

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

Webinar

March 26, 2024

Approved May 1, 2024

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1. **Approval of Agenda** by consent (Page 1).
2. **Approval of Proceedings of January 23, 2024** by consent (Page 1).
3. **Move to approve Addendum II state implementation plans as discussed today** (Page 13). Motion by Mike Luisi; second by Steve Train. Motion substituted.

Motion to Substitute

Move to substitute to approve Addendum II state implementation plans as discussed today with the following exceptions:

- **CT, MD, VA, NC, PA: not planning to adopt the two-fillet per legal fish possession limit rule for recreational filleting allowances;**
- **PA: not planning to adhere to the May 1 implementation deadline; and**
- **MD, PRFC: not planning to adhere to the commercial quota overage payback provision for deductions to occur in the following year.**

These jurisdictions must submit revised implementation plans by April 12, 2024. The Management Board will review and consider approval of the revised state implementation plans at its May 1, 2024 meeting (Page 14). Motion by Mike Armstrong; second by Emerson Hasbrouck.

Motion to Amend

Move to amend the substitute to remove the first bullet point on recreational filleting rules (Page 16). Motion by Justin Davis; second by Kris Kuhn. Motion passes (Roll Call: In favor – RI, CT, NH, DE, ME, VA, DC, MA, PA, NC; Opposed – PRFC, NY, MD; Abstention – NOAA; Null – NJ) (Page 17).

Motion to Substitute as Amended

Move to substitute to approve Addendum II state implementation plans as discussed today with the following exceptions:

- **PA: not planning to adhere to the May 1 implementation deadline; and**
- **MD, PRFC: not planning to adhere to the commercial quota overage payback provision for deductions to occur in the following year.**

These jurisdictions must submit revised implementation plans by April 12, 2024. The Management Board will review and consider approval of the revised state implementation plans at its May 1, 2024 meeting.

Motion to Amend

Move to amend the substitute to remove the first bullet regarding PA adhering to May 1 deadline (Page 17). Motion by Kris Kuhn; second by Marty Gary. Motion fails (Roll Call: In favor – DE, ME, NY, DC, PA; Opposed – RI, NH, PRFC, VA, NJ, MA, NC; Abstention – NOAA; Null – CT, MD) (Page 18).

Motion to Substitute as Amended

Move to Substitute as Amended Move to substitute to approve Addendum II state implementation plans as discussed today with the following exceptions:

- **PA: not planning to adhere to the May 1 implementation deadline;**
- **MD, PRFC: not planning to adhere to the commercial quota overage payback provision for deductions to occur in the following year.**

These jurisdictions must submit revised implementation plans by April 12, 2024. The Management Board will review and consider approval of the revised state implementation plans at its May 1, 2024 meeting

(Page 20). Motion passes (Roll Call: In Favor – RI, CT, NH, NY, NJ, DC, MA, NC; Opposed – ME, PRFC, MD, VA, PA; Abstention – NOAA; Null – DE) (Page 20).

Main Motion as Substituted

Move to approve Addendum II state implementation plans as discussed today with the following exceptions:

- **PA: not planning to adhere to the May 1 implementation deadline; and**
- **MD, PRFC: not planning to adhere to the commercial quota overage payback provision for deductions to occur in the following year.**

These jurisdictions must submit revised implementation plans by April 12, 2024. The Management Board will review and consider approval of the revised state implementation plans at its May 1, 2024 Meeting (Page 20). Motion passes (Roll Call: In favor – RI, CT, NH, DE, ME, NY, VA, NJ, DC, MA, NC; Opposed – PRFC, MD, PA; Abstention – NOAA; Null – None) (Page 20).

4. **Move to adjourn** by consent (Page 22).

ATTENDANCE

Board Members

Megan Ware, ME, proxy for P. Keliher (AA)	Emerson Hasbrouck, NY (GA)
Steve Train, ME (GA)	Amy Karlnoski, NY, proxy for Assbly. Thiele (LA)
Rep. Allison Hepler, ME (LA)	Joe Cimino, NJ (AA)
Cheri Patterson, NH (AA)	Adam Nowalsky, NJ, proxy for Sen. Gopal (LA)
Doug Grout, NH (GA)	Kris Kuhn, PA, proxy for T. Schaeffer (AA)
Dennis Abbott, NH, proxy for Sen. Watters (LA)	John Clark, DE (AA)
Mike Armstrong, MA, proxy for D. McKiernan (AA)	Roy Miller, DE (GA)
Raymond Kane, MA (GA)	Michael Luisi, MD, proxy for L. Fegley (AA)
Sarah Ferrara, MA, proxy for Rep. Peake (LA)	David Sikorski, MD, proxy for Del. Stein (LA)
Jason McNamee, RI (AA)	Pat Geer, VA, proxy for J. Green (AA)
David Borden, RI (GA)	Chris Batsavage, NC, proxy for K. Rawls (AA)
Justin Davis, CT (AA)	Ingrid Braun, PRFC
Bill Hyatt, CT (GA)	Daniel Ryan, DC, proxy for R. Cloyd
Martin Gary, NY (AA)	Max Appelman, NOAA

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

Ex-Officio Members

Tyler Grabowski, Technical Committee Chair	Mike Celestino, Stk. Assmnt. Subcommittee Chair
Jeffrey Mercer, Law Enforcement Representative	

Staff

Bob Beal	Katie Drew	Madeline Musante
Toni Kerns	Emily Franke	Kurt Blanchard
Tina Berger	Tracey Bauer	

Guests

Pat Augustine	Corrin Flora, DM DNR	Pat Keliher, ME (AA)
John Bello	Anthony Friedrich, Saltwater	Carrie Kennedy, MD DNR
Jessica Best, NYS DEC	Guide Association	Gregg Kenney, NYS DEC
Jeffrey Brust, NJ DEP	Tom Fuda	Elise Koob, MA DMF
Jack Buchanan, VIMS	Alexa Galvan, VMRC	Wilson Laney
Allison Colden, CBF	Lewis Gillingham, VMRC	Nicole Lengyel Costa, RI DEM
Margaret Conroy, DE DNREC	Angela Giuliano, MD DNR	Carl LoBue, TNC
Heather Corbett, NJ DEP	Kurt Gottschall, CT DEEP	Brooke Lowman, VMRC
Caitlin Craig, NYS DEC	John Hardy	Joshua McGilly, VMRC
Sarah Cvach, MD DNR	Brendan Harrison, NJ DEP	Dan McKiernan, MA (AA)
Roman Dudus	Daniel Herrick, MD DNR	Kevin McMenamin, Annapolis
Wes Eakin, NYS DEC	Harry Hornick, MD DNR	Anglers Club
Julie Evans	Jesse Hornstein, NYS DEC	Nichola Meserve, MA DMF
Peter Fallon, Maine Stripers	Bob Humphrey	Steve Meyers
Glen Fernandes	Stephen Jackson, US FWS	Chris Moore, CBF

Guests (continued)

Josh Newhard, US FWS
David Nihart, PA FBC
George O'Donnell, MD DNR
Tyler O'Neill
Kelly Place
Will Poston, Saltwater Guide
Association
Jill Ramsey, VMRC
Michael Roberts, The Coastal
Trust
Kyle Schaefer, Soul Fly Outfitters
John Schoenig

Ethan Simpson, VMRC
Somers Smott, VMRC
Ross Squire
ElizaBeth Streifeneder, NYS DEC
Kristen Thiebault, MA DMF
Hattie Train
Taylor Vavra, Stripers Forever
Beth Versak, MD DNR
Scott Curatolo-Wagemann,
Cornell
Mike Waine, ASA
Nick Whaley, DE DNREC

Tim Wheeler, Bay Journal
Brian Williams
Al Williams
Charles Witek
Michael Woods, Backcountry
Hunters
Jordan Zimmerman, DE DNREC
Erik Zlokovitz, DM DNR
Renee Zobel, NH FGD

The Atlantic Striped Bass Management Board of the Atlantic States Marine Fisheries Commission convened via webinar; Tuesday, March 26, 2024, and was called to order at 1:00 p.m. by Chair Megan Ware.

CALL TO ORDER

CHAIR MEGAN WARE: This is Megan Ware; I'm going to call to order the Striped Bass Board Meeting today. I do just want to start out with a moment of silence for those who were impacted by the Baltimore Bridge tragedy this morning. Particularly thinking about those who were injured or are still missing. A moment of silence for them, please. Thank you.

APPROVAL OF AGENDA

CHAIR WARE: We're going to move on to Approval of our Agenda for today's meeting. Are there any additions or modifications to the agenda? I am not seeing any hands raised, so I'm going to have the agenda approved by consent.

APPROVAL OF PROCEEDINGS

CHAIR WARE: We'll move on to the approval of proceedings from January 2024. We did have one edit to the proceedings from a Board member correcting a date reference.

The proceedings incorrectly stated that Addendum VI was approved in 2009, when it should have been 2019, so we will make that edit. Are there any other edits to the proceedings from our January meeting? Seeing no hands raised, the proceedings with that correction are approved by consent.

PUBLIC COMMENT

CHAIR WARE: We'll move on to Public Comment. This is for items that are not on the agenda today, and I'll be looking for raised hands on the webinar to indicate a desire to make a public comment. Is there anyone from the public wishing to make a comment for an item not on the agenda this morning? I am not seeing any hands raised, and just confirming that with Toni and Emilie.

MS. TONI KERNS: I also don't see any hands.

CHAIR WARE: Okay.

CONSIDER ADDENDUM II STATE IMPLEMENTATION PLANS

CHAIR WARE: We will move on to Agenda Item Number 4 then. This is Considering the Addendum II State Implementation Plans. It is a final action. We're going to have a Technical Committee Report from Tyler Grabowski and then a Plan Review Team Report from Emilie. Then we'll move into questions and discussions.

TECHNICAL COMMITTEE REPORT

CHAIR WARE: I'll turn it over to the TC Report.

MR. TYLER GRABOWSKI: Thank you. Yes, I'm going to present on the Addendum II area specific measures for New York, Pennsylvania and Delaware that was reviewed by the TC. The TC met via webinar on March 4, 2024, and reviewed these three analyses for Addendum II area specific recreational measures for the Hudson River fishery in New York, the spring slot fishery in the lower Delaware River and estuary for Pennsylvania, and Delaware's summer slot fishery in the Delaware River and Bay. All three states did submit measures estimated to achieve at least a 14.1 percent reduction for these fisheries. The methods followed by each of these three states, all are typical methodologies to estimate reductions for these proposed striped bass measures. Each state did use available fishery dependent and/or fishery independent data to characterize the size of available striped bass within these given fisheries.

Each state then calculated a percent change in removals based on change in harvest, and release mortality, and Pennsylvania also accounted for a bag limit reduction in their analysis. The TC during this meeting did note that there were significant data limitations, particularly for the Pennsylvania and Delaware fisheries.

The Pennsylvania fishery is small compared to coastwide removals, and there is no fishery

dependent data associated with this fishery. MRIP does not cover Pennsylvania waters, and Pennsylvania currently does not have a logbook program enacted within their waters. For Delaware, there is a low number of MRIP intercepts, especially when looking at one wave within their fisheries.

However, the TC did note that all three states did use the best available data given these data limitations. Moving first up to the New York Hudson River fishery. The TC did not have any concerns with the analysis used by New York. Following the TC meeting on March 4, it would confirm that a noncompliance measure had not been applied for this analysis, nor for the PA or Delaware analysis in the past.

That was just one minor thing that was brought up during the TC meeting that was confirmed following that meeting. Currently, New York's Hudson River fishery operates between April and November, and the current measures is 1 fish from 18 to 28 inches. New York is proposing to reduce that to 1 fish from 23 to 28 inches, achieving an estimated reduction of 14.9 percent.

Pennsylvania conducted an analysis on their spring slot fishery, and the TC in the initial feedback during that meeting recommended revisions to the initial analysis. First, it was recommended that a 25 percent estimated savings when reducing the bag from 2 fish to 1 fish be applied, and then also to apply a multiplicative reduction equation to account for a simultaneous change to the slot and the bag limit.

Following the resubmission of this CE proposal, the TC had no concerns with the revised analysis. The fishery in Pennsylvania is a spring slot fishery from April and May. The current measures are 2 fish from 21 inches to less than 24 inches. Pennsylvania is proposing to change that to 1 fish at 22 inches to less than 26 inches, achieving an estimated reduction of approximately 19.3 percent.

Then finally, Delaware is proposing to change their summer slot fishery. There were no concerns with

the Delaware's summer slot fishery, and this fishery occurs during the month of July and August in the Delaware River and Bay. The current measures are 1 fish from 20 inches to 25 inches, and their proposed measures are proposed to be 1 fish at 20 inches to 24 inches, achieving an estimated reduction of 15.4 percent. That concludes the TC summary. I believe Emilie said to hold the questions following the review of the Addendum II implementation plans.

PLAN REVIEW TEAM REPORT

MS. EMILIE FRANKE: Thanks, Tyler. This is Emilie, as the Chair mentioned. We'll go through both of these presentations. As the Chair of the Plan Review Team, I will provide an overview of the PRTs review of the Addendum II state implementation plans. These implementation plans for Addendum II were due on March 1st, and then states are required to implement measures by May 1st. The PRT met via webinar on March 12, to review these plans.

This table outlines the requirements of Addendum II. For the ocean recreational fishery, the required measures are 1 fish at 28 to 31 inches with 2022 seasons, and then as the TC Chair just mentioned, for specific recreational fisheries in New York, Pennsylvania, and Delaware, Addendum II requires measures designed to achieve a 14.1 percent reduction in those areas.

Then for the Chesapeake Bay recreational fishery, the measures are 1 fish at 19 to 24 inches, with 2022 seasons. Then if a state allows recreational filleting of striped bass, Addendum II has two requirements. First is that racks must be retained and possession be limited to 2 fillets per legal fish.

Then for the commercial fisheries, both the ocean and the Chesapeake Bay, the Addendum II measures are a 7 percent commercial quota reduction from the 2022 quota levels, with the 2022 size limits. With that I will review the PRT report on the plans for each of those categories. For the recreational size limits, bag limits and seasons the PRT found no inconsistencies.

The PRT did note that four states implemented a less than 31 inch upper bound in the ocean recreational fishery, which is slightly more conservative than the required inclusive 31 inch upper bound. Then the PRT also noted that Maryland and the Potomac River Fisheries Commission are eliminating their striped bass spring trophy fisheries as of May 1st.

This is more conservative than the Addendum II requirements, which are to maintain 2022 seasons. Then Maryland is also eliminating its late May Susquehanna Flats Fishery. Regarding the implementation timeline for the recreational size and bag limits, Pennsylvania is proposing a delayed implementation until 2025 for their April/May new slot limits and bag limits.

Pennsylvania noted that changing the slot size in the middle of their two-month April to May season this year would be procedurally burdensome, and they noted that it may lead to angler confusion and noncompliance and enforcement issues. Then Pennsylvania also noted that the current measures are already published in their 2024 fishing summary.

Moving on to the recreational filleting requirements. The specific requirement that would limit possession to 2 fillets per legal fish is missing from some of the state implementation plans. The PRT also noted that some of the state regulations around filleting are not entirely clear. First, Maryland and Virginia do specifically allow filleting, and they require racks to be retained.

But they did not specify in their implementation plan that 2-fillet limit requirement. Then there are some states with sort of regulations that generally say the striped bass length must not be altered, the striped bass should be measurable, and/or have the head and tail attached. For Connecticut and North Carolina, those two states allow filleting under their regulations, but they are missing that 2-fillet per legal fish requirement. Then Delaware, D.C. and PRFC interpret their regulations as filleting is not allowed, and therefore that 2-fillet limit is not applicable. The PRT noted here that that

interpretation was not entirely clear, given the current regulatory language. Then again, regarding the implementation timeline for the filleting requirements, Pennsylvania is proposing a delayed implementation until 2025 for the possession requirement of 2 fillets per legal fish.

Pennsylvania noted that their existing regulations do cover the first requirement to retain the racks, and then to add the second requirement they are proposing to go through their full Pennsylvania Fish and Boat Commission rulemaking process, which would require more time. Then moving on to the commercial fisheries, the Plan Review Team noted that Maryland, Virginia and PRFC have not implemented the 7 percent commercial quota reduction for their 2024 Chesapeake Bay commercial fisheries.

Then Maryland also has not implemented that reduction for their 2024 ocean commercial fishery. These three jurisdictions noted in their implementation plans that their commercial fisheries started prior to Addendum II approval, and so the commercial tags had already been distributed for this fishing year.

The three jurisdictions noted that if there is an overage in 2024 above the new Addendum II reduced quota level, then these three jurisdictions would pay back that overage. PRFC and Virginia also noted that their commercial landings in recent years have been below the new Addendum II quota levels, so they are not anticipating any overage in 2024.

Then regarding the payback of those potential overages above the Addendum II quota levels. Maryland and PRFC noted that if an overage occurs in 2024, then that overage would be deducted from their 2026 quota. Those two jurisdictions noted that the 2025 quota will have already been distributed to permit holders before the end of this year, so the deduction could not happen until 2026.

The PRT noted that this is inconsistent with Addendum II, which requires that any overage be deducted from the state's quota in the following

year. In this case that deduction would be in 2025. Then finally, the PRT didn't find any inconsistencies regarding the commercial size limits, which are the same as the 2022 size limits. That is all we have. We are happy to take any questions.

CHAIR WARE: Great, thank you, Tyler and Emilie for those presentations. How I would like to structure our discussion this afternoon is just start with any clarifying questions that Board members may have for Emilie and Tyler on the PRT report and the TC report. Next, what I'm proposing is we'll move into a Board discussion where we can talk about the commercial measures, the rec measures, rec filleting.

That would be an opportunity for states to want to respond to the PRT report. If your state was mentioned, that is an opportunity for you to comment. It would also be an opportunity for states to ask questions of other states. Once we're done with the Board discussion, then we will move into motions. That is how I am hoping to structure our webinar today. We'll start with any clarifying questions for the TC or the PRT on their report. I am not seeing any hands, Toni or Emilie. I just want to confirm that with you.

MS. KERNS: I am not either; you just got a member of the public raise their hand. Do you see that one?

CHAIR WARE: I do not see that. I see it now, thank you. I'm going to stick to the Board for now, but once we get to motions, we can consider any comments from the public. Are there any questions from the Board? Okay, seeing none, I'm going to move us then into Board discussion, and I'll start with the commercial measures.

Then I'll go to the recreational bag and size limit, and then recreational filleting. Starting with the commercial measures. If your state would like to make a comment in response to the PRT report, this would be an opportunity to do so, or if you have a question for another state about their commercial measures in their implementation plan, this would be an opportunity to ask that question. Roy Miller, I see your hand up, so go for it.

MR. ROY W. MILLER: I would like to just ask if Mike Luisi is on, or whoever from Maryland. I know that in Virginia's proposals that they notified their commercial ocean gillnetter about the new quota. Shall we assume that it was too late for Maryland to do that, or they considered that not worthwhile to do this this spring?

CHAIR WARE: I see Mike Luisi has his hand up, so Mike, go ahead and respond.

MR. MICHAEL LUISI: Thanks for the question, Roy. I think my answer to this will hopefully help address other concerns or questions related to the handling of the commercial quota, both on the coast, in the ocean and in the Chesapeake Bay for Maryland. Both our coastal ocean fishery and our Chesapeake Bay fishery are managed through an individual transferrable quota system.

The seasons, while there are closed periods for both the coastal and the Chesapeake Bay throughout the year. The seasons are managed based on an annual allocation of Florida that starts on January 1st and doesn't end until December 31st of that same year. I guess to Roy's point, once we sent out the permits and the tags associated with the 2024 fishing year to our coastal fishermen, that season began on January 1st.

Because Addendum II's action in the end of January, the season had already started. We were not able to make adjustments to the quota that was already distributed. We don't distribute the quota based on any type of gear type. The quota is an individual quota to each permit holder, and they can use whatever means that are legal throughout that course of the year to harvest those fish.

This goes along with the Chesapeake Bay as well. Once a permit holder starts the year, they may be able to harvest their actual quota within a day or two if the quota is small enough. Specifically, along the coast, the individual quotas could be quite small, given that we have 50-ish people that we permit and the quota is only about 85,000 pounds, give or take. They can harvest that very quickly. We didn't feel that once that within the season it

was fair to take quota away from individuals who didn't have the opportunity to harvest those fish prior to Addendum II's implementation. Since we're still discussing implementation, and the implementation isn't due until May 1st, we were allowing for the harvest of fish that we distributed to each of our permit holders beginning on January 1st.

But I will say that the Addendum II quota, both in the Chesapeake Bay and on the coast are what we are using for management purposes. That gets us into the potential for overages, which I can address if others have questions on that. But I hope that helps answer your question, Roy, and I added the Chesapeake Bay part of it in there as well, because we're handling both similarly, or the same.

CHAIR WARE: Roy, I'm going to go back to you. Did that answer your question?

MS. KERNS: Megan, I muted him, I just have to find him again, because he left his microphone open, sorry. Hold on, here we go. All right, go ahead, Roy, and then Roy, when you're done talking, if you can make sure to re-mute yourself, I won't. Sorry.

MR. MILLER: That took care of my concerns, thank you, Madam Chair.

CHAIR WARE: Pat Geer, I see your hand up, so I'll go to you next, and then on deck is Dennis Abbott.

MR. PAT GEER: I'm happy to say that our Board today approved all the recreational measures, as well as the reduction in the ocean quota. That will be effective before May 1. We did not do the Bay quota, because similar reasons that Mike talked about. Our season is an ITQ, like it is in Maryland. The season opened on January 16.

We have over 300 folks with Bay quota and about 75 percent of them had already picked up their tags. It was impossible for us to get those tags back. We were able to do it in the ocean, because we only have 29 individuals and only one of them had picked up the tags prior to Addendum II being approved. We were able to adjust that and get that

in on time.

Our quota over the last five years, we're only catching about 77 percent of our quota. We're confident that we are going to be below that 7 percent reduction this year. If it appears that we're getting close towards the end of the year, and we're monitoring it, we have electronic reporting. We may be able to do the emergency closure if we had to, probably in early November. I mean early December.

CHAIR WARE: Dennis Abbott.

MR. DENNIS ABBOTT: Two questions for Mike Luisi, if I may. Mike, did you not consider last fall as we were preparing Addendum II that they would probably be some cut, and could that not have influenced your decision on how many tags you distributed? That is the first question. The second question is, would you have the ability later in the year if your catch reporting shows you reaching your quota, to close the season in order to eliminate the possibility of exceeding the quota? Is that a possibility for you? Again, I realize that you have not been catching the quota for the past few years, and we probably have more of a paper problem than we do have a real-life problem on the water. But I think we're also bound to keep up with the requirements of the Addendum. I'll leave it at that, and ask if you can answer both of those questions, Mike.

CHAIR WARE: Mike, I see your hand up, so feel free to go for it.

MR. LUISI: Yes, I am happy to try to address that. To the first question about whether or not we considered taking action prior to the decisions made during Addendum II during the final meeting in January. I will say that we discussed it. However, not knowing where the Board was going to ultimately lie, given that the commercial fishery is a much smaller piece of the puzzle when we're talking about mortality in the striped bass, and the fact that commercial quota reductions was not even part of the initial intent of Addendum II.

We didn't feel back in October/November that we were in any position to try to hold quota back, to guess about what the Board was planning to do come later that year, I guess early probably of next year, early 2024. The other complication to that is that some of our permit holders receive very small amounts of quota.

For instance, if we held back 5 percent of the quota, we might be in a situation where fishermen have already harvested their allotted allocation for 2024. But we still have on the books for that person a 5-pound permit that he could harvest one more fish. The administrative burden of distributing that, sending one tag in the mail to someone was more than what we wanted to do for upwards to between 8 and 900 individuals.

We decided that without the understanding of where the Board was ultimately going to fall on this, that we would manage 2024 as it was. I will use this opportunity to state again, that this was all part of the Addendum development, and that in August and in October I was very clear on the record that any further delay of this action was going to lead to this type of situation possibly. Hopefully that helps with the first question. The second question, Madam Chair, can you remind me what that second question was?

CHAIR WARE: Sure, I think it was, could you monitor reporting in season, and then close the commercial fishery early if it looks like you guys are approaching your new quota.

MR. LUISI: Yes, I mean we have harvest records that come in within some type of timely information. However, given that we have the individual quota system, and our fishery is open all the way through the remainder of 2024, we would not close the season in the middle of the season, even if it were close to the end.

Fishermen are of the understanding that they have a full year to harvest their allocation that is granted to them by our agency. By considering the closure, you could create more of a frenzied approach that we were trying to get away from in our old

management system into the new ITQ system. The answer directly to that is no, we would not consider a closure.

CHAIR WARE: Next, I see Emerson Hasbrouck.

MR. EMERSON C. HASBROUCK: I had several questions, two of them were the same questions that Dennis just asked. But even with the answer to those questions, right now I cannot support approving the implementation plans for Maryland and Potomac River Fisheries Commission, particularly the component that says that they are going to delay any possible overages to be subtracted in 2026.

I haven't heard anything from Maryland. We haven't heard anything from PRFC yet. But I haven't heard any good reason for Maryland, as to why as we get close to 2025, they can't issue a reduced number of ITQ allocation, and wait to see what the 2024 landings actually are, and then make a final adjustment of the ITQ allocation sometime in 2025. It seems to me that there is an opportunity here for Maryland to take action in 2025, if need be, they are just not willing to do it. Unless I hear something else, I can't support approval of that implementation plan.

CHAIR WARE: I'm going to turn that into a question, maybe for Maryland or PRFC to respond to. Mike, I see your hand up. Do you want to just take this opportunity to talk about the overage payback?

MR. LUISI: Sure, I'm just going to leave my hand up from now on, given that your only issue that everyone seems to have regarding this Addendum and the implementation is with Maryland. I'll just leave my hand up and answer questions as they come at me. I just wanted to be clear that we could have done something completely different.

Had the Board taken into consideration the administrative burden that finalizing Addendum II was going to have on our state, and having implementation of the commercial quota management fall within the middle of a quota year for our state. I guess I can probably speak on behalf

as well of the Potomac River Fisheries, because they are in the same boat.

It's not that we're not managing the new Addendum II quota. I just want that to be clear. The 2022 quota for the state of Maryland was 1,445,394 pounds. That was what was distributed this year in 2024. That was what was distributed. We are managing at a minus 7 percent, so we are managing a quota of 1,344,216 pounds.

If you look at those number it's about 100,000 pounds, just give or take, we'll round it off. We've over extended by about 100,000 pounds. Now, there have been years in the past where we have been within 10 percent of the quota. We had a year just a few years ago where we were short by 15 percent.

It comes and goes with the market. We can't know, you know what is going to happen by the end of the year. We're only in March at this time. But we are managing to the 1.344 million pounds. Now, we are just now gathering all of the information, so in March of 2024, we are just now getting our information together from the harvest report from 2023.

Collecting of tags, getting harvest reports, and we'll know within a matter of maybe a month what the final catch was for 2023. It will be of April of 2024 when we know that. We have to begin the process of getting our quotas distributed to our fisheries, which begin on January 1st. Usually, we start in October, and November is kind of the time when we start sending the mailings out, we get the tags distributed, we get our permits sent. In October of this upcoming year, we may have some idea of where the catch lies, as it compared to previous years, but we're not going to have any way to predict what the overall catch is going to be. The fact that we have to start preparing as early as we do in this upcoming year, our intent is to send out the 1.344 million pounds, which is the Addendum II quota with a 7 percent reduction.

Then by April of 2025, we'll have a much better handle on any overage if an overage even occurs.

There is no way to predict whether or not an overage is going to occur. I know Virginia and Potomac River have stated in their implementation plan that they don't believe it will. I could say the same thing. I don't think it's going to happen, but it could.

We could go over, and then that will be accounted for in the following year. Now, I started all of this by saying that we're talking about 100,000 pounds. That would be if all 7 percent was harvested, and we actually caught the full amount of quota that we've distributed this year, 7 percent. In comparison to all the other mortality along the coast that we're trying to address, and the uncertainties around addressing through the mechanisms that we've put in place.

I really hope that this Board is not going to sit back and decide that the state of Maryland, who we're doing everything we possibly can to get ourselves in a position to best manage this population and this stock. You're going to find us out of compliance because of an administrative burden that didn't have to be part of this discussion, had we made decisions a little differently back in January.

We're not going to jump through hurdles and hoops to the point of exhaustion with the resources and the staff that we have, to address what might be a 20,000-pound overage in a particular year's catch. But we have no idea what that overage is going to be. I really hope that you all can see that we are doing our best to try to get in front of the issues at hand.

But we are not in a position to, with the resources that we've had and the amount of fishermen that we are dealing with, to do this overnight. I hope that within a year's time we will find ourselves at the point for which we aren't over harvesting the resource, and we'll be able to make the necessary changes within a year's time, and address overages in a much more expedited and more prepared way.

CHAIR WARE: I'm just going to do some hand clean up here. Dennis Abbott, I see your hand raised. I don't know if that is a new or an old hand, so if that

is an old hand. Great, thank you. The only other hand I see raised is David Borden, so David, I'll go to you for a question on the commercial measures, and then we'll move on to recreational measures, so David.

MR. DAVID V. BORDEN: The question is, this has been a little bit of a reoccurring problem for the Board, in terms of the timing of the Chesapeake action. I guess my question is, has the PDT at any point looked at and developed options that that the Board could consider in the future to avoid this type of situation? Has that type of discussion ever taken place? That I think is a question of staff or the Chair, and then if the answer is no, then the second question. Is it possible to have the PDT do that and report at a subsequent meeting?

CHAIR WARE: Emilie, I'm going to pass that question to you.

MS. FRANKE: Sure. No, the PDT has not had specific discussions about timing of measures for different fisheries. Those discussions have really occurred, I think at the Board level, in terms of, you know based on the timeline of a particular addendum, what that means for potential implementation.

I'm not sure, I'll turn to Toni, if the PDT, if that would be a discussion the PDT could have soon, without another management action coming up. I'm not sure if we would have that discussion now, or if that discussion should be included in whatever the next round of management action ends up being.

MS. KERNS: Emilie, I think that maybe the PRT could discuss it when you review compliance reports this summer, as to the best timing of things, or to provide some recommendations to the Board. Perhaps at least that would be a group that would be getting together in a more timely fashion, perhaps. Does that sound good?

MS. FRANKE: I could put it on the PRTs agenda for this summer.

CHAIR WARE: All right, thank you, David, for that question. We did get a flurry of hands raised. What I'm going to do is I'm going to focus on folks who have not had an opportunity to speak yet. David, I saw your hand go back up. Did you want to respond, or you're all set?

MR. BORDEN: I'm all set. Thank you very much, that answers my question.

CHAIR WARE: Okay, excellent. I'm going to focus on folks who have not had an opportunity to speak yet. First, I'm going to start with Ingrid, and then Doug Grout, you are on deck.

MS. INGRID BRAUN-RICKS: Ultimately, I would just like to echo some of the comments made by both Maryland and Virginia, in that we're in a very similar boat. Pretty much in a very similar situation with Maryland in that our fishermen, these seasons are set, and they take advantage of different portions of the season.

For PRFC, our tags are distributed by gear type, so ultimately certain gears I wouldn't know and have final numbers until the following spring, to know how to take a reduction. That again is past the time that we have issued. We have about 320 licensees in the Potomac River, and about 65 percent of that is already issued and in hand, and fishing actively by the January meeting. We didn't have the capability of holding tags back. Additionally, PRFC is not an ITQ in the sense that Maryland and Virginia are.

Where we don't have the ability to send letters, posts, distribution of tags to amend the quota, their individual quota, so that is really not an option for us. That is why we put in the payback in the 2026 season, where we can enumerate and properly reduce quota. But then we're also similar in the Virginia situation, in that from year to year we only utilize 60 to 70 percent of a quota. It is very unlikely that we would surpass that in this year. I just want to say that for the Board consideration.

CHAIR WARE: Doug.

MR. DOUGLAS E. GROUT: One thought I had regarding the two-year payback of any potential

2024 overage. Would it be possible for Maryland and PRFC to, in the fall of 2024, issue a portion of their ITQ tags, say 80 percent, and then once you get your final harvest tallies for 2024, you would then apply any overage or non-overage and then issue another amount of tags to make up for what the final quota is. That way we could have the 2025 payback, which all of the other states have been able to accommodate here for many years, as a matter of fact.

It seems like there is a mechanism. It seems like there are ways that you could do it. That is my question, that is my first question. The second question is, in the future, you know the way the proposal is stated, it sounded like every year into the future it would be the same two-year payback, or I think the wording used the next applicable year. Does that mean that it may, if you go over in future years, say if 2025 that you wouldn't pay back until 2027 and so on?

CHAIR WARE: Mike, I see your hand raised, do you want to respond to this question?

MR. LUISI: Yes, sure. What I'll say is that there is a way to do anything. But whether or not it's worth the challenges, both administratively and worth the challenges to our resources is another question. What I would say, and while I understand what everyone is discussing about this payback.

The challenges that we would face in doing two permit issues along with our transferability of quota, with tags coming from the distribution center, not from a state agency, but through the company that we order our tags from. That is an individual number per person. The administrative burden is going to be too great.

I want to follow this up with a question. Last year we did an emergency action, the first emergency action I've ever been a part of during my 10 to 15 or so years of working with this Board. Everyone is so concerned right now about the payback from what could be an insignificant, biologically insignificant amount of fish in a future year.

What is the accountability for all of those that you just keep pressing and pressing and pressing on this commercial fishery? What is the accountability on the recreational fishery? We have no idea what the recreational fishery is going to catch this year. We're not going to know until well into 2025 what the estimates are going to be for recreational catch.

Does that mean that once we find out that those recreational fishermen are going to have to take reduction immediately upon the understanding that they may have over achieved what it was that we set out to do by changing the rules? Is that realistic to think that you are going to get the recreational community to make an adjustment in real time? No, it's not realistic.

Neither is it realistic to expect an agency, in charge of an enormous number of people who rely on this resource commercially, and the administrative burden, to deal with all of these suggestions of how to do something. One doesn't work with the other. If it's too burdensome, the word burdensome was used earlier today. Pennsylvania said it was too burdensome for them to do their necessary reductions for 2025, I'm sorry, 2024, so they are going to move things to 2026. But that is not being challenged. We might be talking about 10,000 pounds. We might be talking about such an insignificant number of fish and a payback that at the end of the day we're still achieving the desired result of managing a much-reduced quota from the previous quota, and we're going to do our best to do that.

I feel like I keep repeating myself over and over again. But in all due respect, the questions are the same. We are not going to jump over hoops and we cannot do it. We don't have the resources to do it. Just like certain states said they don't have the ability or the resources to put in season closures in this coming year, because it was going to be too much for them to try to take on in too quick time.

We don't have the resources to do what people suggested here, and I hope that folks can understand that. It has nothing to do with what we would like to be able to do, it's about what we have

the resources for. I appreciate taking that into consideration. Megan, I think I answered the question, I hope I did. If there was another one out there that might be lingering, I'll try to be more quick in my answer for anything for the future.

CHAIR WARE: I think Doug, to your second question. It sounds like the PRT may have opportunity to review this, just like the general overage payback provisions later this year. Doug, did those answer your two questions? I still see your hand up. Okay, excellent. We've had a pretty robust discussion on the commercial measures. I am going to move us on to the recreational measures and the implementation plan.

I'm going to start just with recreational bag and size limit. As a reminder, I believe the only note from the Plan Review Team was Pennsylvania's request for a delayed implementation on their April and May fishery. I'll turn to Pennsylvania to see if they would like to comment on that, and then it's an opportunity for folks to ask questions. I'm going to separate out recreational filleting. We will do that next. Kris, I see your hand up, feel free to make a comment.

MR. KRIS KUHN: I appreciate the opportunity here to comment. Just some general rationale for the Board consideration for the delayed implementation that Pennsylvania is suggesting. The Pennsylvania recreational fishery is extremely small compared to; I think overall coastwide removals, that to use the words that I just heard from Mike Luisi, are biologically insignificant.

If the seasonal prohibitions for only, they are not available I'll say to have those in PA waters during a large portion of the year. I would also just reiterate that we use the best available data. If we had to come up with the reduction that was determined, because there is no fishery dependent data (poor audio) doesn't sample below.

Before we vote, I will add that anecdotally and based on best professional judgment observation from our law enforcement involved in the area, anglers largely practice cast. That being said, a

more specific rationale for delayed implementation of the spring slot limit specifically. The spring slot as was mentioned runs from April to May, it's a two-month period. Changing the legal harvestable slot in the middle of a two-month season, it would certainly be procedurally burdensome. It would mostly lead to angler confusion and noncompliance enforcement. The current regulation as Tyler provided in his presentation is 2 fish from 21 to less than 24, and that is published in our (missed some) both of the regulations (?) purse seine fishing. That will certainly lead to some confusion and some noncompliance, and we're talking about a one-month period. States have been required to hope to achieve the 14.1 percent reduction, with the proposal estimates based on the analysis, Pennsylvania overshot that. We estimate it to be 19.3 percent.

The ocean slot, I will note, and I believe it might have been noted in the briefing materials or through the presentations with the slot reflecting for the lifespan, 31 inches was certainly more conservative, as a name required. This is why we're proposing to implement the 1 fish from 22 to 26 slot, less than 26-inch slot limit beginning the next spring slot from April 1st, 2025.

Through the normal rulemaking process in Pennsylvania, which we do. We confirm this through our Board of Commissions in July, our Commission meeting. Assume that it does ask them to send it out for public comment and then come back with it in October for final rulemaking for implementation in the 2025 fishing. I hope that answers some questions. Save any comments from the rational to delay implementation, with the recreational filleting allowance with the Commission before I address that.

CHAIR WARE: Thanks, Kris, yes, I'll have you hold your comments on the recreational filleting until our next topic, so thank you for that. Dennis Abbott, I see your hand raised.

MR. ABBOTT: Yes, thank you, Megan. I was going back. Mike Luisi, you know he posed in his last comments he actually had a question, and I was

going to respond somewhat to his question about, you know this not being a large number of fish and so on and so forth. But I would like to just comment that you know there is a keen awareness of what's been going on in the striped bass fishery for some years now.

Everyone is aware and concerned with what may happen. I don't think that we can say there isn't a lot of effect. It goes back through the years of always making these minor changes. As I said years ago, it's like death by a thousand cuts. I think it's imperative that when we implement a management plan that we stick to the management plan, and the states fortunately or unfortunately have to do whatever it takes to be in compliance.

CHAIR WARE: I'm looking for any hands on the recreational bag and size limit. I think this is really an opportunity for folks who have questions of Pennsylvania, if you have any. Emerson, I see your hand raised.

MR. HASBROUCK: On my end at least, the audio was not so good during Pennsylvania's presentation. My question is then, is Pennsylvania taking any reduction in 2024, or are they not taking any reduction at all, and are proposing they are not taking reduction until 2025?

CHAIR WARE: Kris, you are welcome to respond to that.

MR. KUHN: Thanks for the question, Emerson. Yes, Pennsylvania is taking this overall reduction by reducing the slot year-round in the nontidal portion of the Delaware, west branch Delaware River to the 28 to less than 31-inch slot limit, and also in the Delaware River and estuary tidal portion outside of the spring slot period that we were discussing. We enacted that back in January of this year.

MR. HASBROUCK: Follow up, please.

CHAIR WARE: Go ahead, Emerson.

MR. HASBROUCK: What is that reduction? What is the reduction amount by taking that action?

MR. KUHN: That is the 14.1 percent that the ocean slot limit was required for recreational fisheries.

CHAIR WARE: Any other questions on the recreational size and bag limit? Seeing no more hands raised, I'm going to move us to recreational filleting. Again, this is an opportunity for any states who want to comment or respond to the Plan Review Team report on recreational filleting, or if you have a question for a state on their recreational filleting measures. John Clark.

MR. JOHN CLARK: I just would like to respectfully disagree with the findings in the PRT that our regulation in Delaware doesn't clearly disallow or prohibit filleting at sea. I don't understand how you can, even though our regulation, which says you cannot keep a striped bass that you cannot alter the total length of a striped bass in any way was not specifically written about filleting at sea.

It was more about just altering the length of a striped bass to get it under the size limit. In looking at it, I just don't understand how you could fillet a fish at sea and not alter its length. I figured that was good enough to prevent us from allowing filleting at sea, and thus we are compliant with the plan.

CHAIR WARE: Next, I have Justin Davis, and then on deck is Chris Batsavage.

DR. JUSTIN DAVIS: Similar to John's comment. I feel like our regulation in Connecticut clearly prohibits the possession of more than 2 fillets per legal fish. Our regulation states that any striped bass landed or possessed cannot be altered in such a way that the fish cannot be measured.

The way our law enforcement has interpreted that rule and enforced it to date is that anglers can fillet a striped bass at sea, they just need to bring back the rack with the fillets, so that the rack can be measured to determine that the fish was of legal length. From my standpoint, if you're in possession of three or more fillets, then you also need to be in possession of the rack that those fillets came from.

Otherwise, you are in possession of a striped bass that has been rendered unable to be measured. I can't see a way under our current rules, where someone could legally be in possession of more than two fillets per legal fish. I could see an argument that well, somebody could come back to shore with a rack and several chunks of what used to be a striped bass fillet. Say you know, weren't very good at filleting the fish or had a dull knife, and then could sort of claim, oh all this came from one fish, but it's several pieces of fish. I think there we're getting into an issue where we don't have a clear definition of what is and isn't a fillet.

I think it's something where if we all looked at a fillet, we would sort of say, yes, that is a fillet from a fish. But if you're in possession of more than two pieces of fish from a single fish, absent any definition of a fillet, I think then you're in possession of more than two fillets. I feel like our rules clearly preclude a situation where somebody could come back to shore with more than one striped bass legally landed. You know I think about all the other species we manage.

We don't have rules for any of the other species explicitly stating that you can only have two fillets per legal fish. I've never run into a situation where our law enforcement has told us, you know we ran across somebody with 40 black sea fillets, but unfortunately, since there is not a rule saying you can only have two fillets per legal fish, we weren't able to make a case on it. Just from my standpoint, I think the rules we have in place clearly already preclude the possession of more than two fillets per legal fish.

CHAIR WARE: I have Chris Batsavage, and on deck is Ingrid.

MR. CHRIS BATSAVAGE: Yes, similar to what Justin explained for Connecticut, in North Carolina the way our mutilated finfish rule is enforced is if somebody had three fillets of a fish at either size or bag limit, and there was only one intact fish carcass, then our marine patrol would write a ticket for not having that second fish carcass, would be how that would work.

However, if need be, we could add that specific requirement for possessing the fillets to our ocean striped bass confirmation to remain in compliance. It wouldn't apply to the other species that are enforced under our mutilated finfish rule, but we do have the administrative ability to make that change by May 1st if necessary.

CHAIR WARE: Ingrid and on deck is Pat Geer.

MS. BRAUN-RICKS: I just wanted to echo John Clark's comments, same language with PRFC, that you cannot alter the species in any way that it cannot be measured, and when it comes to our enforcement it is understood that there is no at-sea or shoreside filleting. We just feel that our language is sufficient for that. That's my comment, thanks.

CHAIR WARE: Pat Geer, and on deck I have Kris Kuhn.

MR. GEER: We actually have a whole regulation 580, which is alteration of finfish, which said, you know we've asked it be identifiable, and the length that should be available as well. We also have similar information in our striped bass regulations. We kind of feel that we have what we need to make this work. You have to bring the rack back with you like other states have said as well. We feel it's in two different places in two different regulations. I think we're covered.

CHAIR WARE: Kris, and on deck is Mike Luisi.

MR. KUHN: The rationale for Pennsylvania is similar to what you heard from Justin Davis and Chris Batsavage in that I believe our current regulations cover those requirements in Addendum II. However, our plan is to clarify those to look to normal rulemaking process as they described with recreational slots.

Currently, it is unlawful to possess fish in any form other than whole or had the entrail removed while on shore, along the waters of Pennsylvania, on more than public docks, so peer launch area or parking area adjacent thereto. Fish may only be

processed only if they are getting prepared for immediate consumption, or we had the provision in there that a charter boat operator or fishing guide may process the fish at any time.

However, the racks must be retained and a certificate of transfer to the customer has to be made when the fillets are given to the customer onshore. We think we have it covered, and our implementation plan seeks to address that a little bit better, beginning effective January 1, 2025.

CHAIR WARE: Mike Luisi.

MR. LUISI: This is to the filleting rule. We were holding off, waiting for the PRT to provide us some feedback on the language that we already have in place regarding limitations for striped bass filleting onboard chartered vessels. But given the feedback that we got, we are in the process now of implementing additional language to the rules that were provided in our implementation plan, which will state that an individual may not possess more than two fillets per legal fish onboard a vessel. We started that process and it will likely come to fruition in a couple months. I just wanted to give the Board a heads up on that.

CHAIR WARE: Great, thank you for the update, Mike.

MR. LUISI: I'm sorry, Chair. When you get to it, if you want to come back to me, I would be happy to make a motion for the approval of the plan, state plan if you want to come back.

CHAIR WARE: Okay, thank you, Mike, I'm going to finish up our discussion and then we'll move to motions. Are there any other questions or comments on the recreational filleting portion of the implementation plan? Okay, not seeing any more hands.

CONSIDER APPROVAL OF STATE IMPLEMENTATION PLANS

CHAIR WARE: I am going to move us into the motion part of our agenda today. Mike Luisi, you

mentioned that you have a motion ready to go.

MR. LUISI: Well, I was hoping that you or staff may have had a quick motion that I would be prepared to provide for the purpose of discussion. Yes, I think I can make that motion and speak to it if I get a second. The motion would be, **move to approve Addendum II state implementation plan as discussed today.**

CHAIR WARE: Steve Train, I see your hand raised, is that a second?

MR. STEPHEN TRAIN: Yes.

CHAIR WARE: Thank you, Steve. Mike Luisi, I will let you speak to the motion.

MR. LUISI: There were some questions that were raised today, all good questions. I think that no matter where we find ourselves in situations like this, because we are a group of individual states, there is always going to be some issue with process. There is going to be some issues with the administrative workload that accompanies any type of actions like this.

Especially for a species that has esteemed a high-profile position as striped bass. With all of that said, I think that from what I've read in the implementation plans by the states, all the states are making a fair attempt to try to get the implementation of Addendum II done as quickly as possible. There are hurdles, there are some uphill battles to still face.

I think down the road we can, as was suggested, perhaps take on management action to try to find ways to help states plan for changes with striped bass through management actions to be on a cycle that would allow for the implementation of those necessary changes, with a timeline that is more readily handled by the administrations that have to put this together and the agencies that have to do the work. I'm comfortable with where we are, and I hope others can see it that way. That's all I have.

CHAIR WARE: I just want to note for the record,

Mike you did mention that Maryland is implementing regulations for the 2-fillet language, so I'm viewing that as under the umbrella of, as discussed today in this motion. Just so that is clear on the record. Steve Train, as a seconder, do you want to make any comment?

MR. TRAIN: I'll try to do it really quickly. I don't think that what we have is perfect. I think Mike did a very good job reflecting the situation, the problems people have in administration. I know I've heard that from Maine before in the past, that we just don't have the capacity to do some of the things.

Years ago, with logbooks it took us a while to catch up, and I think it reflects that we are the ASMFC, we are not National Marine Fisheries. We do not come down heavy handed and expect everything to be followed according to what we put out. We give states a chance to adapt or make small changes and meet the requirements, and I think that this Addendum implementation plan will do that. Like I said, it's not perfect. There will be a chance to correct things, I hope. But it looks like we've moved in the right direction.

CHAIR WARE: We'll move to the Board's discussion. Mike Armstrong, I see your hand raised.

DR. MIKE ARMSTRONG: I would like to move to substitute a motion.

CHAIR WARE: Okay, I think you had sent staff that language, so just give them a second to put that up.

DR. ARMSTRONG: I did.

CHAIR WARE: If you could, read that into the record, Mike.

DR. ARMSTRONG: **Move to substitute to add with the following exceptions, Connecticut, Maryland, Virginia, North Carolina not planning to adopt the two-fillet per legal fish possession limit rule for recreational filleting allowances; Pennsylvania, not planning to adhere to the May 1 Implementation deadline; Maryland, PRFC: not planning to adhere**

to the commercial quota overage payback provision for deductions to occur in the following year. These jurisdictions must submit revised implementation plans by April 12, 2024. The Management Board will review and consider approval of the revised state implementation plans at its May 1, 2024 meeting.

CHAIR WARE: Just before I get a second, Mike, I think with the motion to substitute we would need to add into the first part of the phrase there, move to approve the Addendum II state implementation plans with the following exception. Just looking at Emilie or Toni to confirm that.

MS. KERNS: Megan, it could just be a motion to amend to add. I think that would be our easiest fix.

CHAIR WARE: Okay, sounds good. We'll do a motion to amend, Mike Armstrong, if you're okay with that.

DR. ARMSTRONG: Hold on just a second.

CHAIR WARE: I think if it's a substitute we would just keep the first part of the underlying motion.

DR. ARMSTRONG: I think I would rather have it a substitute, and it becomes easier to discuss.

CHAIR WARE: Okay, so this is a motion to substitute, and it would be motion to substitute to approve, et cetera, et cetera, and we'll just give folks a chance to make that change. We have a motion by Mike Armstrong, we're looking for a second. Emerson, are you seconding this motion?

MR. HASBROUCK: Yes, I will.

CHAIR WARE: Mike Armstrong, would you like to provide some rationale as the maker?

DR. ARMSTRONG: I apologize, this much complicates things, but as Steve Train just said, this isn't perfect, and his opinion is it should go forward. My opinion is it's imperfect enough that we should be looking at items individually and voting on them. For the fillet rule, you know the states have made a

good case. I expect an amendment perhaps on that.

What is not included is the lack of reducing the quota in the Bay states. I'm not terribly concerned with that, because they will get in it for next year. What I am concerned is the lack of payback for next year. It is a biological concern, and it's been in effect since 1995 from Amendment V that payback is in the following year. At some point we need to follow the rules that we have made. I would like to see a vote up and down on some of these things and further discussion.

CHAIR WARE: Emerson, as the seconder of the motion, would you like to make a comment?

MR. HASBROUCK: I agree with what Mike just said, particularly in reference to the FMP that requires payback in the following year. You know I understand what Mr. Luisi has been talking about. I understand that there are some administrative hurdles. I have some sympathy for those administrative hurdles.

But what I heard was, from Maryland is, not that they cannot do it, but that they won't do it or don't want to do it right now, meaning come up with a process to have any particular payback occur in 2025. I'm also going to just add that if the implementing of reduced commercial quota was such an issue with Maryland and Potomac River Fisheries Commission, I don't know why they didn't vote for status quo on the commercial quota, back when we had this vote in our winter meeting. That's a rhetorical question.

CHAIR WARE: As was alluded to, you can make motions to amend on substitute motions. What I would like to do is focus on perfecting both of the motions we have via amendments if there are any, and then we will vote on the two motions to substitute. I'm going to start with the underlying motion.

Toni or Emilie, if I am doing this incorrectly let me know. I think we'll start with the underlying motion and check in to see if there are any motions to

amend the underlying motion, so that is the motion by Mr. Luisi, seconded by Mr. Train. Going down the list here. Justin Davis, do you have a motion to amend?

DR. DAVIS: I do, but I think it's probably a motion to amend the substitute motion, so I'll wait, if that is appropriate at this point.

CHAIR WARE: Yes, let's do that. Let's just make sure there are no motions to amend the underlying motion. Thanks, Justin. I'll write your name down and come back to you. Mike Luisi, do you have a motion to amend your motion? You're all set, okay. Dennis Abbott, you have a motion to amend the underlying motion?

MR. ABBOTT: No, but I'm confused at the moment. How can we vote on the underlying motion, which would approve the state implementations as discussed today. I don't know that all of us or any of us are prepared to approve the implementation plan as discussed today. Seemed to me, I thought we would be dealing with the substitute motion first.

CHAIR WARE: Thanks, Dennis, my understanding is on the motion to substitute we perfect both sides of the motion. I suspect all of the motions to amend will be on the motion to substitute. I'm just trying to doublecheck that. Kris, is your hand up for a motion to amend the substitute motion?

MR. KUHN: No, it is not, Madam Chair, I had a qualifying question.

CHAIR WARE: Okay, go for it.

MR. KUHN: I'm trying to understand the Pennsylvania portion from the substitute motion. Is that to apply only to the spring slot fishery, or is that also the recreational filleting law? Because it doesn't say here, and I heard the maker of the motion didn't think that the rationale provided for the filleting was sufficient.

CHAIR WARE: Thanks, Kris, great question. Mike Armstrong, I'll go to you as the maker of the

substitute. Do you want to clarify the Pennsylvania bullet point?

DR. ARMSTRONG: Yes, my mistake. Pennsylvania should have been in that.

CHAIR WARE: Pennsylvania should be both in the first bullet point, as well as the second one? I think Kris's question, or if I'm interpreting Kris's question, is the May implementation deadline applying both to recreational filleting and the April/May recreational size limit for their slot fishery?

DR. ARMSTRONG: I think it would apply to both. I think the cleanest would be to keep Pennsylvania where it is, and also add it to the first line.

CHAIR WARE: Okay. Emerson, are you okay with that as a friendly?

MR. HASBROUCK: Yes, I am.

CHAIR WARE: Kris, does that clarify for you how Pennsylvania fits into this motion?

MR. KUHN: Yes, it does.

CHAIR WARE: Okay, excellent, thank you for the question. We're now going to work on perfecting the substitute motion, and Justin, I know you had mentioned that you had a motion to amend the substitute.

DR. DAVIS: Yes, thank you Madam Chair. I **move to amend the substitute motion by removing the first bullet referencing the filleting rules**. Hopefully that is clear enough.

CHAIR WARE: Okay, if you could read that into the record, Justin, what staff has written on the board, and then we'll see if there is a second.

DR. DAVIS: Sure. Move to amend the substitute to remove the first bullet point on recreational filleting rules.

CHAIR WARE: Thank you, so we have a motion from Justin, is there a second? I am not seeing any other

hands raised, so I'll just ask one more time. Is there a second? Kris Kuhn, are you seconding the motion?

MR. KUHN: Yes, I'll second the motion for discussion.

CHAIR WARE: Justin, would you like to provide some rationale?

DR. DAVIS: I can understand the intent here, but it's clear to me from Connecticut standpoint and the arguments that were made by other states when we were discussing this issue that the states referenced here have rules in place that clearly prevent someone from legally landing more than two fillets per legal fish, just based on a logical interpretation of the rules. I don't really think this is necessary to meet the intent of the Addendum, so that is why I'm moving to amend to remove this bullet point.

CHAIR WARE: Okay, thank you, Justin. Kris, as seconder, would you like to make a comment?

MR. KUHN: No, I don't have any further comments, Dr. Davis said it well.

CHAIR WARE: We've had a lot of discussion on the rec fillet measures so far. I'm looking for any new comments on the motion to amend the substitute. Justin, if I could just have you lower your hand when you get a chance. Okay, I am not seeing any hands, so I'm going to give a two-minute caucus period, since I know we're on webinar and caucusing can be challenging.

Two minutes to caucus. If a state needs more time after two minutes, if you could just raise your hand that would be helpful. Okay, so those are two minutes. I don't see any other states with their hands raised. I am assuming folks are ready to vote on this. If we could just move the timer to the side or up a little bit, I'll just remind folks what we're voting on.

This is a motion to amend the substitute, to remove the first bullet on recreational filleting. A yes is

voting in favor of amending the substitute to remove the first fillet. We are going to vote by a raise of hands, so if each state's administrative commissioner, or one commissioner from each state should be raising the hand. **All those in favor of the motion to amend the substitute, please raise your hand.**

MS. KERNS: I have Rhode Island, Connecticut, New Hampshire, Delaware, Maine, Virginia, District of Columbia, Massachusetts, Pennsylvania, and North Carolina. John, I did say Delaware, right?

MS. FRANKE: You did.

MS. KERNS: Thank you, Emilie.

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

MS. KERNS: I'm just waiting for the hands to settle. I have New Hampshire, Potomac River Fisheries Commission, New York, Maryland, Virginia, and Massachusetts. I thought they voted before, but maybe I'm misremembering.

MS. CHERI PATTERSON: Yes, New Hampshire already voted yes to amend.

MS. KERNS: Okay, you have your hand up, so I am going to take it down for you. Is it just Potomac River Fisheries Commission, New York and Maryland?

MR. GEER: Yes, that's right. I was going to say, initially you said Virginia, but we voted yes.

MS. KERNS: Okay, your hand hadn't been raised, so we'll remove Virginia, it is just those three entities. I will put the hands down for everybody.

CHAIR WARE: Are there any abstentions?

MS. KERNS: NOAA Fisheries.

CHAIR WARE: Any null votes?

MS. KERNS: New Jersey.

CHAIR WARE: Emilie or Toni, I will look to you for a vote count. I'm not sure I got all of the yesses.

MS. KERNS: Emilie, can you just make sure we had everybody that was here. I'm sorry that was a little confusing with the hands going up and down.

MS. FRANKE: I've got it. **We have 15 voting members here today, so we had 10 in favor, 3 opposed, 1 abstention and 1 null.**

CHAIR WARE: The motion to amend the substitute passes. We'll give staff a moment to amend the substitute, and then we will see if there are any other perfections to the substitute. This is now our amended substitute. Are there any other motions to amend the substitute? Kris, go ahead.

MR. KUHN: I move to amend the motion to remove the first bullet on Pennsylvania planning to adhere to May 1 implementation deadline. If I get a second, I will give additional rationale.

CHAIR WARE: John Clark, are you seconding the motion? Maybe not. Marty, are you seconding this motion?

MR. MARTIN GARY: Yes, Madam Chair, I'll second it.

CHAIR WARE: Okay, thank you, Marty. Kris, I'll go to you as the maker of the motion if you would like to make a comment.

MR. KUHN: Yes, I appreciate that, thank you, Madam Chair. I was trying not to be too redundant in my comments, but maybe clarify what I previously said a bit better. Pennsylvania implemented the 28-to-31-inch slot limit in January that was required in the fishery. That was for the entire river, river estuary and its branch (not clear). We met that part of Addendum II. We have the spring fishery, which is a very small fishery, not a lot of fish available.

It's the only opportunity in Pennsylvania really for anglers to have some type of opportunity to harvest. We worked through the analysis to come

up with a reduction of 19.3 percent, you were only required to get to the target of 14.1 percent. We may or may not be able to implement this by May 1st.

We may go through a large amount of administrative burden and hoops to jump through, to try and get this done for a two-week period. I'm asking, we're making a good faith effort at making this change for 2025, but I'm asking for consideration to alleviate some of this administrative burden that would come with a change that is not biologically going to be significant.

CHAIR WARE: Marty Gary, as the seconder, would you like to make a comment?

MR. GARY: I think Mr. Kuhn said it well, Madam Chair, nothing to add.

CHAIR WARE: We're looking for discussion on the motion to amend the substitute. Again, we've had a lot of discussion so far. Looking for new types of comments. Mike Armstrong, would you like to comment?

DR. ARMSTONG: Yes, I would. I guess, you know burdensome is not a reason not to put in regulations, or try your darnedest to. You know we have one of the biggest fisheries on the east coast, and we change things midstream all the time. We've changed rules after our sportfish guide has gone out.

We don't like it, but that is the way fisheries management works. You know if they come back May 1st and say, we're close but we don't have it yet. Sure, we can vote and say, that is all right, we'll give you another couple of weeks. But they've got to keep going with a good faith effort for this year.

CHAIR WARE: Any other comments on the motion to amend the substitute? Mike Armstrong, if I could just get you to lower your hand when you get a chance. Thank you. I'm not seeing any other hands, so again, we'll do a two-minute caucus. If a state needs extra time to caucus on this, please just

raise your hand and we will allow that.

I think admittedly, Maine may need a little extra time to caucus, so I'm going to ask for another minute on behalf of Maine. I appreciate everyone's patience. I think folks are ready. As a reminder, this is a motion to amend the substitute to remove the first bullet regarding the Pennsylvania May 1 deadline. **All those in favor of a motion to amend the substitute, please raise your hand.**

MS. KERNS: Okay, Delaware, Maine, New York, District of Colombia and Pennsylvania.

CHAIR WARE: Opposed.

MS. KERNS: Hold on Megan, let me just put the hands down. I'm going to put everybody's hands down, and those opposed are going to have to reraise their hands. Ready.

CHAIR WARE: My apologies. Okay, all those opposed.

MS. KERNS: Rhode Island, New Hampshire, Potomac River Fisheries Commission, Virginia, New Jersey, Massachusetts, and North Carolina.

CHAIR WARE: Okay, any abstentions?

MS. KERNS: NOAA Fisheries.

CHAIR WARE: Any null votes?

MS. KERNS: Connecticut and Maryland.

MS. FRANKE: By my count there were 5 in favor, 7 opposed, 1 abstention, and 2 nulls.

CHAIR WARE: Yes, I have the same numbers, Emilie. **The motion to amend the substitute fails.** We are now back to our motion to substitute. Are there any other motions to perfect the substitute? Seeing no hands raised, I think this now would bring us to the point where we are voting on the substitute motion that has been perfected. Mike Luisi, do you have a motion to perfect the substitute?

MS. KERNS: Mike, if you are talking, you are muted.

MR. LUISI: I'm sorry. Madam Chair, I don't have a motion to perfect the language, but I would hope that there would be an opportunity to speak to the motion and address some of the things that were brought up by the maker and seconder, in opposition to this motion. I don't know if you are planning to allow for discussion or not.

CHAIR WARE: I am, yes. Let me just set the stage here and then I'll go to you, Mike. We are now to our perfected motion to substitute, so this is a discussion on the motion to substitute. If there is any discussion, I know we've had a lot, but any new ideas, or it sounds like reactions to previous comments, now would be the opportunity to say it. Mike Luisi, I see your hand raised.

MR. LUISI: I'll try to be quick in my comments. I've already had a few opportunities to address some of the concerns related to Maryland's fishery as its highlighted here. I think the focal point, based on the previous vote has to do with Pennsylvania, then Maryland and Potomac River plan for the commercial quota overage payback.

I want to make the statement. In all due respect to the folks around the table, the hard work that they all put in to managing fisheries on the east coast. We have lost our way. If we are at the point in time right now, where within a matter of a years' time we have not only gone through the process of establishing emergency regulations within our state. Addressing an addendum that was finalized just a few months ago, that has the impacts that it does, not only to the fishermen, but the positive impacts to the resource and the complete lack of caring on behalf of this Board in regards to the burden that this puts on the agencies that have to go through the process of making sure that all of these provisions get done.

My original motion was, as Mr. Train said very eloquently, the first step. I tried to take action in the positive, to help this resource come back around. By continuing to press the issue on things that just aren't biologically significant. At the end of

the day this Board is missing the bigger purpose. There are intended consequences to delaying action in October, and take final action on an addendum in January. There are unintended consequences.

One of them is one of the things that we're addressing here today regarding administering Maryland and Potomac River Fisheries commercial fishery. There was a comment made earlier by Mr. Hasbrouck, about the state of Maryland doesn't want to do it. It's not that we don't want to do it, it's that we can't.

We don't have the resources to juggle the amount of needed administrative detail to handle something like this, within the season that it's currently operating. We need to be able to address the concern that has been raised by this Board over time, and address any commercial overages during an upcoming year, when we can actually make the change and do it in an effective and an efficient way.

The other point that was made was, why didn't we support status quo on the commercial fishing reductions, if we knew this was going to be a problem? It's because we didn't think that that was the right thing to do. We felt that the commercial industry was part of the overall picture for Maryland for striped bass management on the coast, and we felt that it was responsible on our part to support some form of a reduction.

This in my opinion, the Board just seems lost in this detail, and I really, really hope that we don't find ourselves having to go back to the drawing board, put together an implementation plan, which I'll tell you now will likely not address the concerns that have been brought up here today by the state of Maryland, to allow for the approval of our plan.

If our plan isn't approved as is, there is nothing we can do. We're not going to be able to accomplish that task, and that is a whole other question. I like Steve's comment about possibly down the road we can take some additional issues like this into consideration, kind of improve what we currently have.

We also have an assessment report that is going to come out in a matter of months, where we might be doing this all over again. I sure hope that this Board will vote no on the substitute, and approve the state implementation plans as we discussed today, with all the best intent by all the states to accomplish the tasks at hand.

CHAIR WARE: Are there any other comments on the motion to substitute before we go into caucus? Seeing no hands raised, we're going to go into a two-minute caucus, and then we will vote on the motion to substitute. Okay, that was two minutes. I'm not seeing any hands raised requesting additional caucus time. Just a reminder of voting on the motion to substitute. A yes vote is in favor of the substitute, and a no vote is opposed to the substitute. **All those in favor of the motion to substitute, please raise your hand.**

MS. KERNS: Rhode Island, Connecticut, New Hampshire, New York, New Jersey, District of Columbia, Massachusetts and North Carolina. I'll put the hands down for everybody. Okay, we're ready.

CHAIR WARE: All opposed.

MS. KERNS: Maine, Potomac River Fisheries Commission, Maryland, Virginia, and Pennsylvania.

CHAIR WARE: Any abstentions?

MS. KERNS: NOAA Fisheries.

CHAIR WARE: Any null votes?

MS. KERNS: Delaware.

MS. FRANKE: My count was 8 in favor, 5 opposed, 1 abstention and 1 null.

CHAIR WARE: Yes, I have the same count, Emilie. **The motion to substitute passed.** We'll give folks a moment to get that back up on the screen. This is now our main motion, are there any other changes that folks want to propose to this main motion? If not, we will take a two-minute caucus and then

vote on the main motion.

MS. KERNS: Megan, not a change, but Emilie, it's now a property of the Board so the makers and seconders go away, since it was substituted. Perfect, thank you.

CHAIR WARE: I'm not seeing any hands raised for amendments and substitutes, so we'll do again, a two-minute caucus and then we'll vote. Okay, that was two minutes. I don't see any hands raised, so I think we're ready to vote. **All those in favor of the motion, please raise your hand.**

MS. KERNS: Rhode Island, Connecticut, New Hampshire, Delaware, Maine, New York, Virginia, New Jersey, District of Columbia, Massachusetts and North Carolina. I'll put the hands down for you all. Okay, Megan.

CHAIR WARE: Thanks, Toni. All those opposed. I'll just flag, I think Virginia's hand.

MS. KERNS: Yes, I'm going to take it away. Potomac River Fisheries Commission, Maryland and Pennsylvania.

CHAIR WARE: Okay, any abstentions?

MS. KERNS: NOAA Fisheries.

CHAIR WARE: Any null votes?

MS. KERNS: No hands.

MS. FRANKE: I had 11 in favor, 3 opposed, 1 abstention and 0 null.

CHAIR WARE: Yes, I had the same count, Emilie. **The motion to approve the Addendum II state implementation plans with the following two exceptions passes.** I believe that concludes the business we needed to complete today. Emilie, I'll check in with you. Is there anything else on the implementation plans the Board needs to discuss?

MS. KERNS: Megan, I just want to advise you that Mike Luisi has his hand up, and now Marty Gary.

CHAIR WARE: Okay, let me just check in with Emilie, and then I will go to you, Mike and then Marty.

MS. FRANKE: No, nothing else, just reiterating what is in the motion. Based on this motion, these three jurisdictions will be submitting revised implementation plans by April 12, and then this will be on the Board's agenda for the spring meeting, to consider approval of the revised plans.

CHAIR WARE: Okay, thank you, Emilie. Mike Luisi, I see your hand up.

MR. LUISI: I hope this is the proper venue to at least ask this of staff, and I was hoping not to have this conversation here today. But I am now sitting here thinking about the comments that have been made on the part of Maryland, and looking at a revised implementation plan. I don't know that we're going to be able to meet what this Board has put forth, as far as our ability to make the adjustments necessary.

Would it be appropriate to ask staff to provide for the Board a detailed summary in a memo style regarding noncompliance, and when a state in this situation would be found out of compliance? Would it be upon the implementation date of the Addendum, or would it be on having to follow the regulatory process of a reduction payback in 2025?

The reason I ask is that all of this may not even be necessary if the 2024 Addendum II quota is not overharvested. When, if we left things the way they are, would Maryland be considered out of compliance? I guess that is my overall question, and maybe I'm asking it for Potomac River as well, but those are things that I'm definitely going to have to answer to after this meeting.

CHAIR WARE: Mike, I see Bob Beal with his hand up, so I will pass that question to him.

EXECUTIVE DIRECTOR ROBERT E. BEAL: Can you hear me, okay? I'm in a hotel lobby.

CHAIR WARE: Yes, we can.

EXECUTIVE DIRECTOR BEAL: Okay, great, I like hanging out in these places. Mike, we can easily put together a sort of step-by-step process for noncompliance and what that means. However, it's up to the Board when they decide they would like to suggest to the Secretary of Commerce and Interior that a state is out of compliance. In other words, Maryland is given the opportunity to bring something back at the May meeting, and then some of these conversations that we had today will be reviewed, and see what is included in the proposal for Maryland.

I think part of that conversation at that meeting would be, you know what you just said, that in reality the likelihood of an overage from Maryland is going to be an important part of those discussions relative to noncompliance findings by the Commission, which would be forwarded off to the Secretary.

You know we can do step-by-step process, but timing wise is solely up to the Board, and ultimately up to the Commission, rather than just the Board itself. I'm not trying to duck your question; I'm just saying there are more conversations to be had before we go down the road of noncompliance. Happy to answer any questions if you have them, Mike.

CHAIR WARE: Mike, did that help?

MR. LUISI: Yes, thanks, Madam Chair. That helped, Bob. I've just been trying to field questions during this meeting about when Maryland could be found out of compliance. Whether it be at the next meeting in May or upon not being able to comply with Addendum II for taking the reduction in the follow up year. I guess for now, next step would be for May, to figure out where we might be by then. That is what I took from your conversation. I think that is what I'll pass along.

EXECUTIVE DIRECTOR BEAL: Yes, that is correct, Mike.

CHAIR WARE: Marty Gary, I see your hand up.

MR. GARY: I thought I had a simple question, but hopefully I'll state this correctly. We come back in May with we see revised implementation plan, and let's say we approve them. Do we know what the implementation date would be for those revised plans? Could they be different for Pennsylvania versus Maryland?

(Whereupon the meeting adjourned at 3:00 p.m. on March 26, 2024)

CHAIR WARE: Emilie, I may pass that question to you, or we can try and work it out together.

MS. KERNS: Do you want help, Emilie?

MS. FRANKE: Yes, go for it, Toni.

MS. KERNS: Marty, I think it will be sort of at the pleasure of the Board. Again, the Board will review the implementation plans. It is right now we're stating that they need to adhere to these implementation dates of May 1st. That state may ask for help.

I heard Mike Armstrong say earlier today that his intention is for these states to do their best of their ability to try to get these measures in place by May 1. If these states cannot do so, then they should come forward and say why they couldn't do it, but they tried to do it, and then the Board will take that into consideration when they are reviewing the implementation plans at our May 1st meeting. Does that answer your question, Marty?

MR. GARY: It does, thank you, Toni, appreciate it. Thank you, Madam Chair.

CHAIR WARE: Good question, Marty. Any other questions on the implementation plans and what has happened today, before we look to adjourn the meeting? I'm not seeing any.

ADJOURNMENT

CHAIR WARE: We did not have any Other Business at the beginning of the meeting, so I think at this point we're just looking for a motion to adjourn. Doug Grout, I see your hand raised and a second by Steve Train. Thanks everyone. I appreciate everyone's patience today.