

I think that in a healthy stock this tool, and I have no problem with this tool, so I'm thinking that the public would be interested in commenting on when the tool is available in a stock that is having problems. I think that it would be beneficial, instead of just having angry comments from the public, give the comment to give the public the option to comment on stock status and when this tool is appropriate. Thank you.

CHAIR GARY: Thank you, Patrick. All right, we'll open it up to Board discussion. Steve Train, Pat Geer and Nichola and Eric.

MR. TRAIN: Sympathetic to what Patrick said. I think that makes sense. But I think the fact that it comes back to the Board before it's decided kind of gives us a chance to make that judgment, so I don't know if it has to be in there. Secondly, I think what we need to remember is this fishery, this species, this is a public resource.

Most of the public's access to this fishery is through the commercial fishery, when they sit down at the dinner table and eat it. It's not going out on the water. That is a very limited number of people that actually has that access that way. I think that if we have allowed a quota that we think is sustainably harvestable, and one state chooses not to go after that quota and has it available to a state that has already caught its quota, because there is such abundance. Then something like this should certainly be available.

CHAIR GARY: Pat Geer.

MR. PAT GEER: I have more of a question. If we approve this today, does that mean it will go out for public comment in the upcoming months, or could that be tabled until after our annual meeting, and we have our discussion about, you know we know what the results of the stock assessment are in October, because I agree, I think the timing on this is not great. As Jay said, I agree on the concept of this, I just think the timing is bad. Can we approve this and put off public comment until a later date, maybe after the annual meeting?

MS. FRANKE: I'm going to turn to Toni.

MS. KERNS: Yes, you can do that. I guess the question is, is the Board comfortable not seeing the document fully fleshed out? Because these are new options that we're adding, it's not all of the exact language that would be in the document. Typically, if we're not rushing something then you would task the PDT to go back, add these options.

Then bring it back to the Board, and consider it for approval for public comment. If we want to do something different, then we would need the Board to spell out what that timeline would be, and how we would bring the fleshed-out document back to the Board. Are you waiving that option?

CHAIR GARY: Did that answer the question, Pat? MR.

GEER: Yes, I believe so.

CHAIR GARY: I think if I have this right, I think we had Nichola and then Eric Reid.

MS. MESERVE: My comment is not as much to the motion, it's more about the timeline. Do you want me to go ahead with that? I definitely support the approach that Toni was suggesting there, that the result of this discussion is so approve this motion, but also allow the PDT some additional time to respond to the concerns that are already raised in the memo, that the size limit issue that Megan raised, the options that Mr. Paquette raised, I think may have been on some of the minds of the PDT members, speaking as one of them.

I think the timeline that I am kind of thinking about was that the PDT get to return with a revised draft document in February might provide enough time to put some focus on the responding to the stock assessment, and then to address this issue, but give us a certain timeline to continue its development, and hopefully approve it then.

CHAIR GARY: Eric.

MR. REID: It wasn't that long ago nobody had any problem taking quota away from the commercial sector for three or four different species. Of course, that's a different action, perhaps those stocks are in better shape. Maybe they're not. Nobody is really sure at this point, because they were all under assessment.

But if you read the motion, the first bullet says the Board will decide if transfers are allowed the next year. The second bullet, if the Board approves. The third bullet, the Board may also choose. It's dumbfounding to me that we're having this conversation about not adding quota, but actually allowing the commercial sector to effectively harvest quota that has been issued to them. I'm fully in support of this motion, and that's it for me. But I find it very hard to swallow if this weren't to move ahead.

CHAIR GARY: I've got Tom Fote and then John Clark, and we're on a pretty short fuse, folks, and I would like to go ahead and call the question after that if we could. Go ahead, Tom.

MR. FOTE: I'm just addressing to Eric's comment. Those were fisheries that when they allocated the quotas were set up unfairly, it penalized the recreational sector, so Eric, you weren't around when those quotas were set up, I was. They weren't fairly treated back then, and we proved it with documentation.

CHAIR GARY: All right, thank you, Tom. To you, John, to finish, and we'll call the question.

MR. CLARK: I just wanted to make sure that by having the Board decide on everything here, I was

fully cognizant of the fact that this Board, if the stock was still overfished and overfishing was occurring, obviously the Board would not approve transfers, you know given that those options in there.

Both Steve and Eric hit on the fact that these fisheries are supplying fish to people that really enjoy eating striped bass, they are important, as has been made clear time and time again in Delaware. I mean we don't want to re-litigate how we ended up with the small quota we did, but I think this is a very practical method to allow for some extra quota to states that can responsibly harvest it.

I just understand the timing issue, and I don't have any problem with this, if this is approved, putting off the actual addendum until everything can be rewritten by the PDT. You know again, I just think it's something that we need to be cognizant of that, and move this along, because there will be a time when it would be really helpful to allow the commercial fishery to get the quota that is allocated to it. Thank you.

CHAIR GARY: We're going to go ahead and call the question. I'm assuming there is going to be a need to caucus, so I'll give you all three minutes and then we'll bring it back. Let's make that two minutes. Okay, let's bring it back for the vote, and before we do so, I would like to turn this back over to Toni for clarification on timelines.

MS. KERNS: Just for clarity on what you're voting on here is that if this motion passes, then these bullets would be tasked to the PDT to add to the draft document. In addition to that we've already had a request from Board members to also address the issues raised in their memo, specifically Megan did bring up the size limit, which was already in the memo.

Then Nichola brought up the issue that Mr. Paquette brought up, which is the overfished status of the stock, which I believe was actually in the original memo as well. The PDT can try to address all of these issues and bring this back to the Board in November, but if there is a workload issue, because we did just task the TC with a bunch of items, and we may or

may not need a little bit of help from the TC for those things, then they would come back to the Board in November for review for approval for public comment.

CHAIR GARY: Okay, thank you, Toni. We'll go ahead and call the question. All those in favor of this motion, please raise your hand.

MS. KERNS: We have Rhode Island, Massachusetts, Connecticut, New York, New Jersey, NOAA Fisheries, North Carolina, Virginia, D.C., Maryland, Delaware, Maine, New Hampshire and Potomac River Fisheries Commission. Sorry, Pennsylvania.

CHAIR GARY: All those opposed. Abstentions. MS.

KERNS: U.S. Fish and Wildlife Service.

CHAIR GARY: Null votes. Okay, the motion.

MS. FRANKE: We have 15 in favor with 1 abstention.

CHAIR GARY: Emilie is going to provide a clarification on the timeline.

MS. FRANKE: Again, as Toni just stated, the PDT will work to add these options to the document, and address the other concerns raised by the PDT, and we'll aim to bring it back to the Board as soon as possible. Depending on workload that could be in February.

ADJOURNMENT

CHAIR GARY: Is there any other business to bring before this Board? Seeing none, I would seek a motion to adjourn. Motion by Dave Sikorski, second by John Clark, thank you. This Board is adjourned.

(Whereupon the meeting adjourned at 5:30 p.m. on Tuesday, August 2, 2022)